

## **ARTICLE 15 - PLANNED UNIT DEVELOPMENT**

### **Section 15.1 - Intent.**

A PUD, or Planned Unit Development, is not a District per se, but rather a set of standards that may be applied to a development type.

The Planned Unit Development accommodates the fulfillment of the objectives of the Village Comprehensive Plan while allowing limited relief from strict application of use and bulk regulations which may cause undue hardship or complications for desirable but unconventional development.

It is intended that this district promote innovation in land use and variety in design, layout, and the type of structures constructed; economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage the provision of useful public open space; and provide better housing, shopping, and employment opportunities than can be provided for by more conventional zoning districts, consistent with the Village Comprehensive Plan. It is also intended that the PUD promote mixed-use developments, and, where appropriate, a pedestrian-oriented environments in keeping with the Village character.

### **Section 15.2 - Design Standards and Criteria.**

In addition to the standards applicable to each specific type of District and all other standards of this Ordinance, development plans for all PUD Districts shall also meet the standards and conditions contained in this Article.

- (1) The Planned Unit Development shall be under single ownership and/or unified control at the time of filing an application for approval of the Planned Unit Development.
- (2) All public improvements shall conform to the regulations and design standards of the Village Subdivision Regulations, except that the design standards may be modified if the function of the public improvement is not altered.
- (3) The Planned Unit Development shall provide for the dedication of land for park and recreational purposes and land for school sites or a cash contribution in-lieu-of actual land dedication or a combination of both all in accordance with Village Ordinances.
- (4) A Planned Unit Development may provide a means to utilize a parcel of land or lot for the purpose of erecting more than one principal building or structure.
- (5) All buildings, structures and uses of land within the Planned Unit Development shall conform to the area, lot width, yard, height and bulk regulations of the zoning district in which the Planned Unit Development is located or, for those uses which are not allowed in that zoning district but are allowed as part of the

Planned Unit Development, the area, lot width, yard, height and bulk regulations of the zoning district in which they are first permitted. These regulations may be waived or modified if supported by findings of the Plan Commission and Village Board.

- (6) The development plan shall include sufficient covenants, easements and other provisions relating to bulk, layout, land uses and public facilities as are necessary to protect the welfare of the Planned Unit Development and adjoining properties and are not inconsistent with the Village Comprehensive Plan.
- (7) A minimum of twenty five percent (25%) of the land area of the Planned Unit Development devoted to multiple-family residential use shall consist of common open space. No area within thirty feet (30') of any building or structure, except one used for recreational purposes, shall be included in the computation of the common open space requirements. In no event shall the total amount of common open space, including the required park donation, have to exceed forty five percent (45%) of the gross land area of the Planned Unit Development.
- (8) Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and plantings shall be provided for Planned Unit Developments compared to standards specified by the Village Subdivision Ordinance and site development regulations.

### **Section 15.3 - Streets, Curbs, Gutters, and Sidewalks.**

All public streets within a PUD shall comply with the applicable standards of the Village of Pellston and the Emmet County Road Commission. Private streets shall comply with the standards for private streets as set forth in this Ordinance. Curbs, gutters, and sidewalks may be required if it is determined that the improvements are necessary for reasons of public safety.

### **Section 15.4 - Traffic Generation.**

The amount and type of traffic generated by the proposed project shall not exceed the capacity of existing streets, or streets proposed as a part of the proposed project, to safely absorb that additional traffic, giving due regard to the hours of prime traffic generation. The proposed project shall be designed so that all additional traffic generated by the proposed project will not create a substantial detrimental effect on neighboring properties or on the health, safety, and welfare of the Village residents including the residents of the project.

### **Section 15.5 - Traffic Circulation.**

Within each project the streets and pedestrian walkways shall be designed so as to facilitate safe pedestrian and vehicular traffic flow patterns with due regard to the prevention of any hazardous design or construction based upon traffic engineering standards normally applied in the Village.

### **Section 15.6 - Traffic and Emergency Access.**

All points of ingress and egress to the project shall be located and designed to maximize safety. Within each development, buildings, and streets shall be located to maximize access for emergency vehicles, as determined by the Village Fire Chief.

### **Section 15.7 - Landscaping.**

All front, side, rear yards and open spaces, where required shall be suitably contoured, landscaped, and maintained to provide protective screening between the proposed project and adjacent areas not in the project and to screen various ancillary uses within the project from other uses, such as, off-street parking facilities in relation to residential buildings or patios for one family unit in relation to another family unit, etc.

