

CITY OF WIXOM
ORDINANCE NO. 2012-04
ZONING ORDINANCE - CHAPTER 18.04
GATEWAY PLANNED UNIT DEVELOPMENT (GPUD) DISTRICT

18.04.010 Intent

The Gateway Planned Unit Development (GPUD) District is intended to allow a mixture of land uses permitted in specified zoning districts arranged according to an approved Planned Unit Development Plan and Development Agreement, meeting the standards of this chapter. The GPUD standards permit flexibility in the regulation of land development; encourage innovation in land use, form of ownership (such as a condominium), and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land; create aesthetically pleasing architectural features and public spaces; promote efficient provision of public services and utilities; minimize adverse traffic impacts; provide better employment and service opportunities particularly suited to residents of the City; encourage development of convenient recreational facilities; and encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The standards are intended to accommodate redevelopment on the former Ford Wixom Plant site, which is an entryway into the community and designated as Gateway property in the City of Wixom Master Plan. The GPUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. To encourage higher quality development, these standards may allow the City to relax or waive one (1) or more of the dimensional requirements of the specified zoning districts. The GPUD also allows the developer the opportunity to mix compatible uses on a single property to achieve a more efficient use of the land than might otherwise be possible through an individual zoning classification.

18.04.015 Definitions

“Final GPUD Plan” means the final site plan approved by the Planning Commission for each phase of development for the former Ford Wixom Plant site.

“Gateway Planned Unit Development (GPUD)” means the zoning district established for the former Ford Wixom Plant site at the northwest corner of I-96 and Wixom Road.

“GPUD Development Agreement” means the Gateway Planned Unit Development Agreement that is submitted with the Preliminary GPUD Plan and details the conditions of development approval along with any specific requirements such as timing of improvements, phasing, duration of approvals, financial guarantees, etc.

“Preliminary GPUD Plan” means the preliminary site plan that is recommended by the Planning Commission and approved by City Council to regulate the overall use of land for the former Ford Wixom plant site.

18.04.020 Permitted Uses

The only property that qualifies for the Gateway GPUD District designation is the former Ford Wixom Plant site, as identified in the City of Wixom Master Plan as a Mixed Use property. The following Principal uses are permitted in the GPUD District when the locations are in conformance with an approved Preliminary GPUD Plan:

- A. **OS-1, B-1, B-2, B-3 and I-S.** All business, service, professional offices, and other commercial uses, or any combination of these uses, listed as permitted uses in these zoning districts shall be permitted.
- B. **IRO, M-1 and M-2.** All manufacturing, warehousing, research and development, business, service, professional offices, and other industrial uses, or any combination of these uses, listed as permitted uses in these zoning districts shall be permitted.
- C. **Other Uses.** In addition to the above uses, other business, service and office uses may be permitted, if determined by the Planning Commission to meet the following:
 - 1. Be compatible with other proposed GPUD and surrounding uses and in conformance with the intent of the Preliminary GPUD Plan.
 - 2. The proposed use can be accommodated by the road network and will not create traffic conditions negatively impacting the remainder of the development.
 - 3. The proposed use would improve the mix of uses and not detract from development goals in other areas of the city.

18.04.030 Special Land Uses

All uses listed as special land uses in the above designated districts are considered as special land uses within the GPUD District.

18.04.040 Qualifying Condition

The only property that qualifies for the GPUD zoning designation is the former Ford Wixom Plant site, as identified in the City of Wixom Mater Plan as a Mixed Use property.

18.04.045 Development and Design Standards

Proposed development under the GPUD must meet the following minimum development and design standards:

- A. **Availability and Capacity of Public Services.** The proposed type and density of uses(s) shall ensure adequate availability of public services, public facilities and utility capacities.
- B. **Phased Development.** Each phase of the development must be capable of meeting the requirements of the ordinance including road network, with the use of T-turnarounds and stub street connections, utilities and availability of public services. Each phase upon completion must be capable of standing on its own with respect to these required improvements.
- C. **Design Standards.** Proposed development of the site must, at a minimum, meet the design standards that are adopted as a separate document by resolution of the City Council. Such document shall include, but not be limited to, provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage.

