

**ARTICLE 15**  
**STANDARDS, REGULATIONS & PROCEDURES FOR SPECIAL ZONING**  
**DISTRICTS**

**SECTION 15.01 PURPOSE**

This Article provides standards, general regulations and procedures for special zoning districts, which include Medical Center and Planned Unit Development Districts.

**SECTION 15.02 PROCEDURES**

**A. Pre-Application Conference**

1. A petitioner shall request a pre-application conference with City officials prior to filing a petition for a special zoning district. The request shall be made to the Planning Commission Chair. The Chair shall set a date and invite members of the City Council and Planning Commission and other City officials with an interest in the proposed development to attend.
2. The purpose of the conference shall be to inform City officials of the concept of the proposed development and to provide the petitioner with information regarding polices, procedures, standards, and requirements of the City and other agencies. The petitioner may present schematic plans, data, and other information that will explain the proposed development.
3. Statements made in the conference shall not be binding commitments.

**B. Petition Procedures**

1. A petition for a special zoning district shall be for an amendment to the zoning ordinance. A petitioner shall have a substantial interest in the subject property prior to filing the petition. The petition shall be in the name of and signed by all record owners or their legal representatives. The petitioner shall provide evidence to the City of full ownership of the land in the petition, such as legal title or execution of a binding sales agreement prior to approval of the petition by the City Council.
2. The petition shall be filed with the City Clerk, who shall transmit a copy of the petition to the

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Planning Commission Secretary. The petition shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it will be first considered. Fees shall be paid at the time of filing; no transmittals may be made unless the required fees have been paid.

3. Upon receipt of the petition from the Clerk, the Planning Commission shall complete a study of the petition within 95 days of receipt. The Commission shall advise the petitioner in writing of any recommended changes.
4. The Planning Commission shall, at the meeting at which it receives the petition from the Clerk, set a date for a public hearing on the petition to rezone to Special Zoning District. (See Section 3 of Appendix A)
5. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
  - a. General character and substance
  - b. Objectives and purposes to be served
  - c. Compliance with regulations and standards
  - d. Scale and scope of proposed development
  - e. Economic feasibility of the proposed development
  - f. Community impact, in terms of streets, traffic, schools, recreation facilities, costs and revenues and utility systems
  - g. Environmental impact
  - h. Development schedules
  - i. Compliance with policies in the comprehensive plan

Factual evidence and expert opinion may be submitted by the petitioner in the form of maps, charts, reports, models, and other materials, and in the form of testimony by experts as will clearly state for the record the nature and extent of the proposed development. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other officials.

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**15.02 (B) Cont.**

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6. The Planning Commission shall submit a report on the petition to the City Council. The report shall contain the Commission's analysis of the petition, its findings regarding the standards in this article, recommended conditions of approval, and recommended action.
7. The requirements of Michigan Zoning Enabling Act 110 of 2006, as amended for amendment of the zoning ordinance shall be followed, except that the hearing and notice required by this subsection of this amending ordinance shall be regarded as fulfilling the public hearing and notice requirements necessary under the Michigan Zoning Enabling Act 110 of 2006.
8. If the petition is approved by the City Council, the petitioner shall submit an agreement as provided in Section 15.03 herein.

**C. INFORMATION REQUIRED FOR A PETITION**

1. All information required for a zoning map amendment in Section 13.05.
2. The petition shall include an area plan for the entire property in the petition. The area plan shall either be a land use plan or a preliminary site plan, whichever the petitioner selects. If the area plan is a land use plan, the petitioner shall submit the information listed in subsection (a), following. If the area plan is a preliminary site plan, the petitioner shall submit the information required for preliminary site plan approval by Article 9 in addition to the information listed in subsection (b), following.
  - a. The following information shall be provided for an area plan that is submitted as a land use plan.
    1. Density for each use area of the site, expressed as lot coverage and floor area ratio, and, in addition, as dwelling units per acre, for residential areas.

