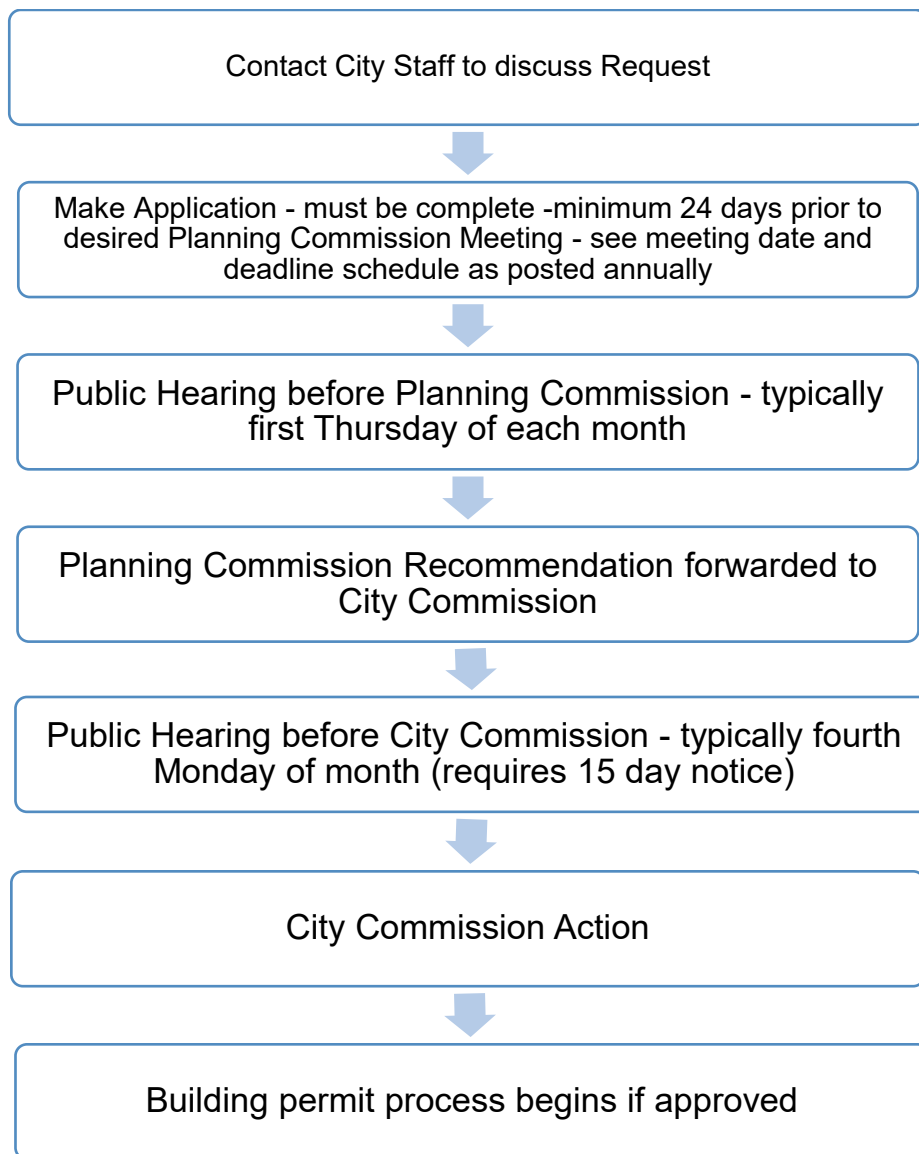




CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
Fax (269) 985-0347
www.sjcity.com

Planned Unit Development

Process, Instructions and Application*



*See attached detailed directions for all steps involved.

Jan 2024



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Planned Unit Development

Process, Instructions and Application

1. **Contact Community Development Director (staff) regarding proposed request.** Staff will review zoning ordinance regulations and determine which process is appropriate for your proposed request. Application forms will be distributed and staff will determine if a pre-submittal meeting is necessary.
2. **Neighborhood Meeting.** Depending on the size and type of a project, staff may suggest the applicant conduct a neighborhood meeting prior to any formal application being made. This meeting will allow the applicant an opportunity to introduce themselves, informally explain the project to the neighbors and hear their thoughts.
3. **Pre-submittal Meeting with staff.** This meeting typically includes the City Engineer, Director of Public Works, Director of Public Safety (Police/Fire), Building Official and the Community Development Director and allows for discussion of the proposed project prior to the finalization of any drawings and submittal for appearance before the Planning Commission.
 - a. This meeting is scheduled by staff on an as needed basis. Please provide several dates and times your development team is available to meet. Meetings are typically scheduled one (1) to two (2) weeks out depending on staff availability.
 - b. Prior to the meeting being scheduled, the applicant will need to provide a detailed site plan (see Article XII of the Zoning Ordinance for items to be included) and description of the proposed request. This site plan must be drawn to a legible scale and include existing and proposed changes. It can consist of more than one page if necessary.
 - c. The applicant should include their development team (i.e., engineer, attorney, architect) at the pre-submittal meeting.
4. **Submission of Application.** Complete applications must be submitted no less than 24 calendar days prior to the next regularly scheduled Planning Commission (PC) meeting. The PC typically meets the first Thursday of each month, see meeting and deadline schedule at www.sjcity.com.
 - a. It is suggested that you make an appointment with staff to submit the application.
 - b. All required applications, supplemental information and fees must be submitted at one time.
 - c. You are encouraged to file before the deadline, as incomplete applications are not accepted and will delay the processing of your application.

