



City of Marshall Planned Unit Development (PUD) Application

Official Use:

Date Received: _____ Received by: _____ Approved _____

Application Complete: _____ Fee Paid: _____ \$350.00 _____ Receipt Number: _____

The following application is made to the City of Marshall Planning Commission in accordance with the provisions of the Planning and Zoning Department.

1. Applicant Information

Address of Property proposed for PUD: _____

Owner of Property: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Telephone: () - _____ Cell: () - _____

2. Owner's Agent if working for property owner.

Title: _____ Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Telephone: () - _____ Cell: () - _____

3. Brief description of proposed PUD:

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4. Property Information

Zoning District: _____ Are there wetlands present? Yes ___ or No ___

Is the property located in a floodplain? Yes ___ or No ___

Land Area in square feet: _____ Building Area in square feet: _____

Number of Square feet of paved areas: _____

Is there a lake or stream within 500 feet of the subject property: Yes ___ or No ___

Number of parking spaces: Existing _____ or Proposed _____

Has any other agency been contacted for approvals? Yes ___ or No _____. If yes please list those agencies that were contacted and the date:

Agency	Contact	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Site Plan Submission Requirements (Review Zoning Ordinance for all requirements)

1. Complete the Application.
2. A PUD plan shall not be submitted to the Planning Commission until staff has reviewed the application.
3. The required information shall be included as part of any PUD application (§156.279):
 - (1) *A completed application form and application fee.*
 - (2) *Proof of ownership of the property to be utilized in the subject site or evidence of a contractual ability to acquire the property, such as an option or purchase agreement.*
 - (3) *A complete and current legal description for the property to be used in the subject site and size of property in acres.*
 - (4) *A site analysis map illustrating the location of existing buildings and structures, right-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over 12 inches in caliper; significant natural and historic features; existing drainage patterns, surface waterbodies, floodplain areas and wetlands; topography at two foot contour intervals; and surrounding land uses, zoning and buildings within 300 feet of the subject site.*

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(5) *A preliminary development plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, proposed setbacks, roadways, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and storm water management.*

(a) *Building footprints, structures, parking areas, drives and pedestrian paths shall also be shown on the preliminary development plan.*

(b) *If a multi-phase PUD is proposed, the land area and details of proposed uses in each phase shall be identified.*

(6) *A list identifying all anticipated deviations from chapter regulations otherwise applicable to the proposed uses.*

(7) *Such information as shall be necessary to show eligibility under § [156.277](#).*

(8) *Any other information which the Planning Commission or City Council may require to determine if the proposed project meets eligibility criteria, or may request to aid in their review of the proposed project.*

(9) The Planning Commission may require submittal of a traffic impact study or PUD impact assessment to assist in determining the specific impacts and necessary mitigation measures for large or intensive PUD projects.

6. Authorization

I am the owner of record for this property for which this application is being filed and as such, I am familiar with the development being proposed to be carried out on my property.

I hereby, give permission for this application to be filed with the full understanding that certain restriction may be placed on the property relative to the approval of the proposed work.

I further certify that under penalties of perjury, I am to sign this application.

Name (Please Print) _____

Title: _____ Date: _____

Signature: _____

Note: If there are multiple owners of the property or you are representing a group, corporation, or other organization attach a copy of a certified letter authorizing you to sign this application for the proposed development.

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§ 156.280 PUD REVIEW PROCEDURES.

(A) *Technical review.* Prior to Planning Commission consideration, the PUD application and development plan shall be distributed to appropriate city officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated city consultants for review. The applicant shall be responsible for any fees charged by the outside agencies or city consultants.

(B) *Public hearing.* Upon receipt of a complete PUD application, a public hearing shall be scheduled and held before the Planning Commission in accordance with Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006). The public hearing and notice required by this section shall satisfy the public hearing and notice requirements for amendment of the official zoning map.

(C) *Planning Commission recommendation.* After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from city staff or officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this subchapter and chapter, and shall submit a report on the public hearing and the Planning Commission's recommendation to the City Council in accordance with the following:

(1) *Tabling.* Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.

(2) *Recommendation of approval.* Upon determination that the PUD application and development plan are in conformance with the standards of this subchapter and chapter, the Planning Commission may recommend to the City Council that the PUD rezoning application and preliminary development plan be approved.

