

ARTICLE 7

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Section 7.1 Purpose and Intent.

Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and bring about a greater compatibility of design and use. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

Section 7.2 PUD Regulations.

7.2.1. A planned unit development (PUD) may be applied for in any zoning district. The approval of a planned unit development application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the City Council.

7.2.2. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

7.2.3. To qualify for approval, the applicant for a planned unit development must demonstrate all of the following criteria are met:

1. The development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning without application of the planned unit development regulations; or
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - c. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
3. The proposed development shall be consistent with the public health, safety and welfare of the City.
4. The proposed development shall be consistent with adjacent circulation patterns, includes the provision for appropriate stub streets to accommodate the extension of the traditional street patterns that could be developed on adjacent parcels, and shall not result in excessive increases in traffic nor negatively impact traffic operations below an acceptable level.
5. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
6. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
7. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
8. The proposed development shall be consistent with the City of Grayling Master Plan.

Section 7.3 Procedure for Review.

7.3.1. Pre-application Conference. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any; the number and type of non-residential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

7.3.2. Preliminary Plan. Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with Section 3.4.2. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 7.2.3.1 have been met.

1. *Planning Commission Action.* The Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:

- a. Approval. Upon finding that the Preliminary Plan promotes the intent and purpose of this Article and meets the criteria and standards set forth in Section 7.2, the Planning Commission shall grant preliminary approval.
 - 1) Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan.
 - 2) Approval of the Preliminary Plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the City Council to approval of the Final Plan.
 - 3) In granting Preliminary Plan approval, the Planning Commission may impose reasonable conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
 - 4) Preliminary Plan approval shall be valid for a period of six (6) months from the date of Planning Commission action. An extension of the expiration date may be granted if requested in writing and approved by the Planning Commission.
- b. Tabling. Upon finding that the Preliminary Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in Section 7.2, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
- c. Denial. Upon finding that the Preliminary Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in Section 7.2, the Planning Commission shall deny preliminary approval.

7.3.3. Final Plan. The applicant shall submit a Final Plan and supporting materials conforming with this Section prior to expiration of the Preliminary Plan. If a Final Plan is not submitted by the applicant for final approval prior to expiration of the Preliminary Plan, said preliminary approval shall become null and void.

1. *Information Required.* A final site plan and application for a PUD shall contain the following information:
 - a. A site plan meeting all requirements of Section 3.4.3, Final Site Plan.
 - b. A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.

- c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.
2. *Planning Commission and Action.* The Final Plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission, and the City Council, as provided by law.
- a. *Approval.* Upon finding that the Final Plan promotes the intent and purpose of this Article and meets the criteria and standards set forth in Section 7.1 and 7.2, the Planning Commission shall recommend approval to the City Council. As part of its recommendation to City Council, the Planning Commission may recommend reasonable conditions necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads to protect the natural environment to insure compatibility and to promote the use of land in a socially and economically desirable manner.
 - b. *Tabling.* Upon finding that the Final Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in Section 7.2, but could meet such criteria if revised, the Planning Commission may take action until a revised Final Plan is resubmitted.
 - c. *Denial.* Upon finding that the Final Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in Section 7.2, the Planning Commission shall recommend denial to the City Council.
- The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.
3. *City Council Action.* Upon receiving a recommendation from the Planning Commission, the City Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission, the intent and purpose of this Article and the criteria and standards set forth in Section 7.2, the City Council shall approve, table or deny the Final Plan.
- a. Prior to approval of a Final Plan, the City Council shall require all standards and conditions of approval to be incorporated in a Development Agreement.

The Agreement shall be prepared by the City Attorney, approved by the City Council, and signed by both the City and the Applicant.

- b. In granting approval, the City Council may impose reasonable conditions on the Planned Unit Development, which shall meet the following conditions:
 - 1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 - 4) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

Section 7.4 Project Design Standards.

7.4.1. Residential Design Standards.

- 1. Permitted residential density shall be as permitted in the zoning district in which the property is situated immediately prior to classification under this Article.

Additional density for residential uses may be allowed in the discretion of the City Council upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of the following:

- a. Consistency with the Grayling Master Plan and of planning and design excellence resulting in a material benefit to the City;
- b. Consistency with adjacent land uses, and/or the ultimate users of the project; and
- c. Where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

2. Residential street layout patterns shall be consistent with the traditional street patterns as established in the City in order to meet the intent of this Ordinance as outlined in Section 1.2 of this Ordinance.

7.4.2. Non-Residential Design Standards.

1. Non-residential uses may be permitted in under the following:
 - a. Non-residential uses are permitted in the underlying zoning district;
 - b. The non-residential uses are provided for the primary use and convenience of future residents, and will not detract from the surrounding areas.
2. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
3. Where feasible, secondary access for non-residential uses shall be provided either through a side street, public easement, service drive, or shared access with other adjacent non-residential uses.

7.4.3. General Design Standards.

1. All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a Principal Permitted Use. In all cases, the strictest provisions shall apply.

Deviations to the above referenced regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

2. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
 - a. The availability of feasible and prudent alternative methods of accomplishing any development.
 - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 - c. The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

3. There shall be a perimeter setback and berming, as found to be necessary by the City, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the City Council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
4. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
5. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
6. Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the City.
7. Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
8. Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The City, in its discretion, shall review and approve the design and location of such mechanisms.
9. The City Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, General Development Plan, and other City standards or policies as a guide.

Section 7.5 Phasing and Commencement of Construction.

7.5.1. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.

7.5.2. Commencement and Completion of Construction. To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 3.7. Construction shall be commenced within one (1) year following final approval of a planned unit

development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 7.2.3. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

Section 7.6 Effect of Approval.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Crawford County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator. Notice of adoption of the amendment to the zoning map shall be published in a newspaper of general circulation as required in the Michigan Zoning Enabling Act.