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**PLANNED UNIT DEVELOPMENT (PUD)**

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## **ARTICLE 13: PLANNED UNIT DEVELOPMENT (PUD)**

### **SECTION 13.01: PURPOSE AND INTENT**

Planned Unit Development (PUD) regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; encourage innovation in land use planning; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; protect natural features and sensitive environmental areas; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use; provide enhanced site and building architectural features. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments. The Zoning Administrator is responsible for administering this article and forwarding all documents and reviews to the Planning Commission per this Article however he or she may designate other individuals or consultant(s) to assist with this administration, and providing PUD reviews and recommendations for the Planning Commission.

### **SECTION 13.02: QUALIFYING CONDITIONS**

A planned unit development (PUD) may be located anywhere in the Township upon its approval by the Marquette Township Planning Commission and its subsequent Zoning Compliance Permit. Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

A. Grant of the PUD will result in 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; or
2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. Examples of natural features to be preserved include but are not limited to: streams and their riparian buffers of fifty (50) feet on both sides of the stream systems, bodies of water, wetlands, woodlands, habitat for plant or animal species that are listed as threatened, endangered or of special concern in the Marquette Township Comprehensive Development Plan, steep slopes exceeding twenty (20) percent; or
3. An existing non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

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### SECTION 13.02: QUALIFYING CONDITIONS – (Cont.)

- B. Acreage Requirement: The PUD site shall be not less than five (5) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. The Planning Commission may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the purpose and intent of a PUD as stated in Section 13.01. In addition, the Planning Commission may use Section 13.01 Purpose and Intent when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to show why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.
- C. The proposed type and density of the use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities, such as a substantial expansion of the public water and sewer system and facilities or an increase of the level of service on the roads. Connection to the Township's public water and sewer systems shall be required for all PUDs where any property line for the PUD parcel is a distance of five hundred (500) feet or less from the closest water and sewer mains. The maximum gross density for residential dwelling units of the PUD shall not exceed that which is required in the Urban Residential District in Section 19.15 SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS of this ordinance. The PUD shall be in compliance with any Marquette Township Ordinance pertaining to stormwater management and the Marquette County Drain Commissioner's regulations and procedures.
- D. The proposed development shall be consistent with the public health, safety and welfare of the Township.
- E. The proposed development shall not result in a negative environmental impact on the subject site or surrounding land.
- F. The proposed development shall not result in a negative economic impact upon surrounding properties.
- G. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance.
- H. The proposed development must be consistent with the goals, objectives and policies of the Marquette Township Comprehensive Development Plan.
- I. Pedestrian: The PUD must provide for integrated, safe and abundant pedestrian or other non-motorized access and movement within the PUD and to adjacent properties.
- J. Architecture: The PUD should provide for coordinated and visually appealing architectural styles, building forms and building relationships.

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### **SECTION 13.02: QUALIFYING CONDITIONS – (Cont.)**

- K. Traffic: The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, stormwater management, traffic flow and vehicular/pedestrian safety.
- L. Open Space Requirements:
1. The PUD development shall contain open space as defined in SECTION 2.02: DEFINITIONS and regulated in SECTION 19.05 REQUIRED OPEN SPACE in an amount equal to at least thirty-five (35) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Article. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may be located on a relatively small site in an area where a thirty-five (35) percent open space provision would detract from building continuity, historic preservation efforts, etc.) However in all circumstances, the open space for the PUD shall equal at least twenty (20) percent. The percentage of open space required in this section shall supersede that of what is required in Sections 19.13 through Section 19.19.
  2. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to review and approval of the Township; or, if agreed to by a governmental agency, the open space may be conveyed to a governmental agency for the use of the general public. Access to open space areas may be limited to PUD residents, especially in areas of sensitive natural areas, and is subject to the Planning Commission review and approval.
  3. All accessory and incidental structures are subject to review and approval of the Planning Commission and must be depicted on the PUD site plan at the time of the preliminary and final PUD review.

### **SECTION 13.03: PERMITTED USES**

Any land use permitted by right or by special land use in any Zoning District, except the Rural Residential and the Urban Residential Districts, may be requested to be included in the PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure compatibility of varied land uses both within and outside the development. In the Rural Residential and the Urban Residential Districts, the only uses that may be requested to be included in the PUD are those uses that are listed in Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH, under the headings of Agriculture, Agricultural support, Forestry, Public Service, Recreation/Commercial, Recreation Indoor/Outdoor, Recreational Rental Dwelling, Residential Dwelling, and Special Residential & Institutional.