### **Section 15.8 - Environmental Effects.**

Each project shall be designed to have a minimal adverse effect on the environment, as documented by the environmental impact statement if one is required. Special emphasis shall be placed on maintaining the quality of ground water, streams, and rivers. Trees shall be preserved wherever feasible.

### **Section 15.9 - Schools.**

Whether a project can be served by existing schools and school related facilities and the impact upon schools if the property is developed in accordance with the PUD plans or in accordance with the conventional zone district requirements shall be considered. In addition, streets and pedestrian paths shall be designed and located in any project to facilitate the ability of students to make the best and safest use of existing schools and school related facilities.

### **Section 15.10 - Public Facilities.**

The impact which a project will have on fire and police protection services and on water and sewer facilities and the costs for such services shall be considered and each project shall be designed and located to facilitate use of, access to, or the logical expansion or extension of existing facilities in order to minimize any adverse financial or other impact upon the Village and to promote public health and safety.

### **Section 15.11 - Water, Sewer and Drainage Systems.**

A PUD shall be served by public or private water or sanitary sewer systems, which shall be approved by the Emmet County (District 3) Health Department and the Village Council. A PUD shall also have a drainage system for surface water run-off, which shall be approved by the Emmet County Drain Commission and the Village Council.

### **Section 15.12 - Height Requirement.**

A building or structure within a PUD shall not exceed 35 feet in height as measured from the established grade of the building's surrounding area. A greater height may be permitted by the Village Council if it finds that a greater height is appropriate for the PUD, will not have adverse effects on adjoining properties, and can be adequately served by the Village Fire Department.

### **Section 15.13 - Street Plans.**

A PUD shall be designed to comply with the location for future streets as set forth in the Comprehensive Land Use Plan for the Village, and shall also be designed in accordance with the Plan for the U.S. 31 corridor, if such plan is developed by the MDOT.

### **Section 15.14 - Location of Buildings Structures and Parking Areas.**

The PUD shall be designed so the location of buildings, structures and parking areas within the development maximize the preservation of the natural topography and other natural features of the site and shall minimize any adverse impact upon adjacent or neighboring property.

### **Section 15.15 - Outdoor Lighting.**

Subject to all other provisions of this Ordinance, outdoor lighting, when permitted, shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project. In addition, all lighting shall meet all standards and guidelines as called for in the Emmet County Zoning Ordinance and Lighting Guidelines.

### **Section 15.16 - Signs.**

Signs shall comply with the provisions of Article 19 (Signs).

### **Section 15.17 - Off-Street Parking and Loading.**

Except as provided by this Section, a PUD shall meet the off-street parking area and off-street loading/unloading space requirements provided by Article 21 of this Ordinance for each use within the PUD. The Planning Commission may recommend approval of, and the Village Council may in its discretion approve, a proposed PUD which provides for less than the otherwise required off-street parking area and/or off-street loading and unloading space, if the applicant demonstrates to the satisfaction of the Planning Commission and the Village Council that less than the required parking area or loading/unloading space will meet the projected needs of the PUD due to:

- (1) The nature, size, density, location or design of the proposed project, including the design of the development's plan for circulation, parking, and loading/unloading;
- (2) The availability of vacant or otherwise undeveloped land within the PUD development which, as shown on the proposed development plan, will remain available to provide additional off-street parking area or loading/unloading space if additional area or space for those purposes is subsequently determined to be necessary by the Village Council to meet the needs of the PUD;
- (3) The unique parking and loading/unloading needs of the residents, occupants or users of the project; or
- (4) Any other factors reasonably related to the need for parking area or loading/unloading space for the proposed project

### **Section 15.18 - Procedure.**

A Planned Unit Development shall be granted as a special use to the zoning district in which it is located. The process for obtaining a Planned Unit Development shall be as follows:

- (1) Concept Plan: The applicant shall submit a concept review before the Planning Commission. Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during later public hearing stages.
- (2) Preliminary Plat:
  - (a) An application for approval of a Preliminary Plat of Planned Unit Development shall be filed in writing with the Village Planning Commission. The Zoning Administrator shall transmit the application to the Planning Commission for review and duly published public hearing. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the proposal as determined by, the Planning Commission.
  - (b) Notice of the public hearing shall be published in accordance with State Statutes.
  - (c) The Village Clerk shall give written notice, at applicant's expense, to owners of adjoining property as required by law.
  - (d) The public hearing shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time.

