

CITY OF BRIDGMAN

COUNTY OF BERRIEN

STATE OF MICHIGAN

Ordinance No. 2022-214

AN ORDINANCE TO AMEND THE CITY OF BRIDGMAN ZONING ORDINANCE TO INCLUDE PROVISIONS FOR PLANNED UNIT DEVELOPMENTS.

The City of Bridgman ordains:

SECTION ONE. The following Article 2.16 is adopted and added to the City Zoning Ordinance:

A. Statement of Intent

The regulations of this section are intended to offer an alternative to conventional development and traditional zoning standards and to permit flexibility in the development or redevelopment of areas through the authorization of Planned Unit Development (PUD) districts. The standards in this section are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed, and are further intended to ensure compatibility with adjacent land uses, the City's Master Plan, and where applicable, existing natural features. The City also seeks to facilitate the development of affordable housing through flexible and sensible land use regulations.

B. Statement of Objectives

1. 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 of planned developments. The objectives of PUDs are:
 - a. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where necessary, other support facilities within reasonable distance of all dwelling units;
 - b. To encourage developers to use a more creative and imaginative approach in the development of property in the City;
 - c. To allow for market-driven development or redevelopment in places most conducive to accommodating additional activity;
 - d. To facilitate economic development through the creation of a mix of uses and/or building types and forms;

- e. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods;
- f. To provide for the adaptive re-use of significant or historic buildings;
- g. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the City.
- h. To promote flexibility in design and to permit planned diversification in the location of structures;
- i. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
- j. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;
- k. To provide for redevelopment of sites and/or buildings that are underdeveloped or have fallen into disrepair;
- l. To combine and coordinate architectural styles, building forms, and building relationships;
- m. To ensure a quality of construction commensurate with other developments within the City and consistent with the building type and façade standards in the City's form generating zoning districts;
- n. To promote more efficient use of land while providing a balanced variety of housing choices serving different socioeconomic levels.

C. Purpose of Departures from the Zoning Ordinance

The provisions of this section are not intended as a device for ignoring the Zoning Ordinance, or the planning upon which it has been based. The provisions of this section are intended to result in land use development that is substantially consistent with the goals and objectives of the Bridgman Master Plan, this Ordinance, and consistent with sound planning principles.

However, to encourage flexibility and creativity consistent with the Planned Unit Development (PUD) concept, departures from the regulations may be permitted subject to review and approval by the City Council after the recommendation of the Planning Commission. For example, such departures may include but are not limited to modifications in density; lot dimensional standards; floor area standards; setback requirements; height requirements; parking, loading, and landscaping requirements and similar requirements.

Such departures may be permitted only if the Planning Commission and City Council determine that a higher quality development than would have been possible will result. Deviations should benefit the community. The City should take this principle into account when determining whether to approve a Planned Unit Development.

Because some regulations are crucial to quality development and therefore cannot be deviated from in order to promote positive outcomes, this section contains specific provisions that apply to all PUDs and cannot be altered or waived through the PUD process.

D. Qualifying Conditions

- a. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties and have a minimum area of at least 1 acre.
- b. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:
 1. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
 2. 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;
 3. The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space;
 4. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be viable ~~feasible~~.
- c. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Bridgman Master Plan.

E. Permitted Uses and Residential Density

1. The following uses may be permitted in a PUD:
 - a. Uses permitted by right or by special land use in the underlying zoning district;
 - b. Any use that is determined to be consistent with the City Master Plan;
 - c. A combination of residential, commercial, and public uses which are compatible with existing and adjacent land uses and the City Master Plan;
2. Only those uses approved for the PUD shall thereafter be permitted within the PUD.
3. For PUDs containing residential uses located in non-residential districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the Master Plan, existing and future surrounding land uses, capacity of public utilities and services, and other applicable factors.
4. 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.

5. Land not proposed for development and not used or dedicated existing public or private street rights-of-way or other infrastructure, but used for the calculation of overall density, shall be considered open space and subject to the requirements of subsection H below.

F. Non-Residential or Mixed Use PUDs

1. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
6. A mix of residential and non-residential uses may be permitted only if they will not materially alter the character of the neighborhood and/or the PUD.
7. When a PUD contains a mix of residential and non-residential uses, 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.

