

FLUSHING CITY ORDINANCE  
GENESEE COUNTY, MICHIGAN

ORDINANCE NUMBER 2019-05

AN ORDINANCE TO AMEND THE CITY OF FLUSHING ZONING ORDINANCE BY AMENDING ARTICLE 3 DISTRICT REGULATIONS TO ESTABLISH THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT AND REMOVE THE PLANNED RESIDENTIAL DEVELOPMENT USE AND AMEND ARTICLE 9 STANDARDS.

THE CITY OF FLUSHING, GENESEE COUNTY, MICHIGAN, ORDAINS:

**ARTICLE I.** Article 3 of the City of Flushing Zoning Ordinance is hereby amended by adding the following:

**153.311 Planned Unit Development (PUD)**

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon **their** initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established residential areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of housing units and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or floodplains that are important for the city to retain in order to protect its character and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The City Council does hereby determine that the following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

(1) Permitted principal uses

All permitted principal uses by right or by special use permit as identified in Section 153.312 Schedule of Uses shall be permitted in the PUD district.

(2). Standards for approval

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed planned unit development.

- a. Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City (**Article 5 – Off Street Parking and Loading**). However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax, **modify and or increase** parking requirements during site plan review.
- b. All streets within the planned unit development shall meet the minimum requirements of the Chapter 152 Subdivision Regulations, unless modified by the Planning Commission.
- c. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property (**Article 8 – Landscape Standards**). However, if it is deemed necessary in order to achieve the purposes of this Ordinance, the Planning Commission may relax, **modify and or increase** landscaping requirements as part of site plan review.
- d. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
- e. Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development. (**Chapter 54 - Storm Water Management**)
- f. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Building Inspector and/or City Engineer.
- g. The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses of the development in the zoning district in which it is permitted. However, if it is deemed necessary in order to achieve the purposes of the section, the City Council may permit increased density in return for increased open space. Non-contiguous property may not be used in calculating open space and under no circumstance shall the open space be located on non-contiguous property.
- h. A site zoned for PUD must be a minimum of five acres.

(3). Traffic and accessory conditions

The following regulations concerning traffic and accessory conditions shall be followed:

- a. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
- b. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
- c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

(4). Approval procedure

- a. The PUD zoning approval shall follow procedural requirements of Article 12 of this ordinance for amending the zoning ordinance. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan as described in subsection (5) to determine its suitability for inclusion in the land use and zoning plans of the City and adoption by City Council as part of the ordinance.
- b. The Planning Commission shall then submit the proposed amendatory ordinance to the City Council together with their recommendation and a summary of comments received at the public hearing.
- c. The City Council shall review the proposed PUD rezoning and approve or disapprove the request. Prior to their decision the council may accept proposed revisions to the concept plan or may resubmit the proposed changes to the Planning Commission for another public hearing.
- d. PUD site plan approval procedure may commence only after the acceptance by the City Council of the conceptual PUD development plan and the rezoning of the property as required.
- e. PUD site plan approval process shall follow the procedures for site plan approval outline in Article 6.

(5) Conceptual PUD development plan requirements

- a. The applicant for PUD rezoning shall include as part of its application a conceptual PUD development plan that includes the following technical or graphic materials together with such fees as may be required.
- b. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or regulation.
- c. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
  - 1. Define the location of the areas to be devoted to particular uses.
  - 2. State the acreage to be devoted to the particular uses.
  - 3. Set forth the proposed density of the dwelling units by use type and of the entire project.
  - 4. Show the location of parks, open recreation areas, other open space and all public and community uses.
  - 5. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market

needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.

6. Any additional graphics or written materials reasonably requested by Planning Commission or City Council to assist the City in visualizing and understanding the proposal shall be submitted.

(6). Site plan approval

Following approval of the conceptual plan by the City Council, if the applicant wishes **receive approval for** all or a portion of the concept plan, the applicant shall submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform **to** the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in Article 6.