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2. Description of all proposed uses.
3. Location, size, and uses of open spaces.
4. General description of the organization to be utilized to own and maintain common areas and facilities.
5. Description of petitioner's intent to sell or lease land and buildings.
6. General landscape concept showing tree areas to be preserved or added, buffer areas, and similar features.
7. Existing natural and constructed features to be removed; location of existing structures, streets, drives, and parking areas; location and size of all public and private utilities, location, width, and purpose of existing easements.
8. Delineation of areas to be divided under the Subdivision Control Act, Act 288, PA 1967, as amended, or the Condominium Act, Act 59, PA 1978, as amended.
9. Vicinity map.
10. Existing land use and zoning of adjacent lands; location of adjacent buildings, drives, parking lots, and streets.
11. Existing topography at contour intervals no greater than two feet; general soil information.
12. General description of proposed water, sanitary sewer, and storm drainage systems.
13. All adjacent property in which the petitioner and owners of land in the

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property in the petition have an ownership interest.

14. Scale, north arrow, and date of the plan.
- b. The following information shall be provided for an area plan that is submitted as a preliminary site plan.
  1. All information listed in subsection (a) preceding.
  2. All information listed in Section 9.03B, herein.

**D. STANDARDS FOR PETITION REVIEW**

The Planning Commission shall determine, and shall provide evidence of its findings in its report to the City Council, that the petition meets the following standards.

1. The proposed development shall conform to the general development plan, or represent a land use policy that, in the Planning Commission's opinion, is a logical and acceptable change in the plan.
2. The proposed development shall conform to the intent, regulations, and standards of the zoning ordinance.
3. The proposed development shall be adequately served by public facilities and services such as streets, police and fire protection, drainage, water and sanitary sewer services, sidewalks and refuse disposal.
4. Common open space, other common areas, and all other elements of the project shall be planned that they will create a unified open and recreation area system, with open space and all other elements in appropriate locations, properly related to each other, the site and the surrounding land.

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**15.02 (D) Cont.**

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5. The petitioner shall have made provisions to assure that areas shown on the area plan for common or public use have been or will be irrevocably committed for that purpose. Provisions shall be made to provide financing of improvements shown on the area plan for open space or other common areas, and to assure regular maintenance of the improvements.
6. The location of proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site will not be hazardous or inconvenient to the project or the neighborhood.
7. The mix of dwelling unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.
8. Where applicable, noise, odor, light, or other external effects from any source that are created by the proposed uses will not adversely affect adjacent and neighboring lands and uses.
9. The proposed development will create a minimum disturbance to existing natural features and land forms.
10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets and shall provide suitable street connections to adjacent lands, where applicable.
11. Pedestrian circulation shall be provided for within the site, and shall interconnect all residential and community areas. The pedestrian system shall provide a logical extension of pedestrian ways and sidewalks from the site and shall provide pedestrian connections to the edges of the site for future interconnections, where applicable.

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### E. EFFECTS OF APPROVAL OF A PETITION

Approval of a petition for a special zoning district shall have the following effects.

1. Approval shall confer a right to the petitioner for a period of three (3) years from the date of approval, that existing zoning regulations as they apply to the property in the approved petition will remain unchanged, provided that subsequent development of the site is diligently pursued within this time period.
2. Approval shall indicate the City Council's and Planning Commission's acceptance of the uses, building locations, street layout, numbers and types of dwelling units, floor areas, densities, and other elements of the petition.
3. If the area plan is a land use plan, approval of the petition shall permit the petitioner or successor to file a preliminary site plan for a part or all of the property in the district. If the area plan is a preliminary site plan, approval of the petition shall permit the petitioner or successor to file a final site plan for part or all of the property in the district and to begin construction of site improvements, if authorized by the City Council, after recommendation by the Planning Commission.
4. Approval shall authorize an applicant to file a preliminary plat for tentative approval for areas of the petition that are to be subdivided.
5. Grading, tree removal, and other changes in the existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this subsection. Construction shall be limited to those elements whose location, size, alignment, and similar characteristics will not require review as part of a final site plan or any plat. Engineering plans and specifications shall be approved before such construction may begin.
6. No deviations from the area plan in an approved petition for a special zoning district shall be permitted as provided in this Article.

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### **SECTION 15.03 SPECIAL ZONING DISTRICT AGREEMENT**

If the City Council approves the Special Zoning District, the petitioner shall submit an Agreement stating the conditions upon which the approval is based. The agreement shall be given to the City Attorney for review and approval. The Agreement, after review by the Planning Commission and approval by the City Council, shall be signed by the City Mayor and Clerk and all parties with legal interest in the property. The petitioner shall promptly provide evidence of recording to the City Clerk. Approval of the special zoning district shall be effective upon recording.