5. **Acceptance of Application.** Staff reviews the application and supplemental information for completeness prior to formally accepting and scheduling the request before the PC.
6. **Application is Formally Accepted.**
 - a. Staff forwards the accepted application packet to the City Engineer, Director of Public Works, Director of Public Safety (Police/Fire) and Building Official for their review and comment.
 - b. Staff prepares the Legal Notice for the newspaper and for property owners within 300' of the site. The legal notice must appear in the local newspaper no less than fifteen (15) days before the scheduled public hearing and the 300' property owner mailer must be sent no less than fifteen (15) days before the public hearing.
7. **Revisions to Drawings.** Based on comments received from the City departments, the applicant may need to revise the supplemental drawings (site plan, building elevations, engineering) prior to appearing before the PC. Staff will provide direction to the necessary revisions along with a deadline for submittal of the items.
8. **Staff Memorandum and Planning Commission Packet Creation.** Staff prepares a staff memorandum which includes information regarding the proposed request, staff department comments, supporting information and the completed applicant and supplemental information from the applicant. Any written comments received from the public are also included. In most cases the PC packet is completed and delivered the Friday before the scheduled PC meeting and is available to the general public on the Monday before the meeting.
9. **Planning Commission Public Hearing.** The Chair of the PC will open the public hearing and invite the applicant to present its case to the PC, an overview of the request and explanation of drawings submitted should occur. The Planning Commissioners can ask questions of the applicant and staff prior to inviting the audience to speak. Once all public comments have been taken, the public hearing is closed. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
10. **Planning Commission Deliberation.** The PC will begin to evaluate the request along with reviewing the applicable standards. In some cases the PC will ask for clarification from staff or the applicant.
 - a. The PC has four options:
 - i. Motion to recommend approval of the request as presented;
 - ii. Motion to recommend approval of the request with conditions;
 - iii. Motion to recommend denial of the request;
 - iv. Motion to continue the item to a future meeting to obtain additional information.
11. **City Commission Action.** Once the PC makes a recommendation, the request is forwarded to the City Commission (CC) for formal action. Staff will confirm with the applicant the scheduled date of the public hearing before the CC.
 - a. Staff prepares the Legal Notice for the newspaper and for property owners within 300' of the site. The legal notice must appear in the local newspaper no less than fifteen (15) days before the scheduled public hearing and the 300' property owner mailer must be sent

no less than fifteen (15) days before the public hearing. ****Every effort is made to place the request of the next available CC meeting date (typically the fourth Monday of the month), however, on occasion the newspaper is not able to publish the legal notice with the time frame and the request must go to the next CC meeting (second Monday of the following month).***

12. **Staff Memorandum with PC Recommendation and CC Packet Creation.** Staff prepares a memorandum and includes the PC packet, draft meeting minutes and new information received to the City Clerk. The City Clerk completes the CC packet and posts the CC agenda packet on-line at www.sjcity.com.
13. **City Commission Public Hearing.** The Mayor will open the public hearing and invite the applicant to present its case to the CC; an overview of the request and explanation of drawings submitted should be presented by the applicant. The City Commissioners can ask questions of the applicant and staff prior to inviting the audience to speak. Once all public comments have been taken, the public hearing is closed. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
14. **City Commission Deliberation.** The CC will begin their deliberation of the request and evaluate it along with the applicable standards. In some cases the CC will ask for clarification from staff or the applicant.
 - a. The CC has four options:
 - i. Motion to approve the request as presented;
 - ii. Motion to approve the request with conditions;
 - iii. Motion to deny the request;
 - iv. Motion to continue the item to a future meeting to obtain additional information.
15. **Building Permit Process.** If and when the application is approved, the applicant can apply for the necessary building permits through the Inspection Department. Engineering plans and work in the public right-of-way requires a permit from the City Engineer. All drawings submitted must comply with those approved by the City Commission.
16. **Recording of Approvals.** Once all meetings minutes are approved, staff will create and provide a copy of the approval packet to the applicant for their records.