(7). Deviations from approved PUD site plan

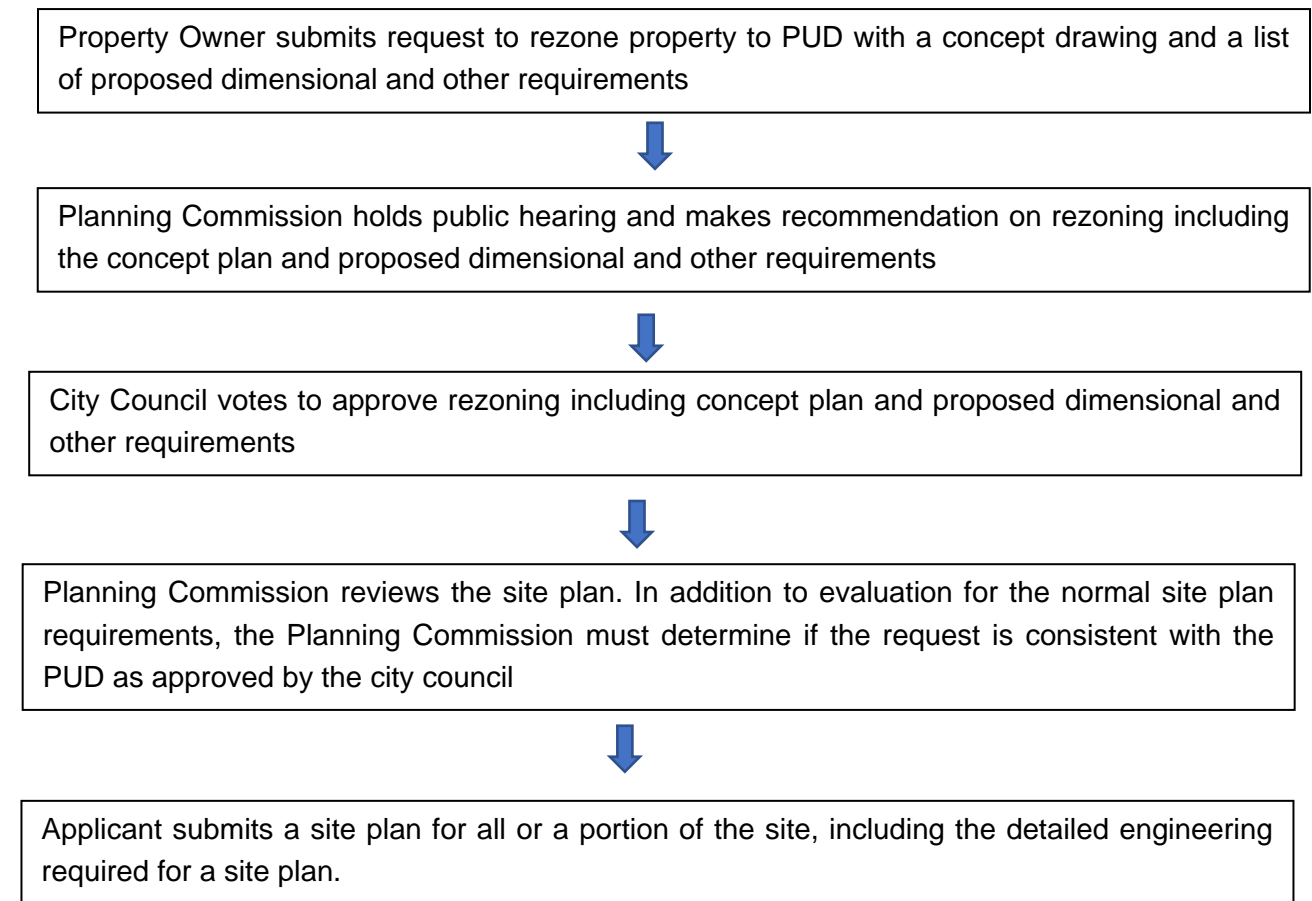
Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Council action if the Zoning Administrator certifies in writing that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission and the City Council. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Zoning Administrator's decision regarding the need for formal review by the Planning Commission and City Council is appealable to the Zoning Board of Appeals.

H. Design Standards

Some uses permitted in this district have required design standards as listed in Article 9. Such uses shall comply with those requirements unless modified by the City as part of the concept plan approval or through approval of a variance by the Zoning Board of Appeals.

## PUD Process Flow Chart



**ARTICLE II.** Article 3 of the City of Flushing Zoning Ordinance is hereby amended by renumbering the following section:

Section 153.311 Schedule of Uses is to be renumbered as Section 153.312.

**ARTICLE III.** Article 3 of the City of Flushing Zoning Ordinance is hereby amended by removing the following land use:

Section 153.312 Schedule of Uses is amended by removing Planned Residential Development as a special use (S# (36)) under R-3A Multi Family Residential District under the City of Flushing Zoning Ordinance – Schedule of Uses Table.