### **SECTION 15.04 CONTINUING APPLICABILITY OF REGULATIONS**

The location of uses and structures, mixtures of uses, yards and transition or buffer strips, and all other information regarding use of property in an approved petition for a special zoning district, and site plans and subdivision plats approved subsequently thereto, and all conditions of the approved petition, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the ordinance. The approved petition shall be the continuing obligation of any subsequent interest in the property in a special zoning district, and shall not be changed except as provided in this article. A property that has been zoned as a special zoning district shall not thereafter be developed or used in any manner except in accordance with the approved petition.

### **SECTION 15.05 CONSTRUCTION**

No construction, grading, tree removal, soil stripping, or other site improvements or changes may commence, and no permit shall be issued therefor, on a property that is under petition for amendment to a special zoning district, until the requirements of this article have been met.

### **SECTION 15.06 PHASING OF DEVELOPMENT**

Development within a special zoning district may be phased as delineated on the area plan. Phasing shall be subject to the following requirements.

- A.** A phase shall not depend on a subsequent phase for safe and convenient vehicular or pedestrian access,

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### 15.06 (A) Cont.

### PHASING OF DEVELOPMENT

of adequate public utility services, or open space and recreational facilities. Each phase shall be capable substantial occupancy, operation, and maintenance upon completion of development of that phase.

- B. The City Council, upon recommendation of the Planning commission, may require that development be phased so that the City, school district, or County property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development, so that serious overloading will not result, and so that the various amenities and services necessary to provide a safe, convenient, and healthful environment will be available upon completion of a phase. The Planning Commission may require the petitioner to provide housing analyses, traffic studies, and other information necessary for the Commission to properly analyze a petition for recommendation to the City Council with respect to this requirement.
- C. The Planning Commission may require, as part of a final site plan review of a phase of development in a Special Zoning District, that land shown as common open space on the area plan of the approved petition be held in reserve as part of a phase to be developed to guarantee that density limits for the entire development will not be exceeded when the subject phase is completed. Such reserved land may be included in subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

### SECTION 15.07 CIRCULATION AND ACCESS

- A. Each lot or principal building shall have vehicular access from a public street or a private street approved by the City Council.
- B. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation by the Planning Commission. All parts of a special zoning district shall be connected by a sidewalk or pedestrian path system which will provide safe and convenient movement of pedestrians. A bicycle path

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### 15.07 (B) Cont.

### CIRCULATION AND ACCESS

system shall also be provided and may be part of the sidewalk or pedestrian path system.

- C. Standards of design and construction for public and private streets may be modified as deemed appropriate to adequately provide the anticipated service required. Right of way standards may also be modified, if pedestrian and vehicular facilities are physically separated. Modification of street standards shall be approved by the City Council, upon recommendation by the Planning Commission.
- D. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in subsection (c), preceding. If, in the future, a private street in a special zoning district is to be dedicated to the public, the owners shall pay the full expense of reconstruction or any other action required to make the street suitable for public acceptance.
- E. An individual dwelling unit in a single-family, two-family, townhouse, or other residential structure shall not have direct access to a major collector or arterial street.

### SECTION 15.08 UTILITIES

- A. Each principal building shall be connected to public water and sanitary sewer services.
- B. Each site shall be provided with storm water drainage. Open drainage courses may be permitted if outside street rights of way. Storm water retention shall be required in accordance with City standards.
- C. Electrical, telephone, and cable television lines shall be underground, provided that electrical distribution lines may be placed overhead if approved by the City Council, upon recommendation by the Planning Commission. The location of surface transformers and similar equipment for underground lines shall be shown on the final site plan or preliminary plat for final approval for each phase of

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**15.08 (C) Cont.**

**UTILITIES**

development. The equipment shall be landscaped and screened from view.

**SECTION 15.09 OPEN SPACE REGULATIONS**

- A.** Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited.
- B.** Open space areas shall be distributed throughout the petition area and shall be reasonably located with respect to natural features and residential areas.
- C.** Open space areas shall have minimum dimensions that are suitable for the functions intended and that will leave the open space maintainable.
- D.** Natural features, such as woods, stream corridors, and wetlands, shall be preserved to the maximum feasible extent as part of the open space system.