G. Design Standards

1. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, density, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of the zoning ordinance. However, PUDs located in form generating districts shall comply with building type, façade requirements, and building site placement standards of the underlying district and in no case shall a PUD be permitted to deviate from these requirements.
2. Deviations from the underlying district shall be consistent with all other requirements of this Ordinance, the Master Plan, and the following standards:
 - a. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Any deviations, including those recommended by the Planning Commission, shall be subject to City Council approval. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) within the vicinity.
 - b. Deviations from the minimum requirements or permitted density shall also satisfy at least one (1) of the following criteria:
 1. The proposed deviations shall preserve the best natural features of the site;
 2. The proposed deviations shall create, maintain, or improve habitat for wildlife;
 3. The proposed deviations shall create, maintain, or improve open space for the residents;
 4. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;

5. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property;
 6. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.
3. Other Requirements.
- c. All electric, cable, internet, and telephone transmission wires within the PUD shall be placed underground.
 - d. Signs are permitted in accordance with the zone district in which the proposed uses are permitted.
4. Conditions. The City Council ~~may~~ shall impose conditions with the approval of a PUD that are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the PUD approval and shall be enforceable by the Zoning Administrator.
- H. Open Space. If open space is provided in the PUD, it shall meet the following considerations and requirements:
1. Open space may be established to separate uses within the PUD.
 2. 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 reasonably utilize the available open space.
 3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of open space to relieve the City of the future maintenance thereof.
 4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 5. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity.
 6. All open space shall be in joint ownership of the property owners within the PUD or some other entity approved by the City. Such joint ownership or entity shall take responsibility for the maintenance of the open space.
 7. The maintenance requirements of dedicated open space may include regular clearing and mowing or other active maintenance. Maintenance shall also include the removal of any accumulation of trash or waste material within the dedicated open space, cleanup of storm damage, removal of diseased plant materials, and similar improvements.
 8. 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 intent and objectives of the PUD.

9. In form generating districts, open space shall also be designed and arranged to accomplish all of the following:
 - a. to maximize compatibility between uses;
 - b. to further the intended physical form of the development pattern of the vicinity;
 - c. to be consistent with the intent of the underlying form generating district; and
 - d. to create a series of important elements that contribute to a high-quality urban place.
- I. General Application Procedures. The following steps, which are outlined in subsections J-N below, shall govern 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 Plan with the Planning Commission.
 2. PUD Plan and PUD Rezoning.
 - a. The Planning Commission shall review the PUD plan and PUD rezoning application, hold a public hearing (if desired), and make a written recommendation to the City Council.
 - b. The City Council shall review the PUD 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 and other applicable City personnel shall review the PUD final site plan in accordance with Subsection N of this article.
 4. An application for PUD shall be accompanied by a statement with regard to compliance with the standards required for approval in Subsection L, and other standards imposed by this Ordinance affecting the PUD under consideration.
 5. Either concurrently with the PUD plan application, or upon approval by the City Council (with or without conditions), the applicant may apply for preliminary plat approval, condominium approval, and private road approval, as applicable.
 6. Approval of a PUD pursuant to this article shall constitute an amendment to the Bridgman Zoning Ordinance and Zoning Map.
- J. Preliminary Planning Commission Review (Optional)
 1. 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.
 2. As part of the pre-application review, the applicant shall submit a copy of a conceptual 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.

3. The Planning Commission shall advise the applicant regarding whether the proposed conceptual plan complies with the statement of intent of this article and if it qualifies for PUD rezoning pursuant to the objectives and qualifying conditions of subsection B and D.
4. 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 PUD plan.

K. Procedures for PUD Plan and PUD Rezoning

1. Required Information. Following the preliminary review (if conducted), the applicant shall submit a completed application form for PUD rezoning, the required application fee, and ten (10) copies and a PDF of the PUD plan to the Planning Commission at least thirty (30) days prior to the next Planning Commission meeting.
2. The PUD plan shall be professionally prepared by a licensed engineer, surveyor, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD plan shall, at a minimum, contain the following information, unless specific items are determined to be not pertinent to the application by the Planning Commission or Zoning Administrator:
 - a. General Information.
 - b. Name and firm address of the professional individual responsible for preparing the site plan and his/her professional seal.
 - c. Name and address of the property owner or petitioner.
 - d. Scale, north arrow, and date.
 - e. Acreage (gross and net).
 - f. Zoning of adjacent properties.
 - g. Legal property description.
 - h. Existing site conditions:
 - 1) Boundary survey lines and setbacks.
 - 2) Location sketch showing site, adjacent streets, and properties within 300 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%, 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.

i. Proposed Development:

- 1) Layout of proposed buildings, structures, driveways, parking lots, streets, 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) Phasing plan, if applicable.
- 7) Conceptual plan for provision of public water and public sanitary sewer services.
- 8) Conceptual grading plan.
- 9) Conceptual stormwater plan.
- 10) Conceptual building types, including building elevations and footprints.

j. Additional Information:

- 1) A narrative, which shall describe the proposed PUD, the proposed time frame of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the objectives and qualifying conditions in subsection B, D and the standards of subsection L are met.
- 2) A table detailing all requested deviations identified in the PUD Plan compared to the requirements of the zoning district in which the proposed PUD is located. 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.

