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PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 8, 2018 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. September 10, 2018 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
6. NEW BUSINESS
 - a. Planned Unit Developments – Proposed Amendments
7. STAFF REPORT
8. COMMISSIONERS REMARKS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, SEPTEMBER 10, 2018 AT 7:00 P.M.**

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL.

The Meeting was called to order at 7:00 p.m. by Commissioner Chair Bruce Barker.

Present: Commissioners David Cadwallader, Marty Chambers, Tony Ellis, Amanda Schrauben, Collin Plank, Marty Chambers and Chair Bruce Barker.

Absent: None.

Also Present: City Clerk Susan Ullery and Andy Moore with William & Works.

2. APPROVAL OF AGENDA.

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve the agenda as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to approve the minutes of the August 13, 2018 regular meeting as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.

There were none.

5. OLD BUSINESS.

- a. Residential Zoning Districts Review – Updated.

Andy Moore with William & Works went through the updates to the residential zoning district, the changes of definitions, land uses, list of permitted and special name uses and the dimensional standards as well as made a graphic illustration to help people understand better.

Commissioners agreed to review the updates further, go over and finalize at the next meeting then schedule the Public Hearing from there.

6. NEW BUSINESS.

- a. Chapter 15 – PUD Planned Unite Development District.

Andy Moore with Williams & Works reviewed Chapter 15 – PUD – Planned Unit Development District. The commissioner will continue to review during the October, 2018 meeting.

7. **STAFF REPORT.**

No Comments

8. **COMMISSIONERS REMARKS.**

There was none.

9. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 7:46 p.m.

DATE:

APPROVED:

Bruce Barker, Chair

Susan S. Ullery, City Clerk

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: October 2, 2018
From: Andy Moore, AICP
RE: **Planned Unit Developments – Proposed Amendments**

The purpose of this memorandum is to review the updated provisions related to Planned Unit Developments (PUDs) in the City of Lowell. Due to the extensive nature of the amendments, we have provided both clean and marked-up versions of the updated Chapter to allow Commissioners to track the amendments. The following language includes additions and edits (highlighted) to existing Zoning Ordinance text.

A summary of the changes is as follows:

1. Sections 15.01 and 15.02 were expanded to allow for a greater variety of PUD projects in the City.
2. The qualifying conditions in Section 15.02 were modified to allow for parcels smaller than 5 acres to be developed as PUDs.
3. The permitted land uses in Section 15.03 were liberalized to allow for more potential land uses in a PUD, as long as such uses are consistent with the underlying district, the Master Plan, and existing and adjacent uses.
4. Also in Section 15.03, language was added specifying what the maximum permitted density would be for residential and non-residential PUDs.
5. Additional language was added in Section 15.04 related to non-residential and mixed-use PUDs.
6. Section 15.05 was renamed "Design Standards." The general standards were removed and are now stated in Section 15.10. Additional language was added permitting deviations from the requirements of the underlying district, and standards were added to justify such deviations.
7. In section 15.06, open space provisions were largely unchanged.
8. In sections 15.07-15.11, application procedures were expanded and clarified. As proposed, an applicant is required to submit a PUD concept plan for approval by the Planning Commission and City Council. If approved, the applicant would then return to the Planning Commission with additional detail for final plan review (see 15.11). Public hearings would be required by both the Planning Commission and City Council during the "concept plan" review.
9. Section 15.10 specifies the standards that must be met in order for a PUD to be approved.

10. Section 15.12 allows for concurrent review of a preliminary and final development plan, at the applicant's option (and risk).

11. Section 15.13 addresses a number of items that would apply to approved projects, such as project phasing, amendments, expiration, and other administrative items.

We look forward to reviewing these changes with you at October 8 meeting. If there are any questions, please feel free to contact us.

CHAPTER 15 - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01 - DESCRIPTION AND PURPOSE

Description. This chapter offers an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) Districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses, the City's Master Plan and, where applicable, preserving the existing natural features of the area.

Purpose. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The purpose of a Planned Unit development (PUD) is to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. It is intended that uses in a PUD afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

SECTION 15.02 - OBJECTIVES AND QUALIFYING CONDITIONS

- A. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and City Council in its review of a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:
 1. To encourage the provision and protection of open spaces, cultural/historic resources and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.
 2. To encourage developers to use a more creative and imaginative approach in the development of property.
 3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.
 4. To facilitate economic development through the creation of a mix of uses.
 5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.
 6. To provide for the adaptive re-use of significant or historic buildings;
 7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

8. To promote flexibility in design and permit planned diversification in the location of structures.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
10. To minimize of adverse traffic impacts and to accommodate of safe and efficient pedestrian access and circulation;
11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and
12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
13. To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
2. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
 - b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.
 - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Lowell Master Plan.

