
CHAPTER 13A

PUD (PLANNED UNIT DEVELOPMENT) DISTRICT

SECTION 13A.1 PURPOSE

- A. It is the purpose of this District to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and to provide a variety of housing types suited to the needs of the residents of the City.
- B. The purpose of these regulations is to permit developments that result in efficient design and coordinated land use arrangements intended to serve the interests of public health, safety and welfare by permitting a controlled degree of flexibility in the regulation of land development.

SECTION 13A.2 ELIGIBILITY AND GENERAL REQUIREMENTS

- A. A rezoning in accordance with the provisions of Chapter 19 shall be required to utilize the requirements and allowances of this Planned Unit Development (PUD) District. An application for a PUD rezoning shall only be utilized for one (1) of the PUD types provided for in this Chapter.
- B. The minimum area necessary to qualify as a PUD shall not be less than ten (10) contiguous acres of land. However, the Planning Commission may accept and act on an application for less than the minimum required area provided one (1) or more of the following criteria is met:
 - 1. The PUD preserves significant natural or historic features;
 - 2. Environmental remediation of formerly developed sites is achieved as a result of the PUD;
 - 3. Redevelopment of a nonconforming, blighted, or brownfield site where creative design can address unique site constraints;
 - 4. The PUD furthers the development of a fully integrated, mixed-use, pedestrian-oriented center near downtown and/or the Kalamazoo River; or
 - 5. The PUD substantially forwards the Purpose of a PUD as described in Section 13A.1.
- C. Ownership. The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation, with an option to buy the property. A plan once approved, shall be binding on all future owners.

- D. Utilities. A PUD shall have approved water and sewer systems. All utilities shall be underground.
- E. Open Space: Any open space within any PUD shall meet the following requirements:
1. The City Commission, after recommendation by the Planning Commission, shall find that, to the extent possible, designated open space is large enough and of proper dimensions to contribute significantly to the intent of the PUD.
 2. Open Space Maintenance.
 - a. All open spaces shall be in the joint ownership of the property owners within the PUD. A property owners association or similar arrangement for common ownership or maintenance agreement shall be formed which shall take responsibility for the maintenance of the open space. Alternatively, evidence shall be given that satisfactory arrangements will be made to relieve the City of future maintenance of the open space.
 - b. The maintenance requirements of natural areas designated as open space are not necessarily intended to require regular clearing, mowing or other active maintenance. For the purposes of this Article, a maintenance requirement for natural areas is intended to include such items as the removal of any accumulation of trash or waste material, clean up of storm damage, or removal of dead or diseased plant materials.
 3. Open space shall be deed restricted, placed in a conservation easement, or otherwise held as open, undeveloped land in perpetuity. Suitable recorded instruments shall be submitted to the City Attorney for review prior to final approval of the PUD.
 4. The open space shall be designed so that all residents of the PUD shall have reasonable access to it.
- F. Any PUDs including lands planned as a platted subdivision shall comply with the procedures and provisions set forth in the subdivision regulations of the City of Otsego.

SECTION 13A.3 OPEN SPACE PRESERVATION PUD (OSP PUD)

- A. Purpose.
1. The purpose of an Open Space Preservation PUD (OSP PUD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed, but will be preserved as a result of the OSP PUD.

2. These OSP PUD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
- B. Applications for rezoning to Open Space Preservation PUDs shall only be accepted in areas previously zoned for single-family residential use.
- C. Permitted Uses. The following uses are permitted within the Open Space Preservation PUD:
1. Single-family detached homes.
 2. Two-family homes.
 3. Multiple-family dwellings.
 4. Day care centers.
 5. Indoor and outdoor recreational facilities.
 6. Community building, including a community pool.
 7. Small-scale "neighborhood retail" uses. Only the following Principal Permitted Uses of the C-1 District may be included. The total gross land area devoted to neighborhood retail uses shall not exceed ten percent (10%) of the gross PUD site area:
 - a. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
 - b. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
 - c. Personal service establishments.
- D. Density and Open Space
1. Except as may otherwise be provided in this Chapter, residential density in an OSP PUD shall not exceed that of the District(s) in place prior to the date of application for rezoning to PUD. Where more than one (1) Residential District exists within the boundaries of the PUD prior to rezoning to PUD, density shall be calculated by the relative amounts of land within each District. This density need not be distributed according to prior District boundaries.
 2. The City Commission, following recommendation by the Planning Commission, may reduce the minimum lot requirements (areas, width, and yards) for single-family dwellings as set forth in the District Requirements by an amount not to exceed fifty percent (50%).

