

**PUD-4 General Planned District**

**Sec. 90-416C Purpose**

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the city relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Wyoming Master Plan, Planned Unit Development (PUD) may be permitted as a zoning district to achieve one or more of the following purposes:

- (A) provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the city, in general;
- (B) accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this ordinance;
- (C) achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities;
- (D) provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city;
- (E) preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- (F) encourage the utilization of open space and development of recreational amenities generally located within walking distance of all living units;
- (G) encourage the use of lands in ways which are most in accord with their character and adaptability;
- (H) encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features; and
- (I) offer a unique attribute of development not achievable under conventional zoning requirements.

**Sec. 90-417C Qualifying Conditions**

- (A) Location. PUD's may be located in any part of the city, except that no portion of an existing PUD-1, PUD-2 or PUD-3 zoned property is eligible to be converted to a PUD-4, subject to meeting all other applicable requirements.
- (B) PUD Purpose. The applicant shall demonstrate that the PUD will achieve three (3) or more of the purposes listed in Section 90-416C.
- (C) Size. The PUD shall comprise an area of at least three (3) acres; provided, a smaller area may be allowed when it is demonstrated to the Planning Commission that the proposed project will satisfy all other qualifying conditions of this section and the acquisition of additional contiguous land is not reasonably possible.
- (D) Residential Density. Proposed density shall conform to the requirements of Table 90-420C(2).
- (E) Housing Variety. A residential PUD shall contain a variety of housing types and/or lot sizes and/or contribute to housing needs identified in current housing needs assessments to provide for varying lifestyles, diversity, and affordability.
- (F) Utilities. The PUD shall be served by public water and sanitary sewer facilities.

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- (G) **Ownership and Control.** The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. A PUD applicant shall submit written documentation that the owners of all property included within the PUD have consented to the PUD application. Where property is jointly owned, the consent must be from all owners. Written documentation must include the signatures of all individuals with an ownership interest and the signature of an officer, member, general partner or other individual authorized to sign on behalf of any entity with an ownership interest. Consent may be demonstrated by signatures on the PUD application or may be in the form of a letter or other signed written documentation consenting to the application or authorizing the applicant to file it.
- (H) **Recognizable Public Benefit.** The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:
- (1) Preservation of significant natural features that would not be preserved under a conventional development,
  - (2) A complementary mix of land uses or housing types within the PUD,
  - (3) Preservation of common open space beyond the minimum required,
  - (4) Connectivity of preserved open space with adjacent open space, greenways or public trails,
  - (5) Connectivity of residential uses with adjacent dedicated public transit options,
  - (6) Coordinated redevelopment of multiple lots or parcels, and/or
  - (7) Removal or renovation of deteriorating and/or obsolete buildings, sites or contamination clean-up.

**Sec. 90-418C Permitted Uses**

Any land use, except as noted in this section, or combination of land uses may be considered for inclusion within a PUD; provided, the development standards of Section 90-419C are met. Public/quasi-public uses such as, but not limited to, churches, schools, colleges and universities, municipal buildings, and parks shall only be permitted within a PUD under the following conditions:

- (1) when developed as the principal use with other related and/or accessory uses within a contiguous, integrated, and walkable campus setting or
- (2) when included as an amenity or supplementary service to a residential or mixed-use PUD.

**Sec. 90-419C Development Standards**

(A) **Minimum Lot Size and Zoning Requirements.** Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a PUD, unless modified in accordance with the provisions of Section 90-419C(C). Within a PUD, minimum buffer requirements between uses otherwise specified in this ordinance shall not apply; provided, the Planning Commission or City Council may require separation or buffering of uses as a condition of concept plan approval.