SECTION 15.03 - USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY

A. The following uses may be permitted in a PUD:

1. Uses permitted by right or by special land use in the underlying zoning district;
2. Any use that is determined by the Planning Commission to be consistent with the City of Lowell Master Plan;
3. A combination of residential, commercial, and public uses which are determined to be compatible with existing and adjacent land uses;

- B. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.
- C. For PUDs located in non-residential or mixed use districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the City's Master Plan, existing and future surround land uses, capacity of public utilities and services, and other applicable factors.
- D. For PUDs located in one or more residential zoning districts, the permitted density shall not be greater than that permitted by the underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.
- E. The total amount of land to be used for the calculation of the permitted density in a PUD in subsection B above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.
- F. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

SECTION 15.04 – NON-RESIDENTIAL AND MIXED USE PUDS

- A. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- B. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
- C. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).
- D. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - 1. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - 2. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

SECTION 15.05 – DESIGN STANDARDS

- A. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of this Ordinance provided that such deviations are consistent with all other requirements of this Chapter and the following regulations:
 - 1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the City Council after the Planning Commission recommendation. These adjustments may be permitted if they will result

in a higher quality of development or better integration of the proposed use(s) with surrounding uses.

2. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
 - a. The proposed deviations shall preserve the best natural features of the site;
 - b. The proposed deviations shall create, maintain or improve habitat for wildlife;
 - c. The proposed deviations shall create, improve or maintain open space for the residents;
 - d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;
 - e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property, and/or;
 - f. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.

B. Other Requirements.

1. All electric, television cable, and telephone transmission wires within the PUD shall be placed underground.
2. Signs are permitted in accordance with the underlying zone district in which the proposed uses are permitted.

- C. Conditions.** The City council may impose conditions with the approval of a PUD which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the zoning enforcement officer.

SECTION 15.06 - OPEN SPACE

If open space is provided in the PUD, it shall meet the following considerations and requirements:

- A. Open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- C. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the City of the future maintenance thereof.
- D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
- E. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity. Land set aside for agriculture may, at the discretion of

the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

- F. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- G. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials, and similar improvements.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

SECTION 15.07 – GENERAL APPLICATION PROCEDURES

- A. An application for a PUD shall be submitted and acted upon in accordance with the following procedures:
- B. The following steps, which are outlined in Section 15.08-15.11, shall apply to all applications for PUD approval, whether residential, non-residential, or mixed use:
 - 1. Preliminary Planning Commission Review (Optional). A preliminary Plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Concept Plan by the Planning Commission.
 - 2. PUD Concept Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD Concept Plan and PUD Rezoning application, hold a public hearing, and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD Concept Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - 3. PUD Final Site Plan Review. The Planning Commission shall review the PUD Final Site Plan in accordance with Section 15.11 and Chapter 18 of this Ordinance.
- C. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 15.10, and other criteria imposed by this ordinance affecting the planned unit development under consideration.
- D. Upon the approval, or approval with conditions by the City Council, the applicant may apply for preliminary plat approval, condominium approval, and private road approval, if as applicable.

- E. Approval of a PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map.

SECTION 15.08 – PRELIMINARY PLANNING COMMISSION REVIEW (OPTIONAL)

A pre-application concept plan review and conference may be held between the applicant and the Planning Commission.

- A. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary plans shall include as a minimum the information specified in Section 15.08(B).
- B. As part of the pre-application review, the applicant shall submit a copy of a preliminary Concept Plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- C. The Planning Commission shall advise the applicant regarding whether the proposed preliminary plan complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to the requirements of Section 15.02 of this Ordinance.
- D. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the preliminary plan.

SECTION 15.09 – PROCEDURES FOR PUD CONCEPT PLAN AND PUD REZONING

- A. Required Information. Following the preliminary review, the applicant shall submit a completed application form for PUD rezoning, any required application fees, and four (4) copies and a PDF of the PUD Concept Plan to the Planning Commission at least twenty-one (21) days prior the next Planning Commission meeting.