18.04.050 Dimensional Requirements

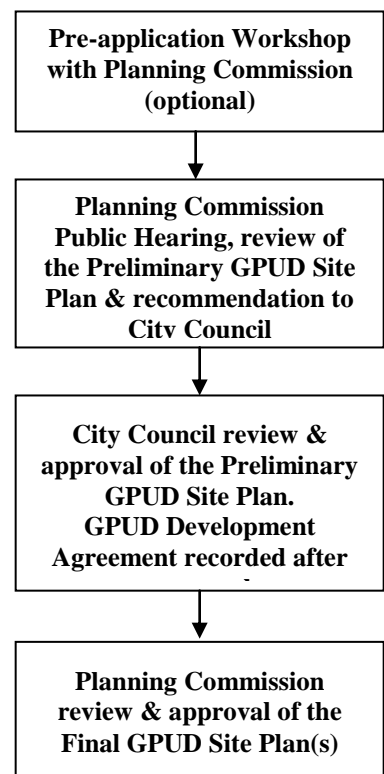
- A. **Base Zoning Regulations.** Unless modified by the Planning Commission, according to the GPUD standards, all Zoning Ordinance requirements for the zoning districts designated on the Preliminary GPUD Plan shall remain in full force, except as modified by this Chapter.
- B. **Regulatory Flexibility.** To encourage flexibility and creativity, the Planning Commission may grant specific modifications from the requirement of the Zoning Ordinance as a part of the approval process. Yard, lot width, and bulk standards may be modified, provided that such modifications result in a higher quality development that meets the intent of this section and provides a more efficient use of land and improved compatibility with adjacent land uses.
- C. **Approval of Modifications.** Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Higher quality development that would be approved in exchange for a modification would include enhanced building design (e.g. higher quality materials, improved design), increased landscaping, additional site amenities (e.g. fountains, seating areas, gazebos), enhanced infrastructure, etc. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
- D. **Table of Modifications.** A table shall be provided on the site plan which specifically details all deviations from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, or other Zoning Ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this GPUD Chapter. This specification should include Ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance and the City of Wixom Master Plan shall be considered.

18.04.060 Application and Review Procedure for Preliminary and Final GPUD Site Plan

The application process for a GPUD involves a two (2) step process, with an optional Planning Commission Workshop, that includes review of a preliminary site plan by both the Planning Commission and City Council. Upon approval of the Preliminary GPUD Plan, a Final GPUD Site Plan shall be reviewed by the Planning Commission. The procedures are described below.

- A. The applicant shall meet with City staff to review the GPUD requirements and confirm that application materials are complete. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the details

GPUD Review Procedure



of the GPUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.

- B. The applicant shall submit the Preliminary GPUD Site Plan, meeting the requirements of Section 18.04.070, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the Preliminary GPUD Site Plan submittal.
- C. The Planning Commission shall review the Preliminary GPUD Site Plan and conduct a public hearing in accordance with Section 18.21.110. During this review, the Administration and/or Planning Commission may request additional materials supporting the GPUD proposal, or recommend modifications or conditions based on the standards of 18.04.080. Examples of additional information include but are not limited to a traffic study, environmental study, market analysis, community impact statement, etc. The Planning Commission shall then make a recommendation on the Preliminary GPUD Site Plan to the City Council. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the City Council.
- D. Following receipt of the Planning Commission recommendations, the City Council shall take final action and either approve, deny or approve with conditions the Preliminary GPUD Site Plan.
- E. Any conditions imposed upon the approval of the Preliminary GPUD Site Plan by the City Council shall be made part of the approval and shall be reflected in the final GPUD site plan.
- F. The city attorney shall prepare a draft GPUD Development Agreement stating the conditions upon which the GPUD is based, which shall be submitted to the City Council for approval concurrent with the Preliminary GPUD Plan. The GPUD Agreement will be finalized during final GPUD approval, and shall be entered into between the City and the applicant and be recorded in the office of the Oakland County Register of Deeds. The applicant shall pay all costs associated with recording the GPUD Development Agreement.
- G. Approval of the Preliminary GPUD Site Plan shall be effective for a period of two (2) years. If a final GPUD site plan for at least the first phase of the project is not submitted and approved, permits issued and construction initiated within two (2) years of the preliminary approval, the Preliminary GPUD Site Plan shall terminate and a new application must then be filed and processed. The two (2) year period for preliminary GPUD approval may be extended for not more than one (1) year, if applied for by the petitioner prior to expiration and granted by the City Council, based upon a recommendation by the Planning Commission. To be considered for an extension, the applicant must demonstrate that the applicant has been working diligently toward construction of the project, but has been unable to begin construction within the two year time period for reasons beyond the applicant's control, such as a change in the economy, environmental cleanup issues, etc.
- H. If the approved Preliminary GPUD Site Plan indicated that the proposed development was to occur in phases, Final GPUD Site Plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of the health, safety, and welfare of the users of the GPUD and of the surrounding area. Roads, utilities and other infrastructure for each phase shall be designed to fully operate in accordance with City Engineering Standards and not be dependent upon the completion of subsequent phases. Subsequent phases shall also follow the process for Final GPUD Site Plans outlined in this Chapter.
- I. For multi-phased plans, the Preliminary GPUD Plan shall remain in effect for a period of five (5) years and the applicant has the right to request a five (5) year extension if economic conditions dictate the need for said extension.
- J. The applicant shall submit the Final GPUD Site Plan, as described in Section 18.04.090, for all or any phase of, the approved Preliminary GPUD Site Plan. Upon submission of all required materials and fees, the Planning Commission shall review the Final GPUD Site Plan and shall take final action on the Final GPUD Site Plan, in accordance with the standards and regulations of this Ordinance. The Planning Commission may request additional studies or materials that it deems necessary to render a decision.
- K. If the Final GPUD Site Plan was approved with conditions, the applicant shall submit a revised Final GPUD Site Plan to the Building Official for approval prior to the issuance of any building permits.
- L. The applicant shall reimburse the City for all costs related to the review of the GPUD application, including the preparation of the GPUD Development Agreement by the city attorney.

