

Pinckney, MI Code of Ordinances

**PLANNED UNIT DEVELOPMENT**

**§ 152.230 PURPOSE.**

(A) It is the purpose of this subchapter to allow flexibility in development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and the Village desire to preserve. The standards of this article are intended to encourage innovative design and to create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

(B) The Planned Unit Development (hereinafter referred to in this Ordinance as the “PUD”) standards are not intended to be used as a technique to circumvent the intent of this chapter, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which this chapter is based. Thus, the provisions of this subchapter are designed to promote land use substantially consistent with recommendations of the Village's Master Plan and the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

**§ 152.231 GENERAL REQUIREMENTS.**

(A) A PUD may be applied for in any zoning district. The approval of a PUD application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Village Planning Commission and approval of the Village Council. The process for PUD approval shall be in accordance with § 152.235. Notification and public hearing requirements shall be in accordance with §§ 152.460.

(B) Generally, proposed uses shall be consistent with the underlying zoning designation before application for PUD and the Future Land Use Map in the Village Master Plan. However, it is recognized that the PUD option may allow mixed uses and flexibility in use. In this regard, mixed or different uses may be allowed as part of a PUD application, provided that uses are consistent with the goals and objectives of the Master Plan and subject to adequate public health, safety, and welfare protection mechanisms, which are designed into the development to ensure the compatibility of varied land uses both inside and outside the development.

**§ 152.232 ELIGIBILITY CRITERIA.**

The applicant for a PUD must demonstrate each of the following criteria:

(A) The subject site is under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

(B) Granting the PUD will result in at least one of the following:

(1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations, including special sensitivity to adjacent land uses, well-designed access and circulation systems, and/or integration of various site features into a unified development;

(2) Long-term protection and preservation of natural resources and natural features of a significant quantity, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations;

(3) Long-term protection of historic structures or significant architecture worthy of historic preservation;

(4) The PUD will provide a complementary mixture of uses or a variety of housing types within a unique, high-quality design that could not occur without the use of the PUD option; or

(5) Redevelopment of a nonconforming site where creative design can address unique site constraints.

(C) There is a finding that the proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.

(D) The proposed PUD shall not result in an unreasonable negative environmental impact or loss of a historic structure on the subject site or surrounding land.

(E) The proposed PUD shall not result in an unreasonable negative economic impact upon surrounding properties.

(F) The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the zoning district in which they are situated and shall not be detrimental to the adjoining zoning districts.

(G) The proposed development shall be consistent with the Master Plan.

(H) The proposed PUD shall be harmonious with the public health, safety, and welfare of the Village.

(I) The proposed PUD is not an attempt by the applicant to circumvent the strict application of zoning standards.

**§ 152.233 DENSITY.**

(A) Residential uses.

(1) All residential uses may be permitted with the following minimum lot sizes per unit, based upon a discretionary twenty-five (25) percent density credit from the zoning district in which the property is situated immediately prior to classification under this article. In the event that the property is already zoned PUD, density shall be allowed at the discretion of the Village Planning Commission and Village Council, based on the Master Plan and surrounding land use densities and character. Land area under water, public road rights-of-way, and private road easements shall not be included in the gross density calculation.

<b>Minimum Residential Lot Sizes PUD District</b>	<b>Minimum Lot Size per Unit</b>
R1	16,335 square feet
R2	9,000 square feet
R3	6,534 square feet
R4	6,534 square feet

(2) Additional density greater than specified above may be allowed depending on the type and character of the development at the discretion of the Planning Commission and Village Council based upon a demonstration by the applicant of design excellence and conformance to the standards listed in § 152.232, Eligibility criteria, as well as conformance to the Master Plan.

(B) The Planning Commission and Village Council may allow a residential PUD in areas having a nonresidential base zoning subject to compliance with the Master Plan or a determination by the Planning Commission and Village Council that the proposed development meets the general intent of § 152.232, Eligibility criteria.

(C) A planned unit development incorporating nonresidential uses, such as commercial, institutional or a mix of nonresidential and residential uses, may also be allowed subject to compliance with the Master Plan or a determination by the Planning Commission and Village Council that the proposed development meets the general intent of § 152.232, Eligibility criteria.

**§ 152.234 SITE DEVELOPMENT STANDARDS.**

Any planned unit development shall comply with the following project design standards:

(A) **Generally.**

(1) The proposed PUD shall meet the eligibility criteria of § 152.232.