- (e) The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Council.
  - (f) After recommendation by the Planning Commission, the Village Council may grant, deny or grant with modification, the proposed Planned Unit Development. If the Village Council grants the proposed Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use.
  - (g) Attached to the ordinance, as exhibits, shall be the Preliminary Plat of the Planned Unit Development and supporting documents as necessary. Approval of a Preliminary Plat of Planned Unit Development shall not constitute final approval of the Final Plat of Planned Unit Development; rather it shall be deemed an expression of approval of the concept and layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat of Planned Unit Development.
- (3) Final Plat:
- (a) The Planned Unit Development may be final platted in segments. The Final Plat or plats of the Planned Unit Development shall conform substantially to the Preliminary Plat of Planned Unit Development as approved. The Preliminary Plat of Planned Unit Development shall generally specify uses of land and locations of buildings, whereas the Final Plat of Planned Unit Development shall designate with particularity of the uses of land and the location of buildings.
  - (b) An application for approval of a Final Plat of Planned Unit Development shall be filed in writing with the Secretary of the Planning Commission. The Zoning Administrator shall transmit the application to the Planning Commission for review. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the application as determined by the Planning Commission or Village Council.
  - (c) The review shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such a manner and the Planning Commission shall, by rule, prescribe from time to time.
  - (d) The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Council.
  - (e) After recommendation by the Planning Commission, the Village Council may grant, deny or grant with modification, the proposed Planned Unit Development. If the Village Council grants the proposed Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use. Attached to the ordinance as exhibits shall be the Final Plat of Planned Unit Development and supporting documents as necessary.

## **Section 15.19 - Content of Planned Unit Development Submittals.**

For each stage in the Planned Unit Development review process, the following information and data shall be submitted:

- (1) Concept Plan: The following information and data is required:
  - (a) Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land on site and surrounding sites.
  - (b) Sketch drawing showing the proposed location of the uses of land, major streets and other features.
  - (c) Property survey and legal description of the subject parcel of land.
- (2) Preliminary Plat: The following information and data is required:
  - (a) Preliminary Plat: A drawing of the Planned Unit Development, at a scale of one hundred feet to one inch (1" = 100'), composed of one or more sheets showing the following information:
    - (i) Title by which the proposed Planned Unit Development is to be referred.
    - (ii) Legal description of the property and total acreage included.
    - (iii) Date, scale, north point, and date of preparation.
    - (iv) Name and address of the owner, applicant, engineer and land surveyor.
    - (v) Location of corporate boundary, county and township lines at or near the Planned Unit Development.
    - (vi) Location, dimensions and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces and school sites.
    - (vii) Location and dimensions of proposed streets, alleys, easements and storm water control areas.
    - (viii) Dimensions of the lots into which the property is proposed to be subdivided.

- (ix) Density of the Planned Unit Development for both the entire development and individual land use areas.
  - (x) Location map showing the location of the Planned Unit Development within the Village.
  - (xi) Character of the surrounding area adjacent to the Planned Unit Development including existing land uses, subdivision of lands, location and dimensions of streets, alleys, easements, and storm water control areas, and location of buildings and structures.
  - (xii) The zoning classification of the subject property and the surrounding area adjoining the site.
  - (xiii) Location and dimensions of existing streets, alleys, easements, storm water control areas, buildings, structures and public utilities within the Planned Unit Development.
  - (xiv) Plan for sidewalks or pedestrian access and circulation.
  - (xv) General internal uses of each building or structure.
  - (xvi) Ground elevations on the tract showing one foot (1') contours for land that slopes less than one-half percent (.5%); two foot (2') contours for land that slopes more than one-half percent (.5%); spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions.
  - (xvii) Flood plain lines including floodway and flood fringe delineation.
- (b) Character: An explanation of the character of the Planned Unit Development, the reasons why it needs the flexibility of the Planned Unit Development regulations, how the official plan affects the property, and how it accomplishes the purposes of the Planned Unit Development regulations.
  - (c) Design Schedule: A listing of the area, lot width, yard, height and bulk requirements applicable to the Planned Unit Development.
  - (d) Service Facilities: Information on all service facilities and off-street parking facilities.
  - (e) Preliminary Engineering: Engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control, flood control and street facilities.
  - (f) Natural Features Study: An analysis of the natural features and drainage patterns of the property.