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## ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

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### **SECTION 13.04: PREAPPLICATION CONFERENCE FOR PUD**

- A. Prior to the submission of an application for a PUD, a pre-application conference shall be held with representatives from Marquette Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, total number of acres, the number of dwelling units, boundaries, significant natural features and resources, the location and number of acres to be preserved as open or recreational space, vehicular and pedestrian circulation, all existing and proposed land uses and buildings for the entire site, know deviations from the ordinance regulations to be sought.
- C. The Township may advise the applicant of the known conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 13.02. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

### **SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION**

#### **A. PRELIMINARY PUD PLAN APPLICATION REQUIREMENTS**

- 1. Following the pre-application conference and subsequent meeting with the Planning Commission, applicants seeking approval of a PUD District shall submit a complete application, two (2) copies of the preliminary PUD site plan and supporting documents and the required fee to the Zoning Administrator. Within seven (7) business days from the receipt of the application and the two preliminary PUD site plans and supporting documents, the Zoning Administrator shall inform the applicant if the application, the site plans and fees are complete or incomplete. Then the applicant shall resubmit all of completed documents or, if informed by the Zoning Administrator that the submittal is complete, the applicant shall submit one (1) additional copy of such completed application and PUD site plan and supporting documents for each of the following agencies that the Zoning Administrator has determined as necessary for their review and comment:
  - a. Marquette County Road Commission
  - b. Marquette County Health Department
  - c. Marquette County Drain Commissioner
  - d. Marquette County Soil Conservation Official
  - e. Michigan Department of Transportation
  - f. Michigan Department of Environmental Quality
  - g. School District – Superintendent of Schools

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### SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

- h. Charter Township of Marquette Fire Chief or Marshal
- i. Chief of the local law enforcement agency
- j. Affected utility companies
- k. Nearby operating railroads which may be affected by the proposed plan
- l. Charter Township of Marquette Department of Public Works
- m. Other federal, state, county, or local agencies which may be impacted by the proposed development

Upon receipt of such completed applications, plans, and supporting documents, the Zoning Administrator shall forward such to the above agencies. During this review by these agencies, the Zoning Administrator shall also complete a review of the PUD proposal for compliance with the Zoning Ordinance and other applicable ordinances.

Once all of the comments from the above agencies have been received by the Zoning Administrator or fifteen (15) business days, whichever is sooner, the Zoning Administrator shall forward all of the comments as well as his or her own to the applicant. The applicant shall revise the plan and documents per these comments and submit fifteen (15) complete sets of the revised plan at least fifteen (15) business days ahead of the next regularly scheduled Planning Commission meeting. Then the Zoning Administrator shall forward the preliminary PUD plan, application, review, and all other documents from other agencies to the Planning Commission at their next regular meeting.

- 2. Such application shall include the following (unless determined by the Zoning Administrator to be unnecessary);
  - a. A completed application form and the appropriate number of copies as outlined above of a preliminary PUD plan including a site plan. The preliminary PUD plan shall contain the following site plan information:
    - 1. The original and revision dates, north arrow, and scale(s). The scale or scales used shall be sufficient to enable the site plan to clearly show all necessary detail for an accurate review of the site plan.
    - 2. The name, address and phone number of the firm responsible for preparing the site plan. Each page of the site plan must be sealed by a licensed engineer, architect, landscape architect, surveyor or planner who prepared that same page.
    - 3. The name, address(s) and phone number(s) of the property owner(s) and petitioner(s).
    - 4. Legal description of the PUD site.

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### SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

5. The size (in acres) of the PUD site.
6. All property lines and proposed setbacks, shown and dimensioned.
7. A location or vicinity sketch.
8. The location of all existing structures and vehicle use areas, within 100' of the PUD site's boundaries.
9. The location and dimensions of all existing structures and vehicle use areas on the PUD site.
10. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are desired but not necessary until final approval.
11. The location and dimension of proposed lots or ownership divisions.
12. The location, pavement width and right-of-way width of all abutting roads, streets, alleys, easements, and clear vision areas, and emergency vehicle access locations.
13. The existing zoning and use of all properties abutting and including the PUD site.
14. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.
15. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed, stormwater management and other utility needs and concepts.
16. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities and features, natural or manmade.
17. Existing topographic contours at a maximum of two (2) foot intervals, and all available soil conditions. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each plan receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).
18. Location, types and size of areas to be dedicated for common open space, and natural, environmental or cultural features to be preserved.
19. Anticipated trash receptacle locations and method of screening.

**SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)**

20. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, loading and truck dock locations, including traffic calming concepts, driving surface widths as required by this Ordinance, the Michigan Department of Transportation standards, or the Marquette County Road Commission's standards.
  21. Proposed pedestrian sidewalk and non-motorized movements both within and off the PUD site.
  22. Proposed sign locations and sizes, and lighting concepts/styles and general location areas.
  23. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. – gateways, fence/wall concepts, artwork, etc.)
  24. Proposed setbacks, lot widths, lot areas and building/structure heights.
  25. Proposed uses to be included in the PUD project.
  26. Any traffic impact studies, environmental impact analysis, economic impact studies, etc. shall be performed by certified individuals or consultants on behalf of Marquette Township and selected independently of any influences from the applicant or party having interest in the development.
  27. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.
- b. Fee: Payment of a PUD fee, as established by the Township Board.
- c. Narrative Statement: A narrative statement describing:
1. The objectives of the PUD and how it relates to the Intent of the PUD, as described in Section 13.01.
  2. The relationship of the PUD to the qualifying conditions listed in Section 13.02.
  3. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.
  4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.



**SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)**

**B. PLANNING COMMISSION PUBLIC HEARING AND REVIEW OF PRELIMINARY PUD**

1. The Zoning Administrator shall publish and send out public notices in the same manner as prescribed for special land uses per Section 16.04 of this Ordinance, except the Zoning Administrator sets a public hearing date and not the Planning Commission. Following public notices, the Planning Commission shall hold a public hearing on the preliminary PUD plan for the purpose of receiving public comment on the PUD.
2. Following the public hearing, the Planning Commission shall review the preliminary PUD plan for conformance with the standards of Section 13.07 and make its findings according to those standards and shall approve, approve with conditions, or deny the preliminary PUD plan.
3. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary PUD plan to the Planning Commission.

**SECTION 13.06: FINAL PUD PLAN**

**A. FINAL PUD APPLICATION**

1. Final Development Plan Approval Time Period – Single Phase: Within twelve (12) months of the Planning Commission’s approval of the preliminary PUD plan, the applicant shall submit an application to the Zoning Administrator for final PUD approval. If the applicant fails to submit such within twelve (12) months as stated above, then the preliminary PUD plan shall be determined to be invalid.
2. Final Development Plan Approval Time Period – Dual or Multi Phased: If the project includes phases, then the applicant must submit a request within twelve (12) months of the Planning Commission’s approval of the preliminary PUD plan for final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary PUD plan incorporating all phases not already approved for final site plan shall be determined to be invalid.
3. Approval Time Extension: Upon request to the Planning Commission and in accordance with this Section 13.06, the time frames may be extended for a reasonable period of time. The extension shall be applied for prior to the expiration of the above timeframes.

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## ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

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### SECTION 13.06: FINAL PUD PLAN – (Cont.)

4. Final PUD Plan Application Requirements: A final PUD plan application shall be processed in the same manner as for the preliminary PUD plan and consist of the following (unless determined by the Zoning Administrator to be unnecessary):
  - a. A completed application form supplied by the Zoning Administrator.
  - b. Payment of a fee, as established by the Township Board.
  - c. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review and approval of the preliminary PUD plan and a narrative explanation of the changes made to the plan in response to those items.
  - d. A site plan containing all of the information required in this PUD Article in Section 13.05 A.2.a., and the following information: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
    1. The location and dimensions of all proposed structures and buildings on the PUD site.
    2. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks/pathways/bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included.
    3. The location of all proposed signs and lighting, including the sizes and types.
    4. The location, type and size of all proposed landscaping and site amenities (artwork, fences, gateway features, etc.).
    5. The location, type and size of all utilities and stormwater drainage facilities, including fire protection, sanitary sewers, water services, etc.
    6. Existing and proposed topographic contours at a maximum of two (2) foot intervals.
    7. Elevation views of all proposed structures and floor plans with dimensions, and square footages.
    8. Proposed open space areas, including recreational amenities (playgrounds, etc.).