18.04.070 Preliminary GPUD Site Plan Submittal Requirements

The Preliminary GPUD Site Plan shall set forth the proposed uses to be developed in the GPUD. The following specific information shall be provided in the Preliminary GPUD Site Plan submittal:

- A. **Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement with written authorization from the owner.
- B. **Written Documentation.** Written documentation that the Preliminary GPUD Site Plan meets the

standards of Section 18.04.040.

- C. **Application Form and Fees.** A completed application form, supplied by the Building Official, and an application/review fee; a separate escrow deposit, to be kept current throughout the review process, shall be required for administrative and consulting charges to review the GPUD submittal.
- D. **Sheet Size.** Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- E. **Cover Sheet.** Cover sheet providing:
 - 1. Applicant's name.
 - 2. Name of the development.
 - 3. Preparer's name and professional seal of architect, engineer, surveyor, and landscape architect as applicable indicating license in the State of Michigan.
 - 4. Date of preparation and any revisions.
 - 5. Complete and current legal description and size of property in acres.
 - 6. Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
 - 7. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the GPUD site.
 - 8. The applicant may be required to submit additional studies requested by the Administration, the Planning Commission, or the City Council to aid in a decision on the preliminary site plan. These additional studies may include, but are not limited to, traffic studies, environmental studies, community impact studies, market need analysis, etc.
- F. **Final GPUD Site Plan Submittal Requirements.** A site plan sheet indicating:
 - 1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands with supporting documentation, nonregulated wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of existing trees.
 - 2. Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
 - 3. An aerial photograph of the entire site and all areas within one-half (1/2) mile of the site, taken not more than one (1) year prior to the date of the GPUD application.
 - 4. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 - 5. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
 - 6. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use.
 - 7. General engineering information for utilities and drainage.
 - 8. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 - 9. Size, type, and location of proposed identification signs.
 - 10. North arrow.
 - 11. Property lines and dimensions.
 - 12. Lot lines and all structures on the property and within one hundred (100) feet of the GPUD property lines.
 - 13. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the GPUD site along streets where vehicle access to the GPUD is proposed.
 - 14. The applicant may be required to submit additional studies requested by the Administration, the Planning Commission, or the City Council to aid in a decision on the final site plan. These additional studies may include, but are not limited to, traffic studies, environmental studies, community impact studies, market need analysis, etc.
- G. **GPUD Development Agreement.** A draft written GPUD Development Agreement specifying all the terms and understandings of the GPUD development must be submitted with the Preliminary GPUD Plan. The agreement shall be prepared by the city attorney (at the applicant's expense), the content of which shall be based on the extent of the proposed development, but shall at a minimum provide the

following:

1. A survey of the acreage comprising the proposed development.
2. The manner of ownership of the developed land.
3. The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.
4. Land use description including list of proposed uses, lot dimensions, setbacks and other dimensional standards.
5. Description of improvements to common areas, recreational facilities and non-motorized pathways.
6. General description of any improvements to roads or utilities. The cost of installing and maintaining all streets and the necessary utilities shall be assured by a means satisfactory to the City.
7. Provision assuring that open space areas shown on the plan for use by the public or owners of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
8. Provisions for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City.
9. Provisions to ensure adequate protection of natural features.
10. Financial assurances to guaranty the completion of all improvements.
11. An acknowledgement by the applicant that the terms and conditions of any approval are fair, reasonable, and equitable, and that the applicant shall be bound by each and every condition and provision of the development agreement.
12. The Preliminary GPUD Site Plan shall be incorporated by reference and attached as an exhibit, including conditions attached to the approval.