(3) *Recommendation of approval subject to conditions.* The Planning Commission may recommend approval of the PUD rezoning application and preliminary development plan to the City Council, subject to reasonable conditions deemed necessary to:

(a) Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.

(b) Ensure compatibility with adjacent uses of land.

(c) Promote the use of land in a socially and economically desirable manner.

(d) Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.

(e) Achieve the intent and purpose of this subchapter and chapter.

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(4) *Recommendation of denial.*

(a) Planning Commission may recommend to the City Council that the PUD application be denied upon determining that the PUD application or development plan:

1. Fails to meet the PUD eligibility standards of § 156.277;
2. Fails to conform with specific provisions of this subchapter or chapter;
3. May be injurious to the public health, safety, welfare or orderly development of the city; or
4. Is otherwise not in conformance with the intent of this subchapter.

(b) A written record shall be provided to the applicant and the City Council listing the reason(s) for such denial.

(D) *City Council consideration and action.* Following receipt of a recommendation from the Planning Commission on the PUD rezoning application and preliminary development plan, the City Council shall consider the application and take final action to approve or deny the PUD. The City Council may also send the PUD application back to the Planning Commission for further consideration.

(1) The City Council may impose such conditions on any approval as deemed necessary to ensure conformance with the purpose and regulations of this subchapter and chapter.

(2) The City Council may cause to have legal documents, covenants or contracts prepared and may require the execution thereof by the applicant to ensure compliance with the approved PUD rezoning, preliminary development plan or conditions of PUD approval.

(3) The City Council may require that the developer furnish a letter of credit or other financial guarantee in a form and amount acceptable to the city staff to ensure compliance with the approved PUD rezoning, preliminary development plan or conditions of PUD approval.

(E) *Final PUD site plan review and approval.*

(1) After the PUD rezoning and preliminary development plan have been approved by the City Council, the applicant shall submit a detailed site plan for review and approval by the Planning Commission per §§ 156.380 et seq.

(2) If the Planning Commission determines that the detailed site plan or proposed use(s) are not consistent with the approved PUD, the applicant shall be directed to amend the final site plan to conform to the approved PUD, or to submit a request to amend the PUD per § 156.288.

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§ 156.284 DEVELOPMENT REQUIREMENTS.

The following development requirements and use standards shall apply to any proposed planned unit development (PUD), and shall be incorporated into any proposed preliminary concept plan and final PUD site plan:

(A) *Applicability of chapter regulations in a PUD.* Except where specified in this subchapter or authorized as a deviation by the City Council, all other provisions of this chapter shall apply to PUD projects. Limited deviations from chapter requirements may be granted by the City Council as a part of the PUD approval, subject to the following:

(1) Recommendation from the Planning Commission.

(2) A determination that such action will result in a higher quality of development not feasible under the applicable chapter standards.

(B) *General PUD design standards.* Any PUD shall comply with the following project design standards.

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

(2) The development shall be designed to promote preservation of any significant natural, historical, and architectural features on the site and the integrity of the land.

(3) Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.

(4) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Sidewalks shall be provided where appropriate.

(5) The uses and design shall be consistent with the available capacity of the existing street network and utility systems; or the applicant shall, as part of the approval, provide for upgrading of the infrastructure to the extent required to accommodate the PUD.

(C) *Permitted uses in a PUD.* Any principal or accessory use or combination of uses permitted in any zoning district in the city may be permitted as part of an approved PUD, subject to the following limitations:

(1) The specific list of proposed PUD permitted uses shall be subject to Planning Commission recommendation and City Council approval.

(2) Any use or combination of uses otherwise permitted by this chapter may be prohibited within a PUD, or additional conditions or limitations may be imposed on any permitted use, in accordance with the purpose and regulations of this subchapter and chapter.

(3) All permitted uses shall be established and maintained in accordance with the approved PUD plan, the regulations of this subchapter, and any conditions of PUD approval.

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(4) Adult- and sexually-oriented businesses, as defined in Chapter 118 of the city code of ordinances, shall be prohibited within any PUD.

(D) *Residential development standards.* The following standards shall apply to any proposed PUD that includes a residential component:

(1) *Dwelling unit computations.* The total number of dwelling units permitted within the residential component of a PUD shall be determined as follows:

(a) Subtract the following areas from the gross land area of the PUD site to determine the net residential development area:

1. Areas within existing or proposed street rights-of-way and drainage or utility easements, excluding private access driveways;

2. Areas devoted to approved non-residential uses within the PUD; and

3. Areas identified as regulated wetlands or permanently inundated by water.

4. Those areas deemed un-developable, as determined by the City Council after recommendation from the Planning Commission.