**SECTION 15.10 PARKING REGULATIONS**

The parking and loading requirements in Article 7 shall apply except that the number of off-street spaces required may be reduced, and the width of spaces may be reduced to not less than 9 feet, if approved by the City Council, upon recommendation by the Planning Commission. A reduction shall be justified by the petitioner and shall be based on a finding that sufficient parking will be available by sharing of spaces by two or more uses, or that the parking requirement is excessive for the type of use proposed. Pavement area that is saved by reducing the number or width of parking spaces shall be put into landscape or open space areas within the property in the petition.

**SECTION 15.11 DENSITY CALCULATIONS**

- A.** Land areas to be used in calculating gross densities, lot coverage's (LC), and floor area ratios (FAR) shall each be delineated on the area plan.
- B.** The land area used for calculating gross residential density shall include the total residential land area

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### 15.11 (B) Cont.

### DENSITY CALCULATIONS

designated on the area plan, less any area within existing public street rights of way.

- C. The surface area within the property boundaries of lakes, streams, ponds, wetlands, and similar areas may be included in the area used in calculating density if at least 50 percent of the frontage of such areas is part of lands devoted to open space used for and accessible to residents or tenants of the development.
- D. GFC and FAR calculations for residential structures shall be based on the acreage designated for calculating gross residential density. GFC and FAR calculations for nonresidential structures shall be based on land areas that include the structures, drives, parking and loading areas, open spaces around the structures, landscape areas, and similar areas, but not including acreage in existing public street rights of way.
- E. Land areas that are used to provide acreage to meet density regulations in one part of the district shall not be used to compute density in another part of the development.
- F. The Planning Commission may exclude land with slopes of 15 percent or more from the gross residential land area if such land is not usable for residential purposes.
- G. Top decks of underground parking structures may be included in the land area used in density calculations if the surface area is landscaped and is not used for circulation or parking of vehicles.

### SECTION 15.12 COMMON AREAS AND FACILITIES

- A. The location, extent, and purpose of common areas and facilities shall be identified on the area plan and on each site plan and plat. Such areas and facilities that are to be conveyed to a public agency shall also be identified.
- B. Public areas and facilities that are to be dedicated to a public agency shall be accepted by that agency prior to approval of a final site plan by the Planning

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### 15.12 (B) Cont.

### COMMON AREAS AND FACILITIES

Commission or approval of a final plat by the City Council, unless a binding agreement for dedication is provided in lieu of dedication.

- C. Legal instruments setting forth a plan or manner of permanent maintenance of common areas and facilities shall be submitted to the City Attorney for review as to legal form and effect, and to the City Council or Planning Commission, whichever is applicable, for review as to the suitability. The instruments shall become a part of the approved final site plan or final plat, whichever is applicable.

### SECTION 15.13 SITE PLAN REQUIREMENTS

If the area plan is a land use plan, a preliminary site plan shall be filed for each phase of development that is not to be subdivided under the Subdivision Control Act. If the area plan is preliminary site plan, a final site plan shall be filed for each phase of development that is not to be subdivided under the Subdivision Control Act. All site plans shall be submitted and reviewed in accordance with, and shall meet all applicable provisions of, Article 9, herein. The Planning Commission shall transmit a copy of each approved site plan in the district to the City Council for its information.

### SECTION 15.14 AMENDMENT AND REVISION

- A. A petitioner or successor in the property may request a change in an approved special zoning district or in site plans or plats approved subsequently thereto. A change in an approved site plans or plat that results in a major change in the approved special zoning district shall require an amendment to the approved district. Amendments shall follow the procedures and conditions required for original submittal and review.
- B. A request for a change shall be made in writing to the Planning Commission and shall state the reasons for the request. The reasons may be based on considerations such as changing social or economic conditions, potential improvements in layout or design, unforeseen difficulties, or reasons mutually affecting the City and developer, such as technical causes, site conditions, state and federal