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PLANNED UNIT DEVELOPMENT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address: _____

Project Name: _____

Property Code Number (Tax Number): 11-76-_____

Briefly Explain Request: _____

Applicable Section of Zoning Code for Request: _____

Previous Approvals Granted to Property: _____

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: _____

Relationship to Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Emergency Number: _____

E-mail Address: _____

Name of Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Emergency Number: _____

E-mail Address: _____

Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Engineer and/or Architect: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Site Information

General description or characteristics of the site: _____

Master Plan Designation: _____

Existing Zoning and Land Use: _____

Proposed Land Use: _____

Existing square footage of property: _____

Proposed square footage of property: _____

Existing square footage of all buildings on the property: _____

Proposed square footage of all buildings on the property: _____

Is the property located in any of the following overlay districts?

Downtown Height Overlay District (Section 9.4)? Yes: _____ No: _____

Lake Bluff Scenic View Protection Overlay District (Section 9.5)? Yes: _____ No: _____

Floodplain Overlay District (Section 9.6)? Yes: _____ No: _____

Edgewater Beach Overlay District (Section 9.7)? Yes: _____ No: _____

Main Street Overlay District (Section 9.8)? Yes: _____ No: _____

Existing land use and zoning of adjacent parcels:

North: _____

South: _____

East: _____

West: _____

Review objectives, requirements and standards that must be met in order for a Planned Unit Development to be approved. The following questions/statements must be answered.

Planned Unit Development Objectives

Section 13.2: Objectives states: For a proposed PUD located in a District other than the W Water Recreation District, the Applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

- A. 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, river and lake Shorelines, floodplains, hills, and similar natural assets.

- B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of all living units. Developments having water frontage should be so designed to preserve public vistas where possible.

- C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.

D. Reducing to a significant extent the Nonconformity of a Nonconforming Use, Building or Structure, i.e., modification of a Nonconforming Use or Structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning District in which it is situated.

E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.

F. To promote the efficient Use of land to facilitate a more economic arrangement of Buildings, circulation systems, land uses, and utilities.

G. To combine and coordinate architectural styles, Building forms, and Building relationships within the PUD.

Planned Unit Development General Minimum Requirements

SECTION 13.3 GENERAL 13.3.1 Minimum Requirements:

A. PUDs are permitted in all Districts.

What Zoning District is the property located in: _____

B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as "PUD" for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and "PUD" Uses.

State how the proposed use is permitted in the existing Zoning District: _____

C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.

Is this information stated on the Site Plan? Yes: _____ No: _____

Is this information included in the Site Plan Application? Yes: _____ No: _____

D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).

Calculate the number of allowed residential units: _____

E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use, a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.

Do you understand and agree to this statement? Yes: _____ No: _____

F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights-of-way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:

1. Contiguous and uninterrupted by Structures, Driveways and other features.
2. Significant in size when considered in relation to the PUD area.
3. Used only for landscaping, lawn, playfield, natural area or other similar uses.

Calculate the amount of open space required: _____

G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

Do you understand and agree to this statement? Yes: _____ No: _____

Proposed completion date of project: _____

Planned Unit Development Eligibility Requirements

13.3.2 Eligibility Requirements:

A. W Water Recreation District. No PUD located in the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal, that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

B. Other Districts. No PUD located in a District other than the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development substantially advances objectives described in Section 13.2, and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:

1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the City of St. Joseph. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).

2. The PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

Medical Service Establishments, Large, Social Institutions and Bed and Breakfast Establishments (in the W Water Recreation District) are required to respond to Section 13.3.3 Special Standards for Specific Uses in writing as an attachment to this application.

- A. Additional Requirements for Medical Service Establishments, Large and Social Institutions.
- B. Additional Requirements for Bed and Breakfast Establishments

Planned Unit Development General Standards

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

- B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.

- C. The PUD shall be consistent with the intent of the Comprehensive Plan.

- D. The PUD shall not change the essential character of the surrounding area.

E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.

F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.

G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.

I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.

J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.

K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.

M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.

N. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

Planned Unit Development Waivers

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.

B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.

C. No Nuisance will be created.

D. List of Waivers requested. (Example Table 5-1 W District lot coverage 50% to 52%)

**PLANNED UNIT DEVELOPMENT (PUD) APPLICATION
CERTIFICATION**

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the _____, day of _____, 20_____, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this _____ day of _____, 20_____

Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____
Completed: PUD Application: _____ Site Plan Review Application: _____ Other: _____

**PLANNED UNIT DEVELOPMENT (PUD) APPLICATION
OWNER'S CONSENT FORM**

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant,

(Company name and contact person) to seek _____
(state request that can be made) as required by the City of St. Joseph, Michigan for the property
commonly known as _____ (street address)
and having the Property Code Number (Tax Number) of 11-76-_____.

On the _____, day of _____, 20_____, I/We have read the above certification,
understand it, and agree to abide by its conditions.

Signature of Property Owner

Name of Property Owner

Signature of Property Owner

Name of Property Owner

SUBSCRIBED AND SWORN

To before me this _____ day of
_____, 20_____

Notary Public