3. A minimum of twenty percent (20%) of the gross land area within the PUD must be dedicated as permanent open space meeting the requirements of Section 13A.2E.
4. Bonus Density: Additional density, not exceeding fifty percent (50%) of the residential dwelling units permitted under this subsection, shall be permitted, provided that additional land is reserved and dedicated for open space as follows:

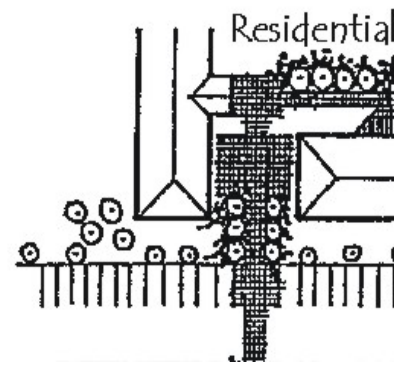
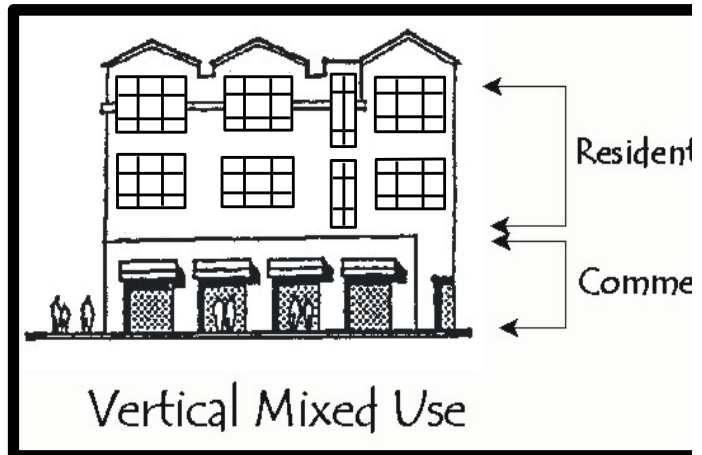
% of Open Space	% Density Increase
25%	10%
30%	20%
35%	30%
40%	40%
45%	50%

E. Site Development Requirements.

1. Minimum yard requirements and building setbacks from all exterior property lines of the PUD and all sensitive natural features as listed in 13A3.E.4, below, shall be thirty (30) feet.
2. There shall be a maximum building height of two and one half (2½) stories or thirty five (35) feet (excludes antennas, steeples, spires, etc), whichever is lower.
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. All sensitive natural features such as drainageways, streams, wetlands, lands within the one hundred (100) year floodplains, land on slopes of twelve percent (12%) or greater, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain in an undisturbed state.
5. Access and egress opening from the development onto a public and private road shall be limited to one (1) per five hundred (500) feet of frontage occupied by the PUD.
6. Unless preserved as part of the features considered in subparagraph 4, above, a planted and maintained landscaped buffer area, ten (10) feet in width, shall be required along all exterior boundaries of the PUD.
7. Signs and off-street parking requirements shall be determined by the requirements of this Ordinance.

SECTION 13A.4 MIXED USE PLANNED UNIT DEVELOPMENT (MPUD)

- A. Purpose: A Mixed Used Planned Unit Development (MPUD) is intended to encourage innovative and unique projects that provide a mix of uses in a pedestrian friendly and self-sustaining manner. MPUDs are encouraged for reuse and redevelopment projects foremost, but also in other areas of the City where the mixed-use concept can serve as a transitional land use or otherwise enhance the economic vitality of the area. Its uses can be mixed in either a horizontal or vertical fashion so long as they promote a compact, high activity development pattern.
- B. Permitted Uses: Any use permitted by right or by special land use may be permitted within a MPUD, except for Manufactured Home Parks or individually sited manufactured homes with any length or width dimension less than twenty (20) feet. A MPUD shall have at least two (2) distinct uses, at least one (1) of which shall occupy a minimum of twenty percent (20%) of the combined gross floor area of all main buildings included in the MPUD.
- C. Site Development Requirements.
1. The Planning Commission shall recommend, and the City Commission shall determine, setbacks, residential densities, lot coverage and other similar requirements, except building heights.
 2. No residential use may occupy the first floor of a vertically mixed MPUD in a non-residential district. Otherwise, uses may be mixed in a complementary manner, as allowed by the Building Code.
 3. All sensitive natural features such as drainageways, streams, wetlands, lands within the one hundred (100) year floodplains, land on slopes of twelve percent (12%) or greater, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall be maintained in an