The PUD Concept Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD Concept Plan shall, at a minimum, contain the following information:

1. General Information.
 - a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
 - b. Name and address of the property owner or petitioner.
 - c. Scale, north arrow and date.
 - d. Acreage, gross and net.
 - e. Zoning of adjacent properties.

f. Legal property description.

g. Existing Site Conditions.

- 1) Boundary survey lines and setbacks.
- 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the City.
- 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
- 4) Abutting street right(s)-of-way and width.
- 5) Topography with contour intervals of no more than two (2) feet.
- 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks, County drains, and other significant site features, including the area of such features.
- 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
- 8) Size and location of existing utilities and status, where applicable.

h. Proposed Development.

- 1) Layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
- 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
- 4) Layout and typical dimensions of building envelopes, proposed parcels and lots.
- 5) Parking, stacking and loading calculations, if applicable.
- 6) Site Development.
- 7) Phasing plan, if applicable.
- 8) Conceptual plan for provision of public water and public sanitary sewer services.
- 9) Preliminary grading plan.
- 10) Stormwater concept plan.
- 11) Building type concepts, including building elevations and footprints.

i. Additional Information.

- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of Section 15.10 are met.
- 2) A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. Planning Commission Review and Public Hearing.

1. The Planning Commission shall review the PUD Concept Plan at a regular or special meeting and shall hold a public hearing. Notice of the public hearing shall be provided in accordance with the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing, the Planning Commission shall review the PUD Concept Plan in consideration of public hearing comments, technical reviews from City staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Concept Plan and PUD rezoning ordinance to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Concept Plan and PUD Rezoning, the Planning Commission shall find that the standards of Section 15.10 are satisfied.

C. City Council Review and Public Hearing.

1. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and PUD Rezoning, a public hearing of the City Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, deny, or approve with conditions the PUD Concept Plan and PUD Rezoning. The City Council's decision shall be documented with written findings to justify its decision.
3. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD, including a performance guarantee pursuant to Section 15.13(F). Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.

4. Approval of the PUD Concept Plan and PUD rezoning by the City Council shall be incorporated into a rezoning amendment to the City of Lowell Zoning Ordinance and Map. Such rezoning shall be shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 15.10 – PUD CONCEPT PLAN AND REZONING STANDARDS FOR APPROVAL

In order to approve a PUD Concept Plan and Rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

- A. The proposed PUD complies with the Intent and Purpose and all Qualifying Conditions of Sections 15.01 and 15.02 of this Chapter, respectively.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted City of Lowell Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal regulations.

SECTION 15.11 - PUD FINAL SITE PLAN REVIEW BY THE PLANNING COMMISSION

1. Within 12 months after PUD Concept Plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF the PUD Final Site Plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Chapter 18 of this Ordinance to the City Clerk.
2. All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Concept Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter.
3. For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to this Chapter.
4. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and City Ordinances.

SECTION 15.12 - CONCURRENT REVIEW

- A. At his/her option and risk, an applicant may request that a PUD Final Site Plan be reviewed concurrently with an application for Concept Plan review and PUD rezoning.
- B. If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization, tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 15.11(4) above, concurrently with its decision related to the preliminary site development plan review and PUD rezoning.
- C. If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the City Council's approval of the PUD Concept plan and PUD rezoning pursuant to Section 15.09(c).
- D. In all cases, no land use authorization shall be given until all required permits and approvals are granted by the City in accordance with applicable standards.

SECTION 15.13 - APPROVED PUDS

- A. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, 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 PUD and residents of the community. Each phase of a PUD project shall submit a site plan and review under the procedures and requirements of this chapter and other applicable City Ordinances.
- B. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to Sections 15.09(B-C), except that the City may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
 - 1. Reduction of the size of any building, building envelope, or sign.
 - 2. Movement of buildings or signs by no more than ten feet.
 - 3. Changes requested by the City for safety reasons.
 - 4. Changes which will preserve natural features of the land without changing the basic site layout.
 - 5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.