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Land Use Type	Applicable Development Standards
Detached single family residential	R-2
Two family residential	R-3
Attached single family residential	R-4
Multiple family	
Commercial	B-2
Industry	I-1
Public/Quasi-public	ER

(B) Project Scale. Based on the total area of the PUD site, the following shall be permitted:

PUD Size	Permitted Density	
	Maximum Density	Maximum w/ Density Bonus
< 5 Acres	20 du/ac*	30 du/ac^
5.1 – 35 Acres	18 du/ac*	25 du/ac^
35.1 – 100 Acres	15 du/ac*	20 du/ac^

\*Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density

^ Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density and developer receives a density bonus from Planning Commission and City Council

(C) Modification of Minimum Requirements. Regulations applicable to a land use in the PUD District may be altered from the requirements specified in Table 90-420C(1), including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, for any residential use, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district, unless the PUD is under the maximum permitted density outlined in Table 90-420C(2) or a density bonus is also granted in accordance with Subsection D below. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a PUD shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary development plan

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review stage, after Planning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the PUD District, as expressed in Section 90-416C.

(D) Density Bonus. In addition to the modification of minimum requirements permitted in Section 90-419C (C), the City Council, after Planning Commission recommendation, may permit an increase in the total number of residential units otherwise allowed within a PUD, according to the requirements in Table 90-420C(2), where it is demonstrated that:

- (1) The appearance and construction will result in a development of high quality, as evidenced by:
  - (a) varied roof and wall lines, unique architectural features, innovative transportation amenities, extraordinary energy efficiency, etc.;
  - (b) use of more durable and aesthetically pleasing building materials and finishes (e.g., stone, masonry, wood, hardi-plank, and glass rather than vinyl or aluminum siding on exterior walls; slate, copper, steel, tile or other higher grade roofing materials rather than standard asphalt, vinyl or membranes; and using composite, concrete and steel decking materials rather than treated wood); and/or
  - (c) unique transportation-related improvements (e.g., artful bicycle and other 2-wheeled transportation racks, bicycle maintenance or storage facilities; parking areas that are integrated into a pathway system and landscaping).
- (2) The PUD site is within one-quarter mile of a dedicated transit route and includes a fixed transit shelter.
- (3) Amenities, beyond the minimum required open space, will be provided to create a more desirable and enjoyable living environment (e.g., universally accessible playground structures, made of the durable, high quality materials that offer unique play experiences); and
- (4) At least three (3) of the following will be included within the development:
  - (a) Dedicated common open space is provided in excess of the minimum required, per Section 90-419C (E)(1).
  - (b) The PUD site is within one-quarter mile of a full-line grocery store and is accessible via sidewalks.
  - (c) One (1) or more parking structures are proposed within a mixed-use or nonresidential PUD to meet the minimum parking requirements of this ordinance.
  - (d) One (1) or more LEED-certified buildings will be constructed.
  - (e) Significant natural features will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
  - (f) Decorative pavers, public plazas, fountains, or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
  - (g) Sustainability enhancements such as rain gardens, electric vehicle charging stations, wind energy systems, or green infrastructure are incorporated into the PUD.
  - (h) A commercial and/or office component is proposed within the PUD.

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- (i) Affordable or missing middle housing<sup>1</sup> will be incorporated into the residential design.
  - (j) Three (3) or more public benefits, as identified in Section 90-417C(H), will be achieved.
- (E) Common Open Space. For purposes of the PUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for noncommercial educational, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a PUD:
- (1) The area of common open space shall not be less than 20 percent of the total land area of a PUD containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with Section 90-419C(E)(3), shall count toward the common open space requirement.
  - (2) The Planning Commission may reduce or waive open space requirements for PUD's on sites less than 5 acres in size upon an agreement with the City to provide funding for improving or sustaining public park amenities located within one-quarter mile of the development site. Such fees paid in lieu of land dedication shall satisfy the open space requirement.
  - (3) All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
  - (4) The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:
    - (a) The required open space shall be centrally located: along the street frontage of the PUD to protect or enhance views; located to preserve significant natural features; adjacent to dwellings; and/or located to interconnect other open spaces throughout the development or on contiguous properties.
    - (b) Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these

<sup>1</sup> Missing Middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living. These types provide diverse housing options along a spectrum of affordability, including duplexes, fourplexes, and bungalow courts, to support walkable communities, locally-serving retail, and public transportation options. Missing Middle Housing provides a solution to the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

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regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the adjacent yard of those lots abutting it.