- undisturbed state. No structure or private sanitary sewer system shall be permitted within thirty-five (35) feet of a drainageway, stream or wetland.
4. Access and egress from the development onto a public and private road shall be limited to one (1) access per five hundred (500) feet of roadway frontage.
 5. Unless preserved as part of the features considered in subparagraph 3, above, a planted and maintained landscaped buffer area, ten (10) feet in width, shall be required along all exterior boundaries of the PUD. The City Commission may accept other screening alternatives that produce the same effect, such as a decorative fence or masonry wall.
 6. Maximum building height in MPUDs shall be forty (40) feet or three (3) stories.
 7. Off-street parking:
 - a. For buildings with ground floor non-residential uses and residential uses on upper floors, up to one third (1/3) of the parking requirement may be waived for the ground floor uses.
 - b. All other uses and floors shall meet the parking requirements of this Ordinance.
 8. Signs: A sign plan shall be submitted and approved, with or without modification by the City Commission, with the application for a MPUD.

SECTION 13A.5 INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD)

- A. Purpose: The purposes of an IPUD are to facilitate the growth of employment, to ensure a viable tax base for the city and to prevent conflicts between incompatible industrial uses. An IPUD is a tract of land laid out in accordance with an overall plan that is designed and equipped to accommodate a cluster of industrial and related wholesale and warehouse uses and activities, providing them with all necessary facilities and services in an attractive, park-like surrounding.
- B. Applications for rezoning to IPUD shall only be accepted in areas previously zoned for industrial or commercial use.
- C. Permitted Uses:
 1. Any Permitted Use or Special Land Use allowed in the GI District.
 2. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
 3. Personal service establishments.
 4. Public utility buildings, not including storage yards.
 5. Veterinary clinics, veterinary hospitals, commercial kennels, pet day care centers.
 6. Assembly halls, concert halls and auditoriums.
 7. Business and private schools operated completely within an enclosed building.

8. Medical or dental clinics.
9. Restaurants and drinking establishments without drive-in windows.
10. Service establishments having office-showrooms or workshops with a retail outlet, such as a decorator, building contractor, and similar establishments that require a retail adjunct, except that no outside storage yards are provided.
11. Television and radio studios and towers.
12. Child care center.
13. Accessory buildings.

D. Site Development Requirements

1. Buildings shall be located no closer than one and one-half (1½) times the height of the higher building but in no case closer than fifty (50) feet.
2. The floor area of any single building shall not exceed one hundred thousand (100,000) square feet, on one (1) floor, unless the City Commission upon recommendation of the Planning Commission specifically recommends approvals of a larger building, based upon one (1) or more of the following criteria:
 - a. A larger building allows the preservation of natural features on the site in the immediate vicinity of the proposed building.
 - b. The larger building allows for a more compact development site, including greater setbacks from the perimeter of the IPUD.
 - c. The nature of the proposed operations within the building can only be accomplished within the planned floor area.
3. The Planning Commission shall recommend, and the City Commission shall determine, setbacks, heights, lot coverage and other similar requirements for buildings, driveways and parking areas.
4. Signs and off-street parking requirements shall be determined by the requirements of this Ordinance.

SECTION 13A.6 APPLICATION FOR PUD REZONING

A. Pre-application conference

1. Prior to formal application submission for rezoning to PUD the applicant shall be required to attend a pre-application conference with the Planning Commission. The applicant shall provide twelve (12) copies of a conceptual plan, generally showing land use and activity areas, including estimated square footages of buildings and principal uses, numbers of dwelling units, and other similar information.
2. The Zoning Administrator shall determine the adequacy of the conceptual plan and schedule the pre-application conference.

3. The pre-application conference shall be used to discuss initial design concepts and the application of the PUD concepts to the land in question.
- B. Application Procedures
1. PUD rezonings shall proceed according to Sections 19.2 and 19.3 as for Map Amendments, however, where requirements of those sections may conflict with requirements of this Chapter, the requirements of this Chapter shall rule.
 2. Following the pre-application conference, the applicant may submit a complete application for the PUD rezoning for processing in accordance with Chapter 19.
 3. A complete application shall be submitted through the Zoning Administrator at least thirty (30) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator will review the application to ensure that the requirements of this Section are met and transmit it to the Planning Commission.
 4. An application for PUD shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
 - a. A completed application form, as provided by the City. An owner of, or person having an interest in, the property to be developed or an authorized representative shall sign the application.
 - b. Twenty (20) copies of a Final Site Plan meeting the requirements of Section 14.3.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the City Commission.
 - d. A legal description, including the permanent parcel number, of the subject property.
 - e. A narrative statement describing the project in detail, along with supporting evidence regarding the requirements specified in Section 13.A.2, or as required by the individual PUD requirements and the General Standards of Section 13A.8.
 - f. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces required.
 - g. Other materials as may be required in this Chapter or by the Zoning Administrator, Planning Commission, or City Commission.
 5. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.
 6. An OSP PUD, MPUD or IPUD rezoning initiated by the City of Otsego may be processed and approved without a Final Site Plan, conditioned upon a Final Site Plan being reviewed and approved according to the same proceedings for the initial PUD rezoning request, prior to any development.