H. **GPUD Design Guidelines.** A written draft of GPUD design guidelines specific to the GPUD shall be submitted and approved as a part of the review process

I. **Additional Information.** Any additional graphics or written materials requested by the Planning Commission or City Council to assist the City in determining the appropriateness of the GPUD such as, but not limited to: market studies; impact on public primary and secondary schools and utilities; traffic impact study; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

18.04.080 Preliminary GPUD Site Plan 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 Preliminary GPUD Site Plan.

- A. The GPUD shall meet the qualifying conditions of section 18.04.040.
- B. The GPUD must be consistent with the City of Wixom Master Plan.
- C. The uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the designated zoning districts alone or that of any other zoning district.
- D. Any modifications to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the City Council.
- E. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Chapter 15 Off-Street Parking, Loading, Access and Circulation Requirements. However, where warranted by overlapping or shared parking arrangements, the City Council may reduce the required number of parking spaces in accordance with Section 18.15.010.G.
- F. All streets and parking areas within the GPUD shall meet the minimum construction and other requirements of City Ordinances, unless modified by City Council.

- G. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- H. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall be consistent with or exceeding the standards of Section 18.14.020.
- I. Judicious effort shall be used to preserve significant natural features and the integrity of the land, including MDEQ regulated and nonregulated wetlands.
- J. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
- K. Building design shall be of a high quality and be consistent with or exceed the standards of Section 18.14.010.

18.04.090 Final GPUD Site Plan Submittal Requirements

The Final GPUD Site Plan shall include all the following information, unless the Building Official determines that some of the required information is not reasonably necessary for the consideration of the GPUD:

- A. All information required for site plan submittal in accordance with Section 18.17.030.
- B. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed GPUD site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- C. The Final GPUD application shall also note and include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

18.04.100 Final GPUD Site Plan Standards for Approval

The Planning Commission shall use the standards for approval of Section 18.17.040, and any design requirements developed specifically for the GPUD by the City Council, in reviewing the Final GPUD Site Plan. Any additional modifications to dimensional requirements under Section 18.04.080 may be approved by the Planning Commission when meeting the intent of this ordinance.

18.04.110 Deviations from Approved Final GPUD Site Plan

- A. Deviations and amendments from the approved Final GPUD Site Plan and associated design guidelines shall be reviewed and approved in accordance with Section 18.17.090.
- B. Amendments to the approved site plan may occur only under the following circumstances:
 - 1. An applicant or property owner who has been granted Final GPUD Site Plan approval shall notify the building official of any proposed amendment to such approved site plan.
 - 2. Minor changes may be approved by the Wixom building official. The building official must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. Examples of minor changes include but are not limited to the following:
 - (a) Change in size of structures by up to five percent.
 - (b) Change in square footage of non-residential buildings by up to five percent or 1,000 square feet, whichever is smaller.
 - (c) Alterations to horizontal and/or vertical elevations by up to five percent.
 - (d) Movement of a building or buildings by no more than ten feet.
 - (e) Increase in designated open space or "areas not to be disturbed."
 - (f) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the building official.
 - (g) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (h) Changes of building materials to another of higher quality, as determined by the building official.
 - (i) Changes in floor plans which do not alter the character of the use.

- (j) Slight modification of sign placement or reduction of size.
 - (k) Relocation of sidewalks and/or refuse storage stations.
 - (l) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent or alter access locations or design.
 - (m) Changes required or requested by the city for safety reasons.
3. Should the building official determine that the requested modification to the approved site plan is not minor, a revised Final GPUD site plan submission must be submitted for Planning Commission review and possible approval. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified. Any change in use from the approved Preliminary GPUD Site Plan must be reviewed and approved by the Planning Commission to determine if it meets the intent of the originally approved plan.
 4. Should the Planning Commission determine that the modifications to the Final GPUD Site Plan significantly alter the intent of the Preliminary GPUD Site Plan, a new submittal illustrating the modification shall be required and must be approved by the City Council as a new Preliminary GPUD Site Plan.

18.04.120 Appeals and Variances

Appeals and variances related to a GPUD cannot be taken to the Zoning Board of Appeals. Modifications can only be granted by the Planning Commission when it is determined that the requested amendments are in keeping with the overall intent of a GPUD, as identified in Section 18.04.010.

This ordinance is hereby declared to have been adopted by the City of Wixom City Council at a meeting thereof duly called and held on the 13th day of November, 2012, and ordered to be given effect upon publication as mandated by charter and statute.

Kevin W. Hinkley, Mayor

Catherine Buck, City Clerk

Notice of adoption was published in the Spinal Column on November 21, 2012.

CERTIFICATION OF CLERK:

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Wixom, County of Oakland, State of Michigan, at a regular meeting of the City Council duly called and held on November 13, 2012.

Catherine Buck, City Clerk