- (c) If the site contains a lake, stream or other body of water, the city may require that a portion of the required open space abuts the body of water.
- (d) All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the City Council, upon recommendation of the Planning Commission, may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors, and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
- (e) Open space areas shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- (f) Grading in the open space shall be minimal, with the intent to preserve existing topography, trees and other natural features, where practical.
- (g) A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s), shall not exceed, in the aggregate, one (1) percent of the open space area. Accessory structures or uses shall not be located near the boundary of the development if they are determined by the Planning Commission to be inconsistent with the use, scale, or character of adjacent residential development. Pathways or sidewalks shall be exempt from this limitation.
- (h) The following areas shall not qualify as required common open space for the purposes of this section.
  - (i). The area within any public street right-of-way.
  - (ii). The area within private road easements.
  - (iii). The area within a subdivision lot.
  - (iv). Land within any required yard or setback area.
  - (v). Parking and loading areas.
  - (vi). Fifty percent of any easement for overhead utility lines.
  - (vii). Fifty percent of any steep slopes (12 percent or over).
  - (viii). Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.

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(ix). Seventy percent of the area of any golf course<sup>2</sup>.

- (F) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the PUD and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.
- (G) Parking. Minimum required parking ratio per residential unit is 1.3 spaces. This ratio may be decreased if the PUD has a dedicated transit line within one-quarter mile of the site and the developer provides transit supportive facilities e.g. bicycle facilities or covered bus stop. The maximum parking ratio per residential unit allowed in a PUD is 1.5 spaces. Requirements for minimum number of spaces for all non-residential uses shall be in accordance with Section 90-600(7). Modifications to the required parking minimums and maximums may be granted by Planning Commission with sufficient justification provided to support any amendments.

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<sup>2</sup> Any future development of the golf course will be limited to the area not included in the required common open space.

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**ARTICLE 5  
DEVELOPMENT REVIEW**

- **Sec. 90-500 - Site Plan Requirements and Procedures**
- **Sec. 90-501 - Statement of purpose**
- **Sec. 90-502 - Uses requiring site plan/sketch plan review**
- **Sec. 90-503 – Sketch plan/full site plan procedures and requirements**
- **Sec. 90-504 - Submittal requirements**
- **Sec. 90-505 - Site plan review standards**
- **Sec. 90-506 - Amended plans**
- **Sec. 90-507 - Procedures for Special Land Uses**
- **Sec. 90-508 - Requirements for permitted uses after special approval**
- **Sec. 90-509 - Procedures for Condominium Projects**
- **Sec. 90-510 - Procedures for Planned Unit Developments**

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**Sec. 90-510 PROCEDURES FOR PLANNED UNIT DEVELOPMENTS (PUD-1, PUD-2, PUD-3)**

The city has established provisions for creating planned unit developments (PUD's) in order to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

- (1) Objectives. The objectives of PUD's are to:
  - (a) Provide opportunities for development where potential land use conflicts make traditional zoning techniques inadequate for protection from adverse impacts;
  - (b) Preserve existing on-site natural features while allowing development at the maximum permissible density;
  - (c) Encourage the use of creative, imaginative and innovative approaches to land development; and
  - (d) Require the developer to utilize architectural standards, quality building materials and site amenities when deemed appropriate.
  
- (2) Administration. Administrative procedures are as follows:
  - (a) Preapplication consultation. Communication between the developer and city staff prior to PUD application is encouraged. The meeting is intended to ensure that the developer is aware of the community's standards and posture on PUD's. Such consultation should occur prior to any extensive outlay of funds on the part of the developer, since the meeting is intended to encourage cooperation and mutual understanding between the applicant and the city. The developer should submit a preliminary sketch plan outlining general existing site characteristics, external and proposed internal land uses, and special relationships between plan features. To obtain information, the developer shall confer with planning department staff and other appropriate department heads in connection with the application for the PUD. The planning staff will offer advice to the applicant regarding his proposal and aid in his understanding of these requirements.
  - (b) Application for PUD zoning. Following a preliminary consultation, the developer may apply for PUD rezoning. Such application must be made at least 30 days before the planning commission meeting, to allow for sufficient review and notice of affected