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## ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

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### **SECTION 13.06: FINAL PUD PLAN – (Cont.)**

- e. The Planning Commission may request any additional graphics or written materials, prepared by a certified individual or consultant selected as specified in Section 13.05A.2.a.26, to assist in determining the appropriateness of the PUD site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; impact on significant natural features and drainage; soil tests; and other pertinent information.

### **B. PLANNING COMMISSION REVIEW OF FINAL PUD PLAN**

1. The Planning Commission shall review the final PUD plan in relation to its conformance with the preliminary development plan and its conditions of approval, if any. If it is determined that the final plan is not in substantial conformance with the preliminary PUD plan, the review process shall be conducted as a preliminary PUD plan review, in accordance with the procedures of Section 13.05 of this Ordinance.
2. Planned Unit Developments, whether established as a single or multiphase development, shall comply with the intent of the PUD in each phase. If a portion of the PUD intent is to provide for a variety of uses (i.e. – apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
3. If the final PUD plan is consistent with the approved preliminary PUD plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 13.07 and shall prepare a record of its findings in accordance with Section 13.07 and shall approve, approve with conditions, or deny the final PUD plan.
4. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. However, all PUDs shall meet or exceed all requirements of SECTION 19.04: BUFFERYARDS and SECTION 19.12 STANDARDS OF OPERATION, and ARTICLE 14 ACCESS MANAGEMENT REGULATIONS. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

### **SECTION 13.07: STANDARDS FOR APPROVAL (Both preliminary and final)**

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 13.02.

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## ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

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### **SECTION 13.07: STANDARDS FOR APPROVAL (Both preliminary and final) – (Cont.)**

- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.
- D. The proposed project is consistent with the purpose and intent of the PUD, as described in Section 13.01 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- E. The proposed PUD meets all the site plan requirements of this Article and the provisions of Article 18: Site Plan Review Article, Section 18.07, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 13.05 and Final PUD's must meet Section 13.06).

### **SECTION 13.08: PUD AGREEMENT**

- A. Prior to this issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final PUD plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Planning Commission.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. The PUD agreement shall be executed and recorded in the office of the Marquette County Register of Deeds. Any type of homeowners association or condominium association must be established and recorded prior to the issuance of the zoning compliance certificate.

### **SECTION 13.09: CHANGES TO AN APPROVED PUD**

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. **Notify Zoning Administrator:** The holder of an approved PUD final PUD plan shall notify the Zoning Administrator of any desired change to the approved PUD.

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## ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

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### **SECTION 13.09: CHANGES TO AN APPROVED PUD – (Cont.)**

- B. Minor Change Determination: Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
1. Reduction of the size of any building and/or sign.
  2. Movement of buildings and/or signs by no more than ten (10) feet.
  3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
  4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
  5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, landscaping, access locations, design or management.
  6. Changes required or requested by Marquette Township, Marquette County, and other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. Major Change Determination: A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final PUD plan.

### **SECTION 13.10: TIME LIMIT FOR APPROVED PUD**

Each development shall be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this Section. Such construction shall continue until completion of the PUD development.

- A. The Planning Commission may grant one (1) extension of up to an additional twelve (12) month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:
1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
  2. The PUD requirements and standards, including those of the Zoning Ordinance and Comprehensive Development Plan that are reasonably related to said development have not changed.

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### **SECTION 13.10: TIME LIMIT FOR APPROVED PUD – (Cont.)**

- B. Should neither of the provisions of Section 13.10.A. be fulfilled, or an extension has expired without construction underway, the preliminary PUD plan approval(s) shall be null and void. In order to utilize the property as a PUD, an applicant would have to resubmit plans for preliminary and final PUD site plan approvals as stated in this Article as if it were a new proposal.

### **SECTION 13.11: OPTION FOR DEVELOPMENTS WITH MULTIPLE USES AND PHASES**

At the discretion of the applicant and/or the Planning Commission, there shall be an option available to include in the PUD Agreement the process phasing multiple uses and multiple phases into the overall development.