6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 8. Other non-substantive changes proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.
 9. Any changes or items delegated to the City by the Planning Commission and/or City Council as a condition of approval.
- C. Expiration. Approval of the PUD Concept Plan and rezoning by the City Council shall confer upon the owner of the property the right to submit a proposed PUD Final Site Plan within a period not to exceed two (2) years from the date of the approval and rezoning, subject to the following:
1. Each development shall be under meaningful construction of proposed improvements consistent with the approved site plan within one (1) year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements such as utilities, roads, buildings and similar improvements.
 2. Upon expiration of the time period for submission of either the (1) PUD Concept Plan and rezoning, or (2) the PUD Final Site Plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 3. The City Council may, for good cause, approve extensions of up to two (2) years at a time, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension to the City Council.
- D. Upon expiration of a PUD Concept Plan or PUD Final Site Plan, the Planning Commission may conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as deemed appropriate.
- E. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this Chapter, nor may decisions related to a Planned Unit Development be appealed to the Zoning Board of Appeals.
- F. Performance Guarantees. The City Council may, to ensure strict compliance with any requirement contained in this Chapter, require the applicant for PUD rezoning to furnish a performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the City Council to be reasonably necessary to ensure compliance with the requirements of this Chapter. In

fixing the amount of guarantee, the City Council shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

CHAPTER 15. - PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01. - DESCRIPTION AND PURPOSE.

Description. This chapter offers an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) Districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses and preserving the existing natural features of the area.

Purpose. The use, area, height, bulk and placement regulations of this ordinance are primarily applicable to the usual situation of one (4) principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The purpose of Planned Unit Development (PUD) is intended to permit and control the development of planned areas for various compatible uses allowed by the zoning ordinance and for other exceptional uses not so provided. C. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

~~Under this chapter, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.~~

SECTION 15.02. - OBJECTIVES AND QUALIFYING CONDITIONS.

- A. The degree to which the following objectives are satisfied shall be considered by the planning commission and city council in its review application for any of a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

~~To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.~~

1. To encourage the provision and protection of open spaces, cultural/historic resources and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.

2. To encourage developers to use a more creative and imaginative approach in the development of areas property.
3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.
4. To facilitate economic development through the creation of a mix of uses.
5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.
~~To encourage underground utilities which can be more efficiently designed when master planning a larger area.~~
6. To provide for the adaptive re-use of significant or historic buildings;
7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.
8. To promote flexibility in design and permit planned diversification in the location of structures.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
10. To minimize of adverse traffic impacts and to accommodate of safe and efficient pedestrian access and circulation;
11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and
12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
13. To ensure a quality of construction commensurate with other developments within the city.

B. Qualifying conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
~~The property which is the subject of a PUD application must be a minimum of five (5) contiguous acres in total area.~~
2. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, residential ~~single family and multiple family dwellings~~ and office or commercial uses;

- b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c. The PUD is designed to preserve in perpetuity at least sixty (60) percent of the total area of the site in open space.
 - d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Lowell Master Plan.

SECTION 15.03. —APPLICATION PROCEDURES. USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY

- A. The following uses may be permitted in a PUD: , either singly or in combination, in accordance with the applicable PUD requirements:
- 1. ~~Single family dwellings.~~
 - 2. ~~Two family dwellings, provided that such units make up no more than twenty (20) percent of the total number of residential dwelling units in the total PUD.~~
 - 3. ~~Multiple family dwellings, provided that such units make up no more than thirty (30) percent of the total number of residential dwelling units in the total PUD.~~
 - 4. ~~Uses permitted by right in the C-1 Neighborhood Business District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C-1 District.~~
- 1. Uses permitted by right or by special land use in the underlying zoning district;
 - 2. Any use that is determined by the Planning Commission to be consistent with the City of Lowell Master Plan;
 - 3. A combination of residential, commercial, and public uses which are determined to be compatible with existing and adjacent land uses;
- C. Only those uses approved for the PUD district shall thereafter be permitted within the PUD.
- A. ~~Except as noted in section 15.07,~~ For PUDs located in non-residential or mixed-use districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the City's Master Plan, existing and future surround land uses, capacity of public utilities and services, and other applicable factors.
- B. For PUDs located in one or more residential zoning districts, the permitted density shall not be greater than that permitted by the underlying zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.
- C. The total amount of land to be used for the calculation of the permitted density in a PUD

in subsection B above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.

~~D. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted.~~

E. The City may allow for a PUD to modify applicable bulk, area, setback, density, and other dimensional requirements of the Zoning Ordinance.

F. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.

~~G. Non-residential uses:~~

~~1. All non-residential uses allowed in the PUD, shall occupy no more than ten (10) percent of the PUD project's developable area.~~

~~1. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.~~

~~2. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.~~

~~3. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).~~

~~4. Buildings designed for non-residential uses shall be constructed according to the following requirements:~~

~~a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.~~

~~b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.~~

SECTION 15.04. – NON-RESIDENTIAL AND MIXED USE PUDS

A. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.

B. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.

C. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).

D. Buildings designed for non-residential uses shall be constructed according to the following requirements:

1. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
2. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

SECTION 15.05. – DESIGN STANDARDS

Prior to approval of a planned unit development application, the planning commission and city council shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion of the planned unit development under consideration.

~~General standards.~~ The planning commission and city council shall review the particular circumstances of the planned unit development application under consideration in terms of the following standards and shall approve a planned unit development only upon a finding of compliance with each of the following standards:

- ~~1. The general standards for special land use in section 17.03A;~~
 - ~~1. The standards of review for site plan review in section 18.06.~~
 - ~~2. The applicable standards of this chapter; and~~
 - ~~3. The applicable standards as may be established elsewhere in this ordinance.~~
- A. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, required buffers, open space areas, building setback requirements, height limitations, and other requirements of this Ordinance provided that such deviations are consistent with all other requirements of this Chapter and the following regulations:
1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the city council after the planning commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses.
 2. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
 - a. The proposed deviations shall preserve the best natural features of the site;
 - b. The proposed deviations shall create, maintain or improve habitat for wildlife;
 - c. The proposed deviations shall create, improve or maintain open space for the residents;
 - d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;

- e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property, and/or;
- f. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.

B. Other Requirements.

- 1. All electric, television cable, and telephone transmission wires within the PUD shall be placed underground.
- 2. Signs are permitted in accordance with the underlying zone district in which the proposed uses are permitted.

- C. **Conditions.** The city council may impose conditions with the approval of a planned unit development which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the planned unit development approval and shall be enforced by the zoning enforcement officer.

~~SECTION 15.05. – USES PERMITTED BY RIGHT AND RESIDENTIAL DENSITY.~~

- ~~A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:~~

- ~~1. Single family dwellings.~~
- ~~2. Two family dwellings, provided that such units make up no more than twenty (20) percent of the total number of residential dwelling units in the total PUD.~~
- ~~3. Multiple family dwellings, provided that such units make up no more than thirty (30) percent of the total number of residential dwelling units in the total PUD.~~
- ~~4. Uses permitted by right in the C-1 Neighborhood Business District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C-1 District.~~

- ~~B. Except as noted in section 15.07, the maximum number of dwelling units permitted shall not be greater than that permitted by the most restrictive zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district the number of dwelling units shall be calculated on a proportionate basis.~~

- ~~C. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.~~

- ~~D. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted.~~

- ~~E. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of section 15.06.~~

F. Non-residential uses.

1. All non-residential uses allowed in the PUD, shall occupy no more than ten (10) percent of the PUD project's developable area.
2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

(Ord. No. 95-06, § 1, 12-27-95)

SECTION 15.06. - OPEN SPACE.

Any If open space is provided in the PUD, it shall meet the following considerations and requirements:

- A. Open space may be established to separate use areas within the PUD.
- B. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- C. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the city of the future maintenance thereof.
- D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
- E. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
- F. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

- G. The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this chapter, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials, and similar improvements.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

SECTION 15.07. – GENERAL APPLICATION PROCEDURES.

- A. An application for a planned unit development PUD shall be submitted and acted upon as a rezoning in accordance with the requirements of this ordinance, and as noted in this chapter.
- B. The following steps, which are outlined in Section 15.08-15.11, shall apply to all applications for rezoning, whether residential, non-residential, or mixed use:
 - 1. Preliminary Planning Commission Review (Optional). A preliminary Concept Plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Concept Plan by the Planning Commission.
 - 2. PUD Concept Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD Concept Plan and PUD Rezoning application, hold a public hearing, and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD Concept Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - 3. PUD Final Site Plan Review. The Planning Commission shall review the PUD Final Site Plan in accordance with Section 15.11 and Chapter 18 of this Ordinance.
- C. An application for planned unit development shall be accompanied by a statement with regard to compliance with the criteria required for approval in section 15.10, and other criteria imposed by this ordinance affecting the planned unit development under consideration.

~~Review and approval. The planning commission shall review the application for a planned unit development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and recommend to the city council denial, approval, or approval with conditions, the planned unit development application in accordance with the purpose of this chapter and the criteria for approval stated in section 15.04, and such standards contained in this ordinance which relate to the planned unit development under consideration, including those for site plan review. The planning commission shall prepare a report stating its conclusions on the request for a planned unit~~

development, the basis for this recommendation, and any conditions relating to an affirmative recommendation.