5. Common open space areas permanently set aside for preservation and parkland donated to and accepted by the city as part of the proposed PUD shall be considered allowable areas for calculations of dwelling unit density.

(b) Determine the maximum number of dwelling units permitted in the PUD by multiplying the net development area by the maximum permitted dwelling unit density permitted by right in the underlying zoning district.

(2) *Density averaging.* Where the proposed PUD is located in more than one zoning district, the density permitted by right in each underlying zoning district shall be calculated separately. The maximum permitted dwelling unit density in the PUD may be averaged over the entire PUD site to accommodate natural or man-made features.

(3) *Minimum required open space and recreation areas.* A minimum of 20% of the of the net residential development area of the PUD shall be set aside as permanent common open space or recreation area, except where previously approved site plans within a multi-phase PUD include sufficient open space or recreation areas available to all uses of the PUD.

(a) Such required open space shall be dedicated for use by the residents of the PUD, and shall include a passive or active recreational component.

(b) The proposed open space shall conform to the standards of § 156.285 to be eligible to receive density credit under this section.

(c) The City Council may require that no individual area intended to satisfy the requirements of this division shall be less than one acre in size, after recommendation from the Planning Commission.

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(4) *Optional increase in PUD permitted density.* An increase in the maximum permitted dwelling unit density may be approved for a PUD project by the City Council after recommendation by the Planning Commission, provided that the PUD developer can demonstrate compliance with one or more of the following criteria:

(a) A density increase of up to 20% may be permitted where 25% or more of the gross land area of the PUD is dedicated to open space. The proposed open space shall conform to the standards of § 156.285 to be eligible to receive density credit under this section.

(b) A density increase of up to 5% may be permitted for each contiguous two acre wooded area preserved as open space, provided that the wooded area shall consist of at least 40 trees per acre having a minimum caliper of one and three-fourths inches at 42 inches height from the surrounding ground level.

(5) *Standards per type of development area.* Unless waived or modified in accordance with the procedures and standards set forth in this subchapter, the dimensional and other standards of the following residential districts shall apply to uses within a PUD:

(a) For areas zoned or planned for detached single-family housing, the standards of the R-3 (Traditional Residential) District shall apply.

(b) For areas zoned or planned for other than detached single-family housing, the standards of the MFRD (Multiple Family Residential) District shall apply.

(c) For all other circumstances, applicable development standards shall be determined by the City Council, after recommendation by the Planning Commission.

(6) *Non-residential development standards.* Non-residential uses in a PUD shall comply with the applicable regulations for each individual use, as specified in this chapter. Where conflicts exist between provisions, the regulations applicable to the most dominant use shall apply.

§ 156.285 OPEN SPACE PRESERVATION.

The following standards and requirements shall apply to any common open space areas within a planned unit development (PUD):

(A) The area within 20 feet of a building shall not be considered as common open space.

(B) Open space areas shall consist of a minimum of 4,000 square feet of continuous area.

(C) Open space shall not include existing or proposed street rights-of-way, parking areas or buildings.

(D) Open space areas shall not have a boundary dimension of less than 15 feet.

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(E) Common open space areas may not be located with a 100-year flood plain or any natural water body.

(F) Such areas shall be permanently preserved, maintained, and dedicated for use as open space through the use of a conservation easement or similar device satisfactory to the City Attorney. Requirements and limitations on the use of such common open space areas shall be addressed in an open space agreement prepared by the applicant and subject to city approval.

(1) The agreement shall include:

(a) Legal description of lands within the project area.

(b) Legal description of lands to be retained as required common open space, and lands for which the developer wishes to obtain a density increase per the standards of this subchapter.

(c) Details of any conservation easement, including what entity, organization or agency will accept and maintain the easement.

(d) A plan for permanent maintenance of the proposed open space.

(2) The agreement shall be binding upon the city, and the grantor and grantee of all lots or parcels within the project area.

(3) Upon PUD approval, the applicant shall record the open space agreement at the Calhoun County Register of Deeds office, and shall provide proof of such recording to the Zoning Administrator.

(G) Any amendments to the recorded open space agreement shall be subject to City Council approval, and shall be recorded at the Calhoun County Register of Deeds office.