(2) Uses permitted. Any residential, office or commercial use is permitted, upon a determination that the uses would meet the intent of this article.

(3) Harmony with surrounding uses. The uses and design of the PUD shall be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.

(B) Setbacks, general provisions, and other applicable zoning requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed. In all cases, the strictest provisions shall apply.

(C) **Vehicular and Pedestrian Circulation.**

(1) Thoroughfare, drainage, and utility designs shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(2) The pedestrian circulation system, and its related sidewalks and pathways, shall be separated from vehicular thoroughfares.

(3) The number and dimensions of off-street parking shall be sufficient to meet the minimum required of §§ 152.280 *et seq.* However, when warranted by overlapping or shared parking arrangements or based upon specific findings, the Village Council may approve a reduction of the required number of parking spaces as recommended by the Planning Commission.

(D) **Utilities.**

(1) There shall be underground installation of utilities, including electricity and telephone, unless otherwise permitted by the Village.

(2) The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the PUD. All streets and parking areas within the proposed PUD shall meet the minimum construction and other requirements of Village ordinances and Technical Specifications.

(3) Mechanical equipment shall be placed on the roof or in a side yard or rear yard and shall be screened from the street. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening materials.

(E) **Design Features.** The PUD shall use design features that foster attractiveness and usability throughout the project and that create compatibility with adjoining properties.

(1) Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving a quality, integrated development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(2) Where nonresidential uses adjoin residentially zoned or used property outside

the proposed PUD, noise reduction and visual landscape buffer areas such as landscape berms and/or decorative walls, shall be employed in accordance with § 152.329.

(3) The proposed PUD shall provide a minimum of 20% of the gross site acreage as open space. Gross site area for the purposes of computing required open space does not include private and public rights-of-way or detention/retention basins. Such open space will remain undisturbed and reserved for passive enjoyment of the users of the development and shall not include retention ponds or other bodies of water, required yards around residential building lots, or other similar features. This open space requirement may be waived by the Planning Commission and Village Council, if determined to be not applicable due to the type and character of development.

(4) Natural and historic features. The development shall be designed to promote the preservation of any significant natural or historic features on the site. Vegetation shall be preserved and/or new landscaping generously provided to ensure that proposed use will be adequately buffered from one another and from surrounding public and private property.

(F) **Additional considerations.** Deviations with respect to ordinance regulations may be granted as part of the overall approval of the PUD. The deviations may be considered, provided that there are features or elements demonstrated by the applicant and deemed adequate by the Planning Commission and Village Council and designed into the project plan for the purpose of achieving the objectives of this article.

#### **§ 152.235 PUD REZONING APPLICATION AND PROCEDURE.**

Application for PUD rezoning and approval shall be processed as follows:

(A) Pre-application conference. Prior to formal submission of an application for PUD approval, a meeting between the applicant and Village staff shall be held to obtain guidance that will assist the applicant in preparation of the application and plan. The Village shall charge a fee for the conference to cover administrative costs.

(B) PUD application submittal. The applicant shall prepare and submit a preliminary site plan of the proposed PUD to the Village. A narrative report shall accompany the site plan providing a description of the project, discussion of the market concept of the project, and explanation of the manner in which the criteria set forth in the preceding design standards have been met. The preliminary site plan for the PUD shall contain at a minimum the following information:

(1) A completed PUD rezoning application and processing fee as established by Village Council.

(2) The plans and narrative shall provide all information required according to § 152.389, Preliminary Site Plan Application.

(3) The applicant shall also provide a project narrative which indicates the

following information:

- (a) An explanation of how the project meets the criteria set forth in § 152.232, Eligibility criteria.
- (b) An explanation of why the submitted PUD plan is superior to a plan that could have been prepared under strict adherence to related sections of this article.
- (c) A list of anticipated deviations from this chapter which would otherwise be applicable.

(C) Review Process.

(1) Review for completeness. The Zoning Administrator shall review the preliminary PUD plan application submittal and determine if all the necessary information has been provided. A complete application must be submitted to the Zoning Administrator at least 15 business days prior to the Planning Commission meeting at which the proposal will first be considered.

(2) Distribution. The Zoning Administrator shall transmit the PUD application submittal and the Village planner's report to the Planning Commission for review. The Zoning Administrator shall provide notice of the public hearing in accordance with the requirements of § 152.022(C).