- D. Upon the approval, or approval with conditions by the city council, the applicant may apply for preliminary plat approval, condominium approval, and private road approval, if as applicable.
- E. Approval of PUD pursuant to this Chapter shall constitute an amendment to the City of Lowell Zoning Map.

SECTION 15.08 – PRELIMINARY PLANNING COMMISSION REVIEW (OPTIONAL)

A pre-application concept plan review and conference may be held between the applicant and the Planning Commission.

- F. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary plans shall include as a minimum the information specified in Section 15.08(B).
- G. As part of the pre-application review, the applicant shall submit a copy of a preliminary Concept Plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- H. The Planning Commission shall advise the applicant regarding whether the proposed preliminary plan complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to the requirements of Section 15.02 of this Ordinance.
- I. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the preliminary plan.

SECTION 15.09 – PROCEDURES FOR PUD CONCEPT PLAN AND PUD REZONING

- A. Required Information. Following the preliminary review, the applicant shall submit a completed application form for PUD rezoning, any required application fees, and four (4) copies and a PDF of the PUD Concept Plan to the Planning Commission at least twenty-one (21) days prior the next Planning Commission meeting.

The PUD Concept Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD Concept Plan shall, at a minimum, contain the following information:

- 1. General Information.
 - a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.

- b. Name and address of the property owner or petitioner.
- c. Scale, north arrow and date.
- d. Acreage, gross and net.
- e. Zoning of adjacent properties.
- f. Legal property description.
- g. Existing Site Conditions.
 - 1) Boundary survey lines and setbacks.
 - 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the City.
 - 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
 - 4) Abutting street right(s)-of-way and width.
 - 5) Topography with contour intervals of no more than two (2) feet.
 - 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks, County drains, and other significant site features, including the area of such features.
 - 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
 - 8) Size and location of existing utilities and status, where applicable.
- h. Proposed Development.
 - 1) Layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
 - 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
 - 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
 - 4) Layout and typical dimensions of building envelopes, proposed parcels and lots.
 - 5) Parking, stacking and loading calculations, if applicable.
 - 6) Site Development.
 - 7) Phasing plan, if applicable.
 - 8) Conceptual plan for provision of public water and public sanitary sewer services.

- 9) Preliminary grading plan.
- 10) Stormwater concept plan.
- 11) Building type concepts, including building elevations and footprints.

i. Additional Information.

- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of Section 15.10 are met.
- 2) A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. Planning Commission Review and Public Hearing.

1. The Planning Commission shall review the PUD Concept Plan at a regular or special meeting and shall hold a public hearing. Notice of the public hearing shall be provided in accordance with the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing, the Planning Commission shall review the PUD Concept Plan in consideration of public hearing comments, technical reviews from City staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Concept Plan and PUD rezoning ordinance to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Concept Plan and PUD Rezoning, the Planning Commission shall find that the standards of Section 15.10 are satisfied.

C. City Council Review and Public Hearing.

1. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and PUD Rezoning, a public hearing of the City Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, deny, or approve with conditions the PUD Concept Plan and PUD Rezoning. The City Council's decision shall be documented with written findings to justify its decision.

3. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD, including a performance guarantee pursuant to Section 15.13(F). Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.
4. Approval of the PUD Concept Plan and PUD rezoning by the City Council shall be incorporated into a rezoning amendment to the City of Lowell Zoning Ordinance and Map. Such rezoning shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 15.10 – PUD CONCEPT PLAN AND REZONING STANDARDS FOR APPROVAL

In order to approve a PUD Concept Plan and Rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

- A. The proposed PUD complies with the Intent and Purpose and all Qualifying Conditions of Sections 15.01 and 15.02 of this Chapter, respectively.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted City of Lowell Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal regulations.

SECTION 15.11 - PUD FINAL SITE PLAN REVIEW BY THE PLANNING COMMISSION

- A. Within 12 months after PUD Concept Plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF of the PUD Final Site Plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Chapter 18 of this Ordinance to the City Clerk.
- B. All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Concept Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Chapter.
- C. For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to this Chapter.

- D. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and City Ordinances.

