

CHAPTER 1289

Planned Unit Residential Developments

1289.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specified. The word "shall" is mandatory and not merely directory. Any term not herein defined shall be interpreted as is elsewhere defined in this Planning and Zoning Code.

(a) **Area.** The area of a tract or tracts of land, as surveyed by a State of Michigan licensed land surveyor, to be considered for a planned unit residential development. The land area is a gross area calculation, including all land, including land under water.

(b) **Common Open Space.** A parcel or parcels of land or an area of water, or a combination of land and water within an area designated for planned unit residential development and designed and intended for the use and enjoyment of all residents of the planned unit residential development.

(c) **Comprehensive Plan.** The official adopted Comprehensive Plan of the City of Battle Creek as adopted and amended from time to time. The term also means "Master Plan" as used elsewhere in this Planning and Zoning Code, and refers to the same document. A copy of the current Comprehensive Plan of adoption is on file in the City Clerk's Office.

(d) **Housing Tenure.** The nature of the occupancy of a residential unit. A housing unit is considered "owner occupied" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owner occupied" only if the owner or co-owner lives in it. All other occupied residential units are considered "renter occupied".

(e) **Landowner.** The unified ownership of a tract of land to include all of the following: the legal owner in fee simple of all or a portion of the land proposed to be included in a planned unit residential development; the absolute holder of an option or a contract to purchase; a lessee having an unexpired lease of not less than forty years; and any other person having an enforceable proprietary interest in all or any portion of the land proposed to be included in a planned unit residential development.

(f) **Natural State Buffer.** An area wherein naturally occurring vegetation is maintained. Areas within a natural state buffer that may be disturbed by grading or construction shall be replanted with similarly occurring natural vegetation. Natural state buffers shall be exempted from ~~the "Weeds and Noxious Vegetation" Ordinance~~ Chapter 1450 "Property Maintenance Code"; however, no prohibited or restricted weeds identified pursuant to the Michigan Seed Law, Act 329 of the Public Acts of 1965, as amended from time to time, shall be replanted within a natural state buffer area.

(g) **Plan.** The proposal for the implementation of a planned unit residential development, including a plat of the subdivision, all covenants, grants of easement and other conditions relating to the use, location and mass of buildings, density of development, common open space and public facilities. The plan shall include such information as required by this chapter. The phrase "provisions of the plan," where used in these regulations, shall refer to those documents, written and graphic, referred to in this definition.

(h) **Planned Unit Residential Development or "PURD".** An area of land, consisting of not less than ten acres, controlled by a unified ownership, to be developed in the City of Battle Creek Comprehensive Plan as a single entity for a number of dwelling units and accessory uses incidental thereto as hereinafter provided, the plan for which may not correspond in lot size, type

of dwelling unit, density, lot coverage or required open space to the regulations in any one residential district established by any other article of these regulations.

(i) Subdivision Control Act. Act 288 of the Public Acts of 1967, as amended, of the State of Michigan, now known as the "Land Division Act".

(j) Unified Ownership. The proprietary interest of each and every person in a tract of land.