(3) Public hearing and Planning Commission action. Upon conclusion of the public hearing, the Planning Commission shall make a recommendation to the Village Council to deny or approve, with or without conditions, the preliminary PUD plan. If no decision or recommendation is made at the advertised hearing, disposition of the case must be set to a date certain at that time, and this date must be clearly stated in the meeting minutes. If no certain date is set and duly noted in the public record, notice of the next meeting at which the case will be considered shall be provided. The Planning Commission shall make a decision or recommendation upon each case within 60 days of the public hearing, unless additional time is granted by the applicant.

(4) Village Council action. A summary of the Planning Commission recommendation and comments submitted at the public hearing shall be transmitted with the preliminary PUD application submittal and the Village planner's report to the Village Council. The Village Council may hold additional public hearings if it considers it necessary. The Village Council shall make a decision upon each case within 60 days of the Planning Commission's recommendation or refer the proposal back to the Planning Commission for further consideration, unless additional time is granted by the applicant. The Village Council shall take one of the following actions:

(a) Approval. Upon finding that the preliminary PUD plan meets the criteria and standards set forth in § 152.230 et seq., the Village Council shall grant preliminary PUD approval. Approval shall constitute approval of the uses and design concept as shown on the

preliminary PUD plan and shall confer upon the applicant the right to proceed through the subsequent PUD plan review phases.

(b) Approval with changes or conditions. The Village Council may recommend conditional approval subject to modifications as performed by the applicant as long as the PUD plan meets the criteria established in § 152.234.

(c) Denial. Upon finding that the preliminary PUD plan does not and cannot meet the criteria and standards set forth in § 152.234, the City Council shall deny preliminary approval.

(5) Effective period of approval. The PUD plan approval shall remain valid for a period of two years. If a final plan is not submitted during that time frame, the PUD request becomes void. If a final plan is submitted during that time frame and is approved, the rezoning to PUD shall remain in effect until such time as the owner of the property involved requests a change to the zoning. The Village Council may approve extensions to the PUD rezoning of up to one year.

(6) Submittal of final PUD plan to the Planning Commission. If the preliminary PUD plan is approved by the Village Council, the applicant shall submit a final PUD plan for final PUD review and recommendation by the Planning Commission in accordance with § 152.391, Final Site Plan Application. This must be done during the validity period for the rezoning to a PUD as set forth in paragraph (5) above. The Planning Commission shall recommend approval, approval with conditions, or denial of the project. If no action is taken because more information is required from the applicant, the Planning Commission shall table the agenda item to a date certain, which shall be specified in the meeting minutes. The applicant shall submit a revised plan to the Planning Commission addressing its concerns.

(7) Submittal of final PUD plan to Village Council. A summary of the Planning Commission recommendation shall be transmitted with the final PUD Plan submittal and the Village planner's report to the Village Council. The Village Council shall take one of the following actions

(a) Approval. Upon finding that the final plan meets the criteria and standards set forth in § 152.234, the Village Council shall grant final approval.

(b) Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in § 152.234 but could meet such criteria if revised, the Village Council may table action until a revised final plan is resubmitted.

(c) Denial. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in § 152.234, the Village Council shall deny final approval.