3. Planning Commission Review and Optional Public Hearing

- a. The Planning Commission shall review the PUD Plan at a regular or special meeting and may hold a public hearing, though it is not required. Notice of the public hearing (if held) shall be provided in accordance with Section 8.06 of this Ordinance.
- b. The Planning Commission shall review the PUD plan in consideration of public comments, technical reviews from city staff and consultants (if requested), and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD plan and PUD rezoning to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
- c. In order to recommend approval of the PUD plan and PUD rezoning, the Planning Commission shall find that the standards of subsection L are satisfied.

4. City Council Review and Required Public Hearing

- a. Following receipt of a recommendation from the Planning Commission on the PUD plan and PUD rezoning, a public hearing of the City Council shall be scheduled in accordance with Section 8.06 of this Ordinance.
- b. 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, approve with conditions, or deny the PUD plan and PUD rezoning. The City Council's decision shall be documented with written findings to justify its decision.
- c. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD plan, including a performance guarantee pursuant to Section 7.25 of this Ordinance. Conditions attached to the approval shall be incorporated into the ordinance adopting the PUD plan and PUD rezoning.
- d. Approval of the PUD plan and PUD rezoning by the City Council shall be incorporated into an ordinance amending the zoning ordinance and map. Such rezoning and PUD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

L. PUD Plan and Rezoning Standards for Approval. In order to approve a PUD plan and PUD rezoning, the Planning Commission and City Council shall find that all of the following standards are met:

1. The proposed PUD complies with the intent, objectives, and qualifying conditions of subsections A, B and D.

2. 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 master plan.
3. 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.
4. 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.
5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and regulations.

M. PUD Final Site Plan

1. Within one year after PUD plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Section 8.09 of this Ordinance.
2. All PUD final site plans subsequently submitted shall conform to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the ordinance adopting the PUD plan and PUD rezoning, and the requirements of this article.
3. If the PUD final site plan substantially conforms to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this article, then the Planning Commission shall approve the PUD final site plan.
4. Unless otherwise permitted by subsection N(2) below, PUD final site plans shall be reviewed by the Planning Commission and any other applicable city personnel.
5. For land uses within the PUD subject to additional special land use requirements, such uses shall comply with all such required conditions, unless deviations were approved pursuant to this article.
6. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or condominium units, such uses shall be reviewed and approved in accordance with all other applicable sections of the zoning ordinance and other provisions of the city code. These review processes may occur concurrently with the process for PUD plan review and PUD rezoning.

N. Approved PUDs

1. 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 shall require the submittal of a site plan as outlined in subsection M.
2. 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 subsection K (3-4), except that the Zoning Administrator 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:
 - a. Reduction of the size of any building, building envelope, or sign.
 - b. Movement of buildings or signs by no more than 10 feet.
 - c. Changes requested by the City for safety reasons.
 - d. Changes which will preserve natural features of the land without changing the basic site layout.
 - e. 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.
 - f. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan.
 - g. 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.
 - h. 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 City determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
3. Expiration
 - a. A PUD (or at least the first phase of a PUD) shall be under meaningful construction of proposed improvements consistent with the approved PUD final site plan within one year after the date of approval of the PUD final 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.

- b. Upon expiration of the time period for submission of either (a) the PUD Plan and rezoning, or (b) the PUD final site plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 - c. The City Council may approve extensions of up to one year at a time, if requested in writing by the applicant prior to the expiration date of the original PUD plan approval or PUD final site plan approval. In requesting an extension, the applicant shall provide the reason(s) it is requesting the proposed extension.
 - d. Upon expiration of a PUD plan or PUD final site plan, the Planning Commission may conduct a public hearing and make a recommendation to rezone the property to its original designation or other district as deemed appropriate.
4. Development Agreements
- a. Upon approval of the PUD Plan and PUD rezoning and prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into a development agreement with the City setting forth the applicant's obligations with respect to the PUD.
 - b. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions of approval imposed by the Planning Commission and City Council.
 - c. The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the applicant.
 - d. The PUD agreement shall be reviewed by the City Attorney and upon execution the applicant shall record it along with all other relevant documents with the Berrien County Register of Deeds.
5. Performance Guarantees. The Planning Commission and/or City Council may require the applicant for PUD rezoning to furnish a performance guarantee pursuant to Section 7.25 of this Ordinance.
6. Appeals and Variances. The Zoning Board of Appeals shall not have jurisdiction to consider variances from the requirements of this article, nor may decisions related to a PUD be appealed to the Zoning Board of Appeals.

SECTION TWO. Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

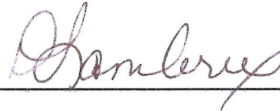
SECTION THREE. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION FOUR. Effective Date. A summary of this ordinance shall be published in a newspaper of record as provided by law, and this ordinance shall become effective seven (7) days after publication.

Ayes: Trapani, Bonkoske, Rose, Sam Stine, Hahaj, Gipson, Stacy Stine

Nays: None

ORDINANCE DECLARED ADOPTED.

A handwritten signature in cursive script, appearing to read "Debra Lambrix", is written above a horizontal line.

Debra Lambrix, Deputy City Clerk