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property owners. As part of the rezoning request, the applicant shall submit 16 copies of the following:

1. A drawing at a scale of at least one inch equals 100 feet, including the following:
  - a. A recent map of the site, reflecting area size and boundary line dimensions.
  - b. Existing and proposed topography of the site.
  - c. Existing floodplains, bodies of water and other unbuildable areas.
  - d. Existing and proposed land uses and their approximate locations (general physical design plan).
  - e. Any proposed public use areas, including schools, parks, recreational facilities, etc.
  - f. Calculations showing the net residential density, area distribution of land uses and expected final population of the proposed PUD.
  
2. A written narrative containing the following:
  - a. An explanation of the general character of the proposed PUD and how it relates to general requirements of this article.
  - b. A statement indicating the need of the proposed project, along with a general schedule of development and marketing strategy, including size of housing units, estimated selling prices and rents.
  - c. An outline stating the form of ownership of designated open spaces, establishment and role of a homeowners association, and any proposed restrictive covenants, including architectural controls, if any.
  
3. Photographs, architectural renderings or elevations of all proposed buildings other than single-family or two-family dwellings showing the general character of such development.

(c) Approval procedure. The approval procedure is as follows:

1. The planning commission shall conduct a public hearing prior to consideration for rezoning to PUD. It shall consider all aspects of the proposed development as required with the PUD application. It may approve, approve with modifications, deny or defer for additional information the PUD application. Each subdivision

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or development in the PUD area must receive separate planning commission approval as per the applicable city site plan approval and subdivision control requirements.

2. The city council shall act upon the PUD rezoning request in the same manner as a conventional rezoning.
  3. The planning commission-approved general physical design plan, written narrative and illustrations required by subsection (2)b of this section shall be filed in the planning and inspections departments to ensure that the requirements prescribed by approval of the PUD request are fulfilled.
- (d) Changes or amendments. Minor changes or amendments to a particular PUD may be acted upon by the director of planning/community development. Changes deemed major by the director shall be referred to the planning commission.

**Sec. 90-511 Application Procedures for PUD-4**

- (A) Pre-Application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The city planner shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.
- (B) Preliminary PUD Review and Rezoning. The following procedures shall be followed for the consideration of any PUD request.
- (1) Application. An application for rezoning to the PUD District shall be submitted to the city planner by the owner, owner’s authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission. The applicant may, at his/her sole discretion, submit a final development plan, as specified in Section 90-511(C)(3), in lieu of the concept plan; provided, all other review procedures of Section 90-511(B) shall be applicable.
    - (a) Concept Plan. A preliminary concept plan shall be submitted and include the following:
      - (i) Name, address, phone number and email address of the applicant
      - (ii) Name, address, phone number and email address of the professional or firm that prepared the plan
      - (iii) Legal description of the property
      - (iv) North arrow, scale and title block
      - (v) General location map

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- (vi) Existing zoning on the subject property and all abutting properties
  - (vii) Property boundary survey
  - (viii) Adjacent buildings and structures within 100 feet of the property boundaries
  - (ix) All perimeter streets abutting the property, including right-of-way width
  - (x) Existing topographic conditions (two (2) foot intervals)
  - (xi) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
  - (xii) Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
  - (xiii) Proposed uses within the PUD
  - (xiv) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
  - (xv) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
- (b) Project Narrative. A written statement shall also be submitted with the application, providing the following information:
- (i) Statement of how the PUD meets each of the Qualifying Conditions specified in Section 90-417C.
  - (ii) Identification of the present owners of all land within the proposed project.
  - (iii) Explanation of the proposed character of the PUD, including a summary of acreage by use, number and type of dwelling units, gross residential density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
  - (iv) A complete description of any requested deviations from the minimum spatial or other requirements applying to the property, in accordance with Section 90-419C(C).
  - (v) An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 90-419C(D).
  - (vi) A general description of the proposed development schedule and anticipated phases.
  - (vii) Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles, and open space areas to be preserved.
  - (viii) A traffic impact analysis, per Section 90-504 (3), may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal. Otherwise, it shall be required as part of the final site plan application.
  - (ix) A sewer impact study may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal.