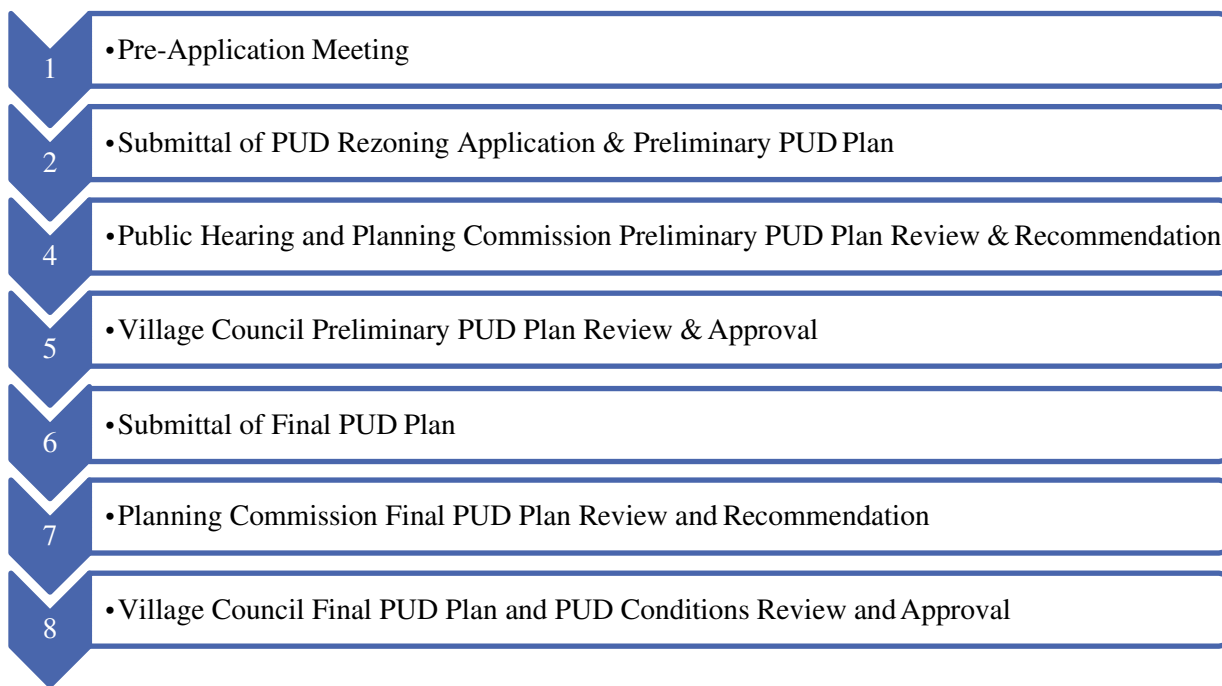
(8) All actions on the preliminary PUD plan or final PUD plan by the Planning Commission and the Village Council shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion. Approval of the final PUD by the Village

Council shall constitute amendment of the Official Zoning Map. The applicant shall then be authorized to proceed with any necessary permits, such as final platting or construction submittals.

(9) Amendments. If the Planning Commission and/or Village Council determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

(10) Change in Ownership. An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

**Table 8**  
**PUD Process: Initiated by Private Owner**



**§ 152.236 PUD CONDITIONS**

A. Reasonable conditions may be required before the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.



B. Permit conditions may be drafted in writing specifying conditions of approval and use.

(1) Conditions may stipulate that the PUD may only be used for selective land uses, provided that the restraint(s):

(a) Advances, rather than injures, the interests of adjacent landowners;

(b) Is a means of harmonizing private interests in land, thus benefiting the public interest;

(c) Is for the purpose of ensuring that the PUD fulfills the purposes and intent of this article and thus benefits the public interest; and/or

(d) Possesses a reasonable relationship to the promotion of the public health, safety, and welfare.

(2) A change of land use from that which was previously approved will render the PUD null and void or will require application for a revised PUD.

C. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, and shall be reasonably related to the purposes affected by the PUD and necessary to meet the intent and purpose of this chapter, and related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the written record of the approved planned unit development, which shall include a site plan and written PUD permit conditions signed by the Village and the applicant.

D. In the event that conditions set forth herein are not complied with, the Zoning Administrator shall have the right to follow enforcement procedures pursuant to § 152.020 et seq. Additional conditions may be imposed by the Village Council, or the applicant may be required to submit a new PUD application.

#### **§ 152.236 AUTHORITY OF ZONING BOARD OF APPEALS REGARDING VARIANCES**

A. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from this chapter. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD plan or written agreement.

B. The Zoning Board of Appeals shall **not** have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, perimeter landscaping or setbacks. Such changes shall require an amendment to the PUD plan.

**§ 152.238 PHASING AND COMMENCEMENT OF CONSTRUCTION**

A. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable by the Village Council after recommendation from the Planning Commission.

B. Commencement and completion of construction. Construction shall be commenced within one year following final approval of a PUD and shall proceed in conformance with the schedule set forth by the applicant. If construction has not commenced within such time, any approval of a site plan on the project shall expire and be null and void; however, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period. Moreover, in the event that a site plan has expired, the Village Council shall take action to reclassify the property to its previous zoning designation, by adopting an amendment to this chapter, after Planning Commission review and public hearing(s) as required by § 152.235.

**§ 152.236 VIOLATIONS**

A violation of the PUD plan or agreement shall be considered a violation of this chapter.