- (g) Geological and Soil Analysis: An examination of the adequacy of the property for development.
  - (h) Impact Studies: Impact studies and geological analysis and other information and data as the Planning Commission may require for the full and complete consideration of the Planned Unit Development.
- (3) Final Plat: The following information and data is required:
- (a) Final Plat: A drawing of the Planned Unit Development, suitable for recording with the County Recorder of Deeds, showing the following information:
    - (i) Designation with particularly the uses of the land and the location of buildings and structures.
    - (ii) Title under which the proposed Planned Unit Development is to be recorded.
    - (iii) Legal description of the property and total acreage included.
    - (iv) Date, scale, north point and date of preparation.
    - (v) Location, dimensions and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces and school sites.
    - (vi) Location and dimensions of proposed streets, alleys, easements and storm water control areas.
    - (vii) Dimensions of the lots into which the property is proposed to be subdivided.
    - (viii) Plan for sidewalks or pedestrian access and circulation.
  - (b) Design Schedule: A listing of the area, lot width, yard, height and bulk requirements applicable to the Planned Unit Development.
  - (c) Statement of Intent and Agreement: A document by the applicant setting forth the nature, kind, character and the extent of all the public improvements to be constructed, the specific park and school donation, applicable fees and charges, agreement on cost sharing of public improvement, and agreement on any other items.
  - (d) Financing Surety: Guarantee of funds in accordance with the procedures adopted by the Village.

- (e) Covenants: Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development.
- (f) Final Engineering: Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control, and street facilities including specifications.
- (g) Cost Estimate: Estimates of cost for all public improvements.
- (h) Other information and data as the Village Staff, Planning Commission or Village Council may require for full and complete consideration of the Planned Unit Development.

### **Section 15.20 - Modification of the Planned Unit Development.**

A Planned Unit Development shall be constructed in accordance with the approved Preliminary or Final Plat of Planned Unit Development and all supporting data. These plats shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures in the Planned Unit Development as indicated on the plats.

Modification to the Planned Unit Development shall be defined as follows:

- (1) Major changes are modifications which alter the concept or intent of the Planned Unit Development such as, changes in density, changes in location and type of uses of land, increases in the height of buildings or structures, reduction in the acreage of open space, modification increasing the number of dwelling units in any designated land use area, or alteration in road alignment.

A revised Preliminary Plat of Planned Unit Development and supporting data shall be submitted upon a major change. The procedure for approval shall be in accordance with the provisions Section 15.18, Paragraph 2 of the Article. If a Final Plat of Planned Unit Development has also been approved, it shall also be amended at the time of approval of the revised Preliminary Plat of Planned Unit Development.

Minor changes shall be approved by the Village Council without the review and recommendation of the Planning Commission. This provision shall not prohibit the Village Council from requesting of the Plan Commission its new review and recommendation.

### **Section 15.21 - Findings of Facts.**

The Planning Commission shall not recommend nor the Village Council grant a Planned Unit Development unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The design of the Planned Unit Development presents an innovative and creative approach to the development of land and living environments.
- (2) The Planned Unit Development meets the requirements and standards of the Planned Unit Development regulations.
- (3) The physical design of the Planned Unit Development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
- (4) Open space areas and recreational facilities are provided.
- (5) The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.
- (6) The Planned Unit Development is compatible with the adjacent properties and the neighborhood.
- (7) The Planned Unit Development fulfills the objectives of the Comprehensive Plan and land use policies of the Village.

#### **Section 15.22 - Effective Period of Planned Unit Development.**

The Planned Unit Development shall be constructed in a timely manner. The Planned Unit Development shall be subject to revocation under the following conditions:

- (1) Final Platting does not occur within two (2) years from the date of approval of the Preliminary Plat of Planned Unit Development.
- (2) Construction does not commence and a letter of credit and proceed within two (2) years from the date of approval of the Final Planned Plat of a Planned Unit Development.

The Village Council may extend those time limits in one (1) year increments.

The Village Council may initiate or the owner of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of the Planned Unit Development. Said owner shall be notified, in writing, at least thirty (30) days prior to the Village Council consideration of the revocation.

Upon the revocation of the Planned Unit Development, the parcel of land shall conform to the permitted uses and other regulations of the zoning district of which it is a special use unless an amendment or other special use is initiated by the Village Council or is applied for by the owner of the parcel of land on which the Planned Unit Development was to be constructed and granted by the Village Council in accordance with the provisions of Article 15 of this Ordinance.