SECTION 13A.7 REVIEW AND FINDINGS

- A. Public Hearing
 - 1. Upon receipt of a completed application, the Zoning Administrator shall schedule a public hearing, notice of which shall be made in accordance with the requirements of the Zoning Act.
 - 2. Any person may speak or present documents or other factual evidence in support of, or against, the application at the public hearing.
- B. Site plan review, in accordance with the procedures of Chapter 14, is required for all PUDs, including consideration of the review standards of Section 14.8.
- C. Upon conclusion of the hearing, and after a reasonable period for deliberation, the Planning Commission shall make a recommendation to the City Commission for approval, approval with conditions, or denial. The Planning Commission shall state its reasons for the recommendation in its minutes for submission to the City Commission.
- D. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Commission may hold an additional public hearing, if it deems necessary, using the same notice requirements as the Planning Commission hearing. The City Commission shall approve, approve with conditions, or deny the PUD rezoning, stating the reasons for its action in the minutes.

SECTION 13A.8 GENERAL STANDARDS FOR MAKING DETERMINATIONS

- A. The Planning Commission, in making its recommendation and the City Commission in making its decision, shall base their actions on a review the particular facts, circumstances and evidence presented, the General Standards of this Section, and the applicable requirements of this Chapter, and Section 14.8.
- B. General Standards.
 - 1. The proposed development shall comply with the general objectives and land use policies contained in the City of Otsego Master Plan.
 - 2. The proposed development shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
 - 3. The proposed development shall be served by necessary public facilities that are adequate or can be made adequate to serve the proposed use. Specifically, proposed and/or existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.

4. The proposed development shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
5. No hazardous traffic conditions shall be created or added to existing situations. On-site transportation design requirements, if any, which will be needed to accommodate any traffic effects for the intended use shall be part of the approval, to the extent permitted by law.
6. The proposed development shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The proposed development shall be consistent with the intent and purpose of this Ordinance.

SECTION 13A.9 CHANGES TO APPROVED PUDS

- A. The Zoning Administrator may authorize minor changes in the location, siting, or character of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development program was approved. The Zoning Administrator shall use Section 14.7 in determining whether or not a change is minor.
- B. Notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum requirements set forth in this Ordinance.
- C. All other changes in the PUD, including major changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the PUD.

SECTION 13A.10 CONDITIONS AND SAFEGUARDS

- A. Before approving a PUD, the City Commission may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of a use or structure authorized by the PUD as may be necessary for the protection of the public interest.
- B. Conditions imposed may include those necessary to ensure that the General Standards of Section 13A.8 and the applicable requirements of this Chapter and Section 14.8 have been satisfied.
- C. The conditions imposed shall be recorded in the minutes of the City Commission and shall remain unchanged except upon mutual consent of the City Commission and the owner of the property affected. The City Commission shall record in its minutes any changes in conditions of approval of a PUD.

- D. Conditions and requirements stated as part of PUD authorization, including all plans, specifications and statements submitted with the application for a PUD, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses and structures authorized by PUDs to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Commission in its approval of the PUD have been fulfilled.
- F. A PUD shall be deemed to authorize only the approved uses and structures and shall expire if not substantially under construction or in operation within two (2) years from the date of final approval by the City Commission.
- G. The applicant or developer may apply for an extension in writing prior to the expiration date of the PUD approval, and the City Commission may grant up to two (2) extensions, each for a period of one (1) year. Where a PUD is being developed in phases, the initiation of each subsequent phase shall automatically extend the approval for two (2) years from the date of issuance of a Zoning Compliance Permit.
- H. An application for a PUD that had been denied wholly or in part by the City Commission shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the City Commission.
- I. Performance guarantees may be required according to Section 19.5.