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**SECTION 15.14 (B) Cont.**

**AMENDMENT AND REVISION**

- projects, and statutory revisions. The Planning Commission, upon finding the reasons and request reasonable, shall notify the applicant in writing. Following payment of the appropriate fee, the developer shall submit the required information to the Planning Commission for review. If the approved special district is to be amended, the Planning Commission shall immediately notify the City council.
- C.** Changes to be considered major, for which amendment is required shall include one or more of the following:
1. Change in concept of the development.
  2. Change in use or character of the development.
  3. Change in type of dwelling unit.
  4. Change in number of dwelling units.
  5. Change in non-residential floor area of more than five percent.
  6. Change in GFC or FAR for the entire district of more than one percent.
  7. Rearrangement of lots, blocks, or building tracts.
  8. Change in the character or function of any street.
  9. Reduction in land area for common open space or relocation thereof.
  10. Increase in building heights.
- D.** A developer may request Planning Commission approval of minor changes in an approved special zoning district or in site plans or plats approved subsequently thereto. The Planning Commission shall notify the City Council and any other applicable agency of its approval of minor changes. The revised drawings as approved shall be signed by the applicant and the record owners or their legal representatives.
- E.** Minor changes, shall include, among others, one or

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**15.14 (E) Cont.**

**AMENDMENT AND REVISION**

more of the following:

1. A change in residential floor area.
  2. A change in non-residential floor area of five percent or less.
  3. Minor variations in layout that do not constitute major changes.
  4. A change in GFC or FAR for the entire district of one percent or less.
- F.** The Planning Commission shall have the authority to determine if a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for a requested change.

**SECTION 15.15 EXPIRATION OF PLAN APPROVALS**

- A.** An area plan shall expire eighteen (18) months after approval of the special zoning district by the City Council unless a final site plan or preliminary plat for tentative approval is filed for the first phase of the project, or for the entire property if development is not to occur in phases, is filed for City approval.
- B.** The final site plan for the entire property in the special zoning district, or all final site plans for all phases thereof, shall have been approved by the Planning Commission or City Council, whichever, applies, within five (5) years of the date of approval of the zoning district. All final plats in the district shall have been approved and recorded within the five (5) years period.
- C.** Expiration of the area plan or failure to obtain approvals as provided in subsection (a) or (b) above shall authorized the City Council to revoke the right to develop under the area plan of the approved special zoning district, after a hearing, and unless good cause can be shown for the expiration. In such case the City Council may require that a new area plan be filed and reviewed in accordance with the requirements

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**15.15 (C) Cont.**

**EXPIRATION OF PLAN APPROVALS**

for an original petition. Expiration shall also authorize the City Council to initiate a zoning amendment to place the property into one or more zoning districts deemed by the council to be appropriate. Expiration of an area plan shall be noted on the official zoning map and shall be signed by the City Administrator and attested by the City Clerk. The Planning and Zoning Administrator shall notify the City Clerk of expiration of an area plan.

- D.** Approval of a final site plan in a special zoning district shall expire as provided in Article 15, herein. Expiration shall authorize the Planning Commission to require filing and review of a new final site plan.
- E.** Development shall be completed within two (2) years of the date of approval of a final site plan. If development is not completed, the Planning Commission shall not review or approve a final site plan for a subsequent phase of the zoning district unless good cause can be shown for the lack of completion.
- F.** If an area plan or an approved final site plan has expired, no permits for any development of the property in the special zoning District shall be issued until the applicable requirements of this section have been met.

**SECTION 15.16 EXTENSION OF TIME LIMITS**

Time limits in this Article may be extended upon showing of good cause, by written agreement between the applicant and the Planning Commission.

**SECTION 15.17 MODIFICATIONS DURING CONSTRUCTION**

Any changes in approved plans during construction shall be subject to the provisions of Section 9.07, herein.

**SECTION 15.18 PERFORMANCE GUARANTEES**

Performance guarantees shall be provided in accordance with Section 9.11, herein.

**SECTION 15.19 Violations**

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**15.19 (A) Cont.**

**VIOLATIONS**

- A.** A petition or final site plan approved under this article shall have the full force of the zoning Ordinance. Any violation of the terms of an approved special zoning district or plan for property within a special zoning district shall be grounds for the City Council to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of removal is provided to the City Council.
  
- B.** Violations of any approvals under this article, or failure to comply with any requirements of this article, including any agreements or conditions, shall be considered a violation of this ordinance as provided in Section 11.10, herein.