(2) Planning Commission Review. Following receipt of a complete application package, the city planner will cause the application materials to be forwarded to the Planning Commission for review. After submission of a complete application and all required plans and information, the Planning Commission shall schedule and conduct a public hearing and make a

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recommendation to the City Council regarding the rezoning to PUD and the concept plan, as follows:

- (a) Notice of hearing. Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Public hearing. The Planning Commission shall conduct a public hearing in accordance with its rules of procedure.
  - (c) Recommendation. Following the public hearing, the commission shall recommend to council that the preliminary concept plan and PUD zoning be approved as presented, approved with supplementary conditions, or denied. The recommendation shall be based on the standards of Section 90-512.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (3) City Council Action. Upon receiving the recommendation from the Planning Commission, council shall take final action on the request in accordance with the following:
- (a) Public hearing. Council shall conduct a public hearing, notice of which shall be provided in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Action. Following the public hearing, review of the PUD application and concept plan, and consideration of the Planning Commission recommendation, Council shall approve, approve with supplementary conditions, or deny the preliminary concept plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 90-512. In any case, council may table the matter at its discretion for further study.
  - (c) Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this ordinance.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (C) Final PUD Review. The following procedures shall be followed for the review of the final development plan.
- (1) Timing. An application for final development plan approval shall be filed not later than 24 months after the date of approval of the concept plan and zoning change, otherwise the concept plan approval shall be considered expired. One (1) extension of up to twelve (12) months may be authorized by the city planner for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the city planner who shall make a written determination regarding the decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
  - (2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the concept plan approval, review procedures, and conformance of the final development plan with the approved concept

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plan. The city planner shall notify other staff, as applicable. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.

(3) Application. An application for approval of the final development plan shall be submitted to the city planner by the property owner or owner’s authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.

(a) Final Plan. A final development plan, substantially consistent with the approved preliminary concept plan and containing all information required in Section 90-504 (site plan), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.

(b) Project Narrative. A project narrative shall also accompany the application and final development plan and provide the following:

- (i). Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership, and control of development and common areas;
- (ii). Identification of the entity responsible for maintenance of common areas;
- (iii). Description of all deviations from the otherwise applicable zoning requirements;
- (iv). Net and gross density of any residential component of the project;
- (v). Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
- (vi). Restrictions or requirements regarding architectural style and/or building materials;
- (vii). Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
- (viii). An anticipated development schedule by phase, if applicable.

(4) Private Covenants and Restrictions.

(a) Covenants and restrictions for the property within any PUD district are required and must be recorded with the Kent County Register of Deeds prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.

- (b) Covenants and restrictions shall:
- (i). Be based on the conditions attached to the approved PUD application;
  - (ii). Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;

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- (iii). Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 90-419C(E); and
  - (iv). Establish a condominium association, homeowner’s association, or other entity that can ensure sufficient funding is provided by owners or occupants of the property in the PUD to maintain all private roads and other private infrastructure, signage, sidewalks, pathways, parking areas, green spaces, recreational facilities, community buildings, pools and other amenities within the development. The documentation shall be in a form acceptable to the City Planner, City Manager and City Attorney.
- (5) Phased Projects. If a proposed PUD is to be constructed in two (2) or more phases, final site plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given concept plan approval and that each subsequent phase shall be submitted for final site plan approval and is consistent with the approved concept plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- (6) Planning Commission Action. Following receipt of a complete application package, the city planner shall cause the application materials to be forwarded to the Planning Commission for review. Following submission of a complete application and all required plans and information, the Planning Commission shall consider the application and take action to approve, approve with conditions, disapprove or table the final site plan, based on the review standards of Section 90-512 and the site plan standards of Section 90-505. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (7) Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with Section 90-504(2). The City Council may require such financial assurance or the requirement to provide such financial assurance as a condition of approval of the rezoning or overall development plan for the subject site.
- (a) The performance guarantee shall address (i) the time(s) for starting and completing the construction and installation of public and common improvements, especially in relationship to issuance of construction and occupancy permits for dwelling, commercial and other units within the PUD; (ii) provide one or more assurances for funding the costs of constructing and installing those public and common improvements; and (iii) provide funding for the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
  - (b) The performance guarantee may include one or more of a variety of instruments, documents and methods which shall be in a form and substance acceptable to the

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City Engineer, City Planner, City Attorney and City Manager. The performance guarantee may include one or a combination of such approaches as, for example and not for limitation, the following, provided that together result in meeting the requirements in subsection A.