SECTION 15.12 - CONCURRENT REVIEW

- A. At his/her option and risk, an applicant may request that a PUD Final Site Plan be reviewed concurrently with an application for Concept Plan review and PUD rezoning.
- B. If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization, tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 15.11(4) above, concurrently with its decision related to the preliminary site development plan review and PUD rezoning.
- C. If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the City Council's approval of the PUD Concept plan and PUD rezoning pursuant to Section 15.09(c).
- D. In all cases, no land use authorization shall be given until all required permits and approvals are granted by the City in accordance with applicable standards.

SECTION 15.13 - APPROVED PUDS

- A. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, 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 PUD and residents of the community. Each phase of a PUD project shall submittal of a site plan and review under the procedures and requirements of this chapter and other applicable City Ordinances.
- B. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to Sections 15.09(B-C), except that the City may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
1. Reduction of the size of any building, building envelope, or sign.
 2. Movement of buildings or signs by no more than ten feet.
 3. Changes requested by the City for safety reasons.
 4. Changes which will preserve natural features of the land without changing the basic site layout.

5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.
 6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 8. Other non-substantive changes proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.
 9. Any changes or items delegated to the City by the Planning Commission and/or City Council as a condition of approval.
- C. Expiration. Approval of the PUD Concept Plan and rezoning by the City Council shall confer upon the owner of the property the right to submit a proposed PUD Final Site Plan within a period not to exceed two (2) years from the date of the approval and rezoning, subject to the following:
1. Each development shall be under meaningful construction of proposed improvements consistent with the approved site plan within one (1) year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements such as utilities, roads, buildings and similar improvements.
 2. Upon expiration of the time period for submission of either the (1) PUD Concept Plan and rezoning, or (2) the PUD Final Site Plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 3. The City Council may, for good cause, approve extensions of up to two (2) years at a time, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension to the City Council.
- D. Upon expiration of a PUD Concept Plan or PUD Final Site Plan, the Planning Commission may conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as deemed appropriate.
- E. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this Chapter, nor may decisions related to a Planned Unit Development be appealed to the Zoning Board of Appeals.
- F. Performance Guarantees. The City Council may, to ensure strict compliance with any requirement contained in this Chapter, require the applicant for PUD rezoning to furnish a

performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the City Council to be reasonably necessary to ensure compliance with the requirements of this Chapter. In fixing the amount of guarantee, the City Council shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

2018					
<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>	
01/09/2018	01/09/2018	2535 Gee Drive	Howard Barriger	Finish Basement	
01/30/2018	02/12/2018	219 E. Main	National Park Service	Sign Permit	
02/07/2018	02/13/2018	621 E. Main	Lowell Methodist Church	Playground Equip.	
02/23/2018	02/23/2018	1001 Heffron	Joe Runstrom	Addition	
03/15/2018	03/19/2018	2535 Gee Drive	Howard Barriger	Detached garage	
3/28/2018		804 Riverside Dr	Gail VanStee	Fence	
04/09/2018	08/13/2018	930 W. Main	Betten Baker/Pioneer	New Building	
04/11/2018	04/11/2018	517 N. Hudson	Philip Hansen	Renovation	
04/23/2018	04/23/2018	624 Lafayette	Anne Dimmick	Deck	
04/27/2018	06/15/2018	610 E Main	Brianna & Jacob Furlong	Fence	
05/03/2018		722 N Hudson St	Brent & Hannah Sutterfield	Privacy Fence	
05/14/18		152 S. Pleasant	Jasmin Bajric (call him Yas)	New bathroom, windows and siding	
05/14/18		724 Riverside Dr	John Hruska	Privacy Fence	
06/01/18	06/01/2018	1359 Highland Hill	Chris Gonzalez	Deck	
06/04/2018	06/05/2018	201 N. Washington	Lowell Church of the Nazarene	Front Steps	
06/06/2018	06/07/2018	814 Grindle	Jason Winn	Above ground pool	
06/04/2018	06/11/2018	721 E. Main	Roman Tapia	Deck	
06/01/2018	06/11/2018	350 N. Center	Laurels of Kent	Awning	
06/27/2018	09/26/2018	609 Lafayette	Rachel Devries	Fence	
06/28/2018	08/13/2018	104 W. Main	Holly Cooper	Sign	
07/02/2018		1301 Sibley St	Luis Luna	Fence	
07/09/2018	07/09/2018	511 Avery	Doris Bishop	Fence	
07/03/2018	07/30/2018	512 E. Main	FROM	Demo	

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