**ARTICLE IV.** Article 9 Standards of the City of Flushing Zoning Ordinance is hereby amended:

Section 153.901 Corresponding standards is amended by removing the following standard:

(36) Planned residential developments (PRDs) shall be subject to the following conditions:

a. Purpose. The purpose of this use is to create a zoning classification which will encourage more imaginative and livable housing environments within the city. A PRD is intended to promote greater design flexibility and coordinated development on larger sites where there are significant natural features. A PRD is intended to provide the opportunity to mix compatible uses or residential types, and/or allow clustering of residential units to preserve open space and natural features while complementing adjacent development patterns. A PRD is also intended to achieve the following:

1. Implement the city's master plan;
2. Encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed;
3. Provide a desirable living environment through preservation of significant natural features such as mature trees, wetlands, water bodies, floodplains, topography, views and open space for enjoyment by residents of all living units;
4. Provide incentives to develop convenient recreational facilities;
5. Provide more efficient development and reduce unnecessary development costs through preserving natural constraints on the site while enhancing the overall value of the property to the owner and the city;
6. Promote efficient provision of public services and utilities while minimizing adverse traffic impacts.

b. Qualifying conditions. The planning commission shall determine that all of the following conditions are present to qualify for planned residential development classification:

1. The PRD site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit and located in the R-3A zoning district.

2. The site shall have significant natural or historic features which will be preserved such as floodplain area, wetlands, lakes, ponds, mature woodlands, vistas of the river or open space; or the PRD will provide a complementary variety of housing types or a design which preserves common open space not possible under the standards of a non-PRD development.

c. Uses permitted. A combination of the following uses are permitted within a planned residential development district:

1. Single-family detached dwelling units, including site condominiums;
2. Two-family dwelling units;
3. Townhouses with up to eight units per building on sites provided the property is a minimum of eight acres;
4. Special housing for the elderly including independent living units, interim/continuing care and nursing care;
5. Attached multiple-family units including apartments with up to 12 units per building and totaling no more than 50 percent of the overall site is developed as multiple-family units within the PRD, provided the property is a minimum of eight acres;

6. An accessory clubhouse and recreational facilities such as swimming pool, sauna, fitness room, meeting room, laundry facilities, leasing/sales office, tennis courts, golf putting course and trails provided such facilities meet the following standards:

- (i) The facilities are intended for the exclusive use of the residents of the PRD and their guests;
- (ii) The development contains at least 60 units;
- (iii) The development has frontage along an arterial roadway or major collector as defined in the city master plan;
- (iv) At least one off-street parking space is provided for each employee on the largest working shift plus an additional one parking space is provided for each two persons allowed under the maximum capacity permitted by the fire department for any meeting or banquet room;
- (v) All associated uses, buildings, structures and parking areas are adequately buffered from adjacent single-family residential areas;
- (vi) Commercial or office uses, including, but not limited to, convenience stores, restaurants, doctor's office, and hair salons, provided the following standards are met:
  - A. The use is consistent in scale and character with the residential neighborhood;
  - B. The use intended to serve primarily the residents of the PRD and the nearby residential neighborhoods;
  - C. The use shall be considered a commercial use for the purposes of determining the required landscaping;
  - D. The use is connected to the rest of the PRD with safe, convenient pedestrian connections;
- (vii) Accessory uses for use by residents such as private garages, carports and similar accessory uses, buildings and structures provided that no such accessory use or structure shall be used or occupied for any business, occupation, profession, trade or dwelling purpose unless otherwise permitted in the zoning code.

d. Standards for approval. Approval of any PRD shall be based on a finding that all of the following design standards have been met:

- 1. Density. For single-family residential developments, the overall density shall be determined by calculating the density permitted in that zoning district. For multiple-family developments, the density shall be consistent with densities established for the R-3B district.
- 2. Lot sizes and lot widths. The applicant may reduce lot sizes and lot widths by up to 40 percent in order to allow for the clustering of units, provided this reduction assists in meeting the purpose of this section.
- 3. Minimum frontage. A PRD with exclusively detached single or two-family units shall have a minimum frontage of 75 feet. In all other cases, the minimum frontage shall be 150 feet.
- 4. Building setbacks. All buildings shall be setback from the property line a distance equal to the required rear yard setback of any adjacent residential district and at least 20 feet from any other zoning district. The front yard building setback shall be 30 feet.
- 5. Setbacks from wetland and shoreline. Buildings shall be setback at least 40 feet from the shoreline (measured at the ordinary high-water mark) of any lake, pond, or watercourse and at least 25 feet from the boundary of any regulated wetland.
- 6. Spacing of units. Single- and two-family residential buildings shall be spaced a minimum of 15 feet apart with a minimum 25 feet between every fourth building. Multiple-family buildings (three or more dwelling units per building) shall be spaced at least 30 feet apart. Spacing shall be measured from the nearest edge to nearest edge of each building.
- 7. Height. Principle buildings may be up to 30 feet high. Accessory buildings may be up to 20 feet high.

