

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-7.106 OF ARTICLE 7 PLANNED UNIT DEVELOPMENT OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROVIDE AN STREAMLINED PRELIMINARY PUD PROCESS FOR DEVELOPMENTS SUBMITTED UNDER THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY (EGLE) RESTORATION AND REMEDIATION GRANT 2023-2540, AND TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-7.106 of Article 7 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

SECTION 138-7.106 - Submittal, Review and Approval Process

The submittal, review and approval process shall consist of the following two steps:

A. Step One: PUD option application and preliminary plan.

1. Authorized applicant. A person owning or controlling the land may request consideration of the PUD option. The applicant shall submit a request for a determination as to whether the parcel qualifies for the PUD option under the criteria set forth below in subsection 3.c., Planning Commission Review.
2. Submittal of proposed PUD preliminary plan. Application shall be made to the Planning and Economic Development Department for review and recommendation by the Planning Commission, except in case of a development application that is being submitted with an EGLE Restoration and Remediation Grant Application in which case the review and recommendation shall be made by the EGLE Grant Committee. The application shall include the following:
 - a. A certified boundary survey of the exact acreage being requested prepared by a registered land surveyor (scale: not smaller than one inch equals 100 feet).
 - b. A topographic map of the entire area at a contour interval of not more than two feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas (scale: not smaller than one inch equals 100 feet).

Delete

- c. A proposed project land use plan identifying the following items of information. The project land use plan shall be drawn at a scale no smaller than one inch equals 100 feet:
- i. Land use areas requested in the PUD option and identified or defined by the proposed zoning districts.
 - ii. Vehicular and pedestrian circulation, including major drives, the location of vehicular and pedestrian access points, non-motorized and pedestrian pathways, and cross sections and public or private streets.
 - iii. Transition treatment, including minimum building setbacks from property lines and land use boundaries within the PUD.
 - iv. The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage, number of stories, building height, and proposed building facade elevations.
 - v. The general location and density of proposed residential unit types, including lot width and lot area for detached single-family residences.
 - vi. The general location of all woodlands, wetlands, water bodies and watercourses and proposed stormwater management facilities.
 - vii. The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof.
 - viii. A schematic landscape treatment plan for open space areas, streets and border/transition areas within the PUD and along perimeter property lines.
 - ix. A preliminary grading plan, identifying the extent of grading and any areas that are not to be graded or disturbed.
 - x. A preliminary utility plan, including a contemplated water distribution, storm and sanitary sewer plan.
 - xi. Any deed restrictions or restrictive covenants associated with the property.
 - xii. All easement locations.
 - xiii. A written statement explaining in detail the applicant's full intentions under the PUD option including the type of dwelling units or uses contemplated and resulting population, floor area, parking and supporting documentation, including the intended schedule of development.
- d. Written verification from the owner of the property that the applicant is authorized to pursue a PUD.
- e. A development application that is being submitted with an EGLE Restoration and Remediation Grant Application must also provide all of the information listed in the EGLE Development Application.

3. Planning commission or EGLE Grant Committee review.
 - a. The Planning Commission shall hold a public hearing in accordance with [Section 138-1.203](#), report its findings and make a recommendation to the City Council concerning the PUD option application and preliminary plan.
 - b. A development application that is being submitted with an EGLE Restoration and Remediation Grant Application shall be reviewed by the EGLE Grant Committee, which shall report its findings and make a recommendation to the City Council concerning the EGLE Development application and preliminary plan.
 - c. The Planning Commission or EGLE Grant Committee shall review the proposed PUD preliminary plan for compliance with the following objectives and requirements:
 - i. The proposed PUD meets the qualification criteria as defined in Section 138-7.103.
 - ii. The proposed PUD promotes the land use goals and objectives of the City.
 - iii. All applicable provisions of this Chapter shall be met. Where provisions of this Chapter conflict with any other sections of this ordinance, the provisions of this Chapter shall control and apply to the lands within a PUD area.
 - iv. There is, or will be at the time of initial development, adequate means of disposing of sanitary sewage and supplying the development with water, and the road system and stormwater drainage system are adequate.
4. City Council review. Upon receipt of a recommendation from the Planning Commission, or EGLE Grant Committee for a development application that is being submitted with an EGLE Restoration and Remediation Grant Application, City Council shall review the PUD option application and preliminary plan and make the final determination on the applicant's fulfillment of the above-stated objectives and requirements.
 - a. In the case of an EGLE Development Application, the City Council shall hold a public hearing in accordance with Section 138-1.203
 - b. Once an application for PUD and the preliminary plan have been approved by the City Council, development or other use may not take place on the property within the PUD except in accordance with the approved preliminary plan or in accordance with an approved amendment thereto.
 - c. Approved plans shall not be terminated except with the approval of the City Council and the applicant, its successor or assign.

B. Step Two: Submission of final site plans and schedule for completion of the approved PUD.

1. If City Council approves the application, it shall require the applicant to prepare a PUD agreement, conforming to [[Section 138-7.108](#)] below, setting forth the conditions upon which the City's approval is based. After review and recommendation by the City attorney, Planning Commission and subsequent approval by the City Council, the agreement shall be executed by the City and the applicant. Approval shall be granted only if the City Council determines all provisions of this ordinance have been met and that the proposed development will not adversely affect the public health, safety and welfare.
2. Prior to the issuance of any permits for activity within the PUD area, final site plans and open space plans for a project area shall be submitted to the planning department for review and recommendation by the Planning Commission and final City Council approval based on the following:
 - a. Review and approval of site plans shall comply with this section except as otherwise modified in the approved PUD plan. Review and approval of plats shall comply with Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, and applicable ordinances of the City.
 - b. Before approving any final plan, the Planning Commission shall determine that:
 - i. All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents within the PUD have been dedicated to such use in the PUD agreement;
 - ii. The final site plans are in conformance with the approved PUD agreement and PUD plan;
 - iii. In accordance with the PUD agreement, provisions have been made to guarantee open space and common area improvements shown on the final plan, and that maintenance of such improvements is assured in accordance with the PUD agreement.
3. Plans for tree removal permit and wetland permit review shall be submitted at the time of step two review.
4. Final site plans for the PUD area must be submitted and approved within two years of the execution of the PUD agreement, or such other period of time stated in the PUD agreement. If such plans have not been submitted and approved within the prescribed time, the right to develop under the approved plan may be terminated by the City.
5. If development of approved final site plans is not substantially completed in three years (or such other period of time stated in the PUD agreement) after approval, further final submittals under the PUD shall cease until the development of part in question is completed or cause can be shown for not completing same. An applicant may request up to two one-year extensions of PUD approval subject to City Council approval.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Repeal, Effective Date, Adoption.

- (1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.
- (2) Effective Date. This ordinance shall become effective on _____, following its publication in the Oakland Press on _____, 2025.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2025.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2025.

Leanne Scott
Clerk City of Rochester Hills