- (i). An enforceable agreement or enforceable covenants and restrictions recorded with the Kent County Register of Deeds, that no construction or occupancy permit(s) will be issued for certain components of the development until certain public or common improvements are completed.
  - (ii). Performance or surety bonds, payment bonds, letters of credit, escrowed funds, or other financial assurances that the City or PUD residents or property owners can access to ensure completion of the public or common improvements.
  - (iii). Provisions for condominium, homeowners', unit owners' or other association with the ability to levy and collect dues, assessments or other fees sufficient to fund the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
- (c) It is the intent of this requirement to ensure the public and common area improvements are (i) properly constructed and installed, and (ii) properly operated, maintained, repaired, and, as may be needed to comply with applicable legal requirements, replaced or improved without costs to the City or other governmental entities and without inappropriate or unfairly apportioned costs among the owners and occupants of property within the PUD.
- (d) Whether or not the performance guarantee proposed by the PUD applicant (a) meets the requirements of this section and (b) results in the appropriate and fair apportioning of costs will be determined by City Council based on the recommendation of the Planning Commission, City Engineer, City Planner, City Attorney and City Manager.
- (8) Expiration. Approval of the final site plan by the Planning Commission shall expire 12 months after the date of that approval, unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted, in accordance with the requirements of Section 90-503 (7).

**Sec. 90-512 Review Standards**

In considering a PUD request, the Planning Commission and/or City Council, as applicable, shall find that the proposed development meets all applicable requirements, as well as the following general standards:

- (A). PUD Purpose. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 90-416C.
- (B). Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 90-417C.
- (C). Master Plan. The PUD shall be consistent with the recommended future land use patterns, goals, and relevant recommendations contained in the City of Wyoming Master Plan.

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- (D). Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (E). Natural Environment. The design and layout of the PUD shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (F). Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (G). Health, Safety, and Welfare. The PUD shall not contain uses or conditions of use that may be unduly injurious to the public health, safety or welfare.
- (H). Consistent with All Standards and Requirements. The proposed development shall conform to all applicable requirements of this ordinance, unless specifically modified and approved, as authorized by Section 90-419C(C).
- (I). Final Site Plan. The final site plan is substantially consistent with the representations made and plans shown during the prior preliminary concept plan stage of approval.
- (J). Recognizable and Substantial Benefits. Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in Section 90-417C(H).

**Sec. 90-513 Changes to an Approved PUD**

Changes to an approved final development plan shall be permitted only under the following circumstances:

- (A). The holder of an approved final development plan shall notify the city planner of any proposed change to the approved plan.
- (B). Minor changes may be approved by the city planner upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
  - (1) Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
  - (2) Movement of a building or other structure by no more than 10 feet;
  - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
  - (4) Changes in building materials to a comparable or higher quality;
  - (5) Internal changes in floor plans which do not alter the character or intensity of the use;
  - (6) Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area; and
  - (7) Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- (C). A proposed change to an approved final development plan that is determined by the city planner to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures

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established for the final development plan. When, in the judgment of the City Planner, City Engineer, and the City Attorney, the proposed change is a substantial deviation from the approved preliminary concept plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 90-511(B) and 90-511(C); provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the City Council.

**Sec. 90-514 Existing PUDs**

Within the city, there are existing PUD’s identified on the zoning map as “PUD-1, -2, and -3”. These developments shall be exempt from the requirements of this article to the extent that they conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 90-513, shall be subject to the procedural requirements of Section 90-513(C).

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