8. Minimum floor area. The minimum floor area is specified in [article 4](#) of this chapter.
9. Maximum lot coverage. The maximum percentage of lot coverage by all buildings shall not exceed 30 percent; the maximum coverage of all buildings, structures and paved areas shall not exceed 50 percent.
10. Preservation of views. The planning commission may require clustering of units to preserve significant public views of the river, the golf course or other open space.
11. Surrounding land uses. The proposed zoning and plan shall be harmonious with existing and planned land uses in the surrounding area.
12. Open space. At least 20 percent of the total acreage shall be open space which is conveyed to a homeowner/condominium association, is protected through an easement recorded with the county register of deeds or is dedicated and accepted by the city. At least half of the required open space shall be outside of any water body, golf course, regulated floodplain or state or federal regulated wetland. Required open space shall not include buildings, paved areas or limited commons area. The required open space shall include trails or other features to encourage use by residents.
13. Maintenance of open space and common elements. Maintenance of any common areas and common elements such as private roads, landscaping, recreational facilities, private utilities and signs shall be provided for in a master deed or easement agreement reviewed and approved by the city attorney and duly executed and recorded with the county register of deeds. Such agreement shall provide that in event the open space is not adequately maintained the city shall be entitled to enter the property and conduct required improvements and assess the owners of the planned residential development for any costs incurred.
14. Parking. Parking shall be provided in accordance with [article 5](#) of this chapter. In addition, parking areas shall be located and designed to minimize adverse visual and environmental impacts on the surrounding area. The planning commission may require landscaped berms and screen walls to minimize visual impacts onto surrounding property. Filtration of stormwater runoff from parking areas may be required for sites in the vicinity of the river, wetlands, lakes or ponds.
15. Parking lot setbacks. Parking lots shall be setback at least 20 feet from all property lines, 25 feet from any wetland or surface water body and ten feet from any building, except drives for garages.
16. Architectural standards. Building materials shall complement existing developments in the vicinity. The front facade of single-family residential units shall not be dominated by the garage and at least 25 percent of the units shall have garage doors on the side or rear of the building, relative to the street.
17. Landscaping. Landscaping shall be provided along the street frontage and along any property line adjacent to a residential district. This landscaping shall be consistent with the requirements of the landscaping provisions of this chapter. For purposes of determining required landscaping, this development shall be considered a multiple-family development.
18. Traffic. The proposed development and its intersections with streets providing access shall promote efficient and safe traffic operations. The applicant shall submit a traffic impact study analyzing probable impacts on the existing street system.
19. Street design. Street layout within the PRD shall be consistent with accepted design standards for residential streets with offsets at least 150 feet apart. Streets shall be constructed to city standards except the planning commission may approve a pavement width no less than 22 feet wide where significant natural features would be preserved and expected daily volumes would be



under 500 vehicles per average weekday. Maximum cul-de-sac length shall be 1,500 feet or serve a maximum of 50 units, whichever is less.

20. Non-motorized circulation. Sidewalks and trails shall be designed to achieve safe and efficient non-motorized traffic circulation for walkers, runners, bicyclists, etc. Where the development is adjacent to an existing public trail system the development shall accommodate an extension of the system wherever feasible.

21. Phasing. The percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion as the percentage of multiple-family dwelling units under construction at any one time if one-family dwelling units comprise 25 percent or more of the total number of dwelling units proposed for the PRD.

**ARTICLE V.** This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

**ARTICLE VI.** All ordinances and provisions of ordinances of the City of Flushing in conflict herewith are hereby repealed.

**ARTICLE VII.** This Ordinance shall be effective twenty (20) days after adoption and after publication.

Public Hearing Planning Commission: July 15, 2019

First Reading: August 12, 2019

Second Reading: September 9, 2019

Date Published: September 12, 2019

Date Effective: September 29, 2019

The City of Flushing

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Kevin J. Keane, Mayor

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Michelle M. King, City Clerk