

## ARTICLE XIII PLANNED UNIT DEVELOPMENT DISTRICT, PUD

### SECTION 13.01 – INTENT

The intent is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the other districts of this Ordinance, where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land, while providing a harmonious variety of housing choices, a higher level of urban amenities, the preservation of natural scenic qualities of open space and to give the developer reasonable assurances of ultimate approval before expending complete design monies while providing Township Officials with assurances that the project will retain the character envisioned at the time of concurrence.

### SECTION 13.02 – REGULATIONS ESTABLISHING PERMITTED USES

- A. Permitted uses are restricted to the following standards:
1. Residential Uses. Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD. Site condominium projects (Act 59 of 1978) established after the effective date of this Ordinance shall be designated as a PUD.
  2. Non-Residential Development. Commercial uses, limited to those set forth in the C-1 District of the Grayling Township Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD, provided that such uses are designed to serve primarily the residents of the PUD and are compatibly and harmoniously incorporated into the unitary design of the PUD. Commercial floor space in a PUD shall be limited to three (3) percent of the total gross acreage of the tract.
- B. Other non-residential uses. Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided that such uses are designed to serve primarily the residents of the PUD and are compatibly and harmoniously incorporated into the unitary design of the PUD.
- C. Development not associated with residential uses. A PUD may exclude residential development and allow other uses if the applicant can demonstrate that the proposed PUD is of such a scale, and is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated.
- D. Permitted uses shall be in conformance with a specific and precise final development plan pursuant to the procedural and regulatory provisions of this Article.

### SECTION 13.03 – PARCEL SIZE

The provisions of this district may be applied upon application of the owner to any lot (2-1/2) acres in size, or greater.

## **SECTION 13.04 – LOT AND YARD REGULATIONS**

- A. Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guideline for the lot and yard regulations. Consideration shall be given to lot and yard regulations in the following manner.
  - 1. Front yard – Where the applicant provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout of front elevation, it is possible to reduce the front yard requirements. At a minimum, all building and structures shall be set back fifty (50) feet from the centerline or twenty five (25) feet from the property line (whichever is greater) from any street within the PUD.
  - 2. Lot width and side yard – Where the design is such that light, air, and privacy can be provided, especially for living spaces and bedroom, narrower lot width and side yard regulations may be permitted.
  - 3. Rear yard – Except where it can be demonstrated to the Planning Commission that a lesser rear yard requirement is justified, the rear yard shall be equal to or greater than the rear yard requirements of the original district.
  - 4. Building spacing – Building spacing may be reduced when adequate privacy, light, and air are provided to each unit. At a minimum, spacing between the sides of buildings shall be at least fifteen (15) feet.

## **SECTION 13.05 – OPEN SPACE REQUIREMENTS**

- A. Required open space shall comprise no less than forty (40) percent of the total lot or parcel area.
- B. Areas covered with buildings, streets, parking lots, driveways and other paved surfaces are not considered open space, except as noted in (C) below. A minimum of fifty percent (50%) of the required open space shall be devoted to landscaping, patios, walkways and recreation areas for the collective enjoyment and common use of occupants of the development.
- C. Recreation facilities or structures and their accessory uses located in common recreation areas shall be calculated as open space, as long as the total impervious surface (paving, roofs, etc.) constitute no more than five percent (5%) of the total required open space.

## **SECTION 13.06 – INSURING OPEN SPACE INTEGRITY**

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- A. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- B. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restricts the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

### **SECTION 13.07 – OPEN SPACE RESTRICTION**

No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use under amendment procedures of this Ordinance. However, no authorized change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas.

### **SECTION 13.08 – OPEN SPACE ENFORCEMENT**

If the common open space is not conveyed to a public agency, either one of the following methods of enforcement shall be provided:

- A. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to public agency.
- B. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.

### **SECTION 13.09 – PRIVATE COVENANTS ENFORCEMENT**

If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

### **SECTION 13.10 – HOMEOWNERS' ASSOCIATIONS**

If the common open space is deeded to Homeowners' Association, the applicant shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the pre-application conference. The provisions shall include, but not be limited to the following:

- A. The Homeowners' Association must be established before the units are sold.
- B. Membership must be mandatory for each home buyer and any successive buyer.
- C. The open space restrictions must be permanent, not just for a period of years.
- D. The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- E. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- F. The Association must be able to adjust the assessment to meet changed needs.

### **SECTION 13.11 – FAILURE TO MAINTAIN OPEN SPACE**

In the event that the organization or any successor organization responsible to own and maintain common open space, at any time after establishment of the planned unit development,

fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice. At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the thirty (30) days or any extension, the Township, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one (1) year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners. Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the Township shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines that the organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Township Board, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

The cost of such maintenance by the Township shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Township, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

#### **SECTION 13.12 – ENVIRONMENTAL STANDARDS**

- A. Environmental design criteria in PUD District shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.
- B. The Township Zoning Administrator may require a "grading plan" which will confine excavation, earth moving procedures, and other changes to the landscape in order to insure preservation and prevent despoliation of the character of the area to be retained as common open space. All manufactured slopes, other than those constructed in rock, shall be of a character so as to cause the slope to blend with the surrounding terrain and development. The developer shall provide for maintenance of the planting until growth is established.
- C. Native Protection Strip – Where those lands border a body of water, there shall be a strip parallel with the water's edge and based on the original zone which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the shoreline from eroding or to improve the aesthetics. Trees, shrubs and undergrowth in a space fifty (50) feet wide for every three hundred (300) feet of shoreline within this native strip may be trimmed and pruned for a view of the water and for locating a dock.

### **SECTION 13.13 – TRAFFIC CIRCULATION**

- A. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUD's shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

A part of every residential building shall not be farther than sixty (60) feet from an access roadway or drive providing vehicular access from a public street, and not further than five hundred (500) feet, measured along the route of vehicular access, from a public street.

All non-residential land uses with a PUD should have a direct access to a collector or primary street, especially where large parking areas are included.

- B. The pedestrian circulation system and its related walkways should be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass or in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses, which generate a considerable amount of pedestrian traffic.

### **SECTION 13.14 – STREETS**

- A. Standards of design and construction for roadways, both public and private, within planned residential development may be modified as in deemed appropriate by the Planning Commission, especially where it is found that the plan for PUD provides for separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

If the PUD owners in the future should convey the private streets to the county, the owners do fully agree that, before acceptance of such streets by the county, the owners will bear full expense of reconstruction or any other action necessary to make the streets meet county road standards, prior to dedication and acceptance. Finally, the owners also agree that these streets shall be dedicated to public use without compensation to the owners and without the owners expense in making such streets conform to the requirements applicable at that time for public streets if, at some future date, a local governing body so requests.

- B. The name of the PUD and new street names shall not duplicate or closely approximate phonetically the name of any other subdivision or street in Grayling Township.

### **SECTION 13.15 – PARKING STANDARDS**

The following is the parking criteria for PUD's:

- A. For each dwelling unit, there shall be two (2) off-street parking spaces consisting of not less than two hundred (200) square feet each.
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- C. Parking areas shall be screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
- D. No more than thirty (30) parking spaces shall be provided in any single residential parking area.

- E. All streets and any off-street loading area shall be paved, and the design thereof approved by Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.
- F. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use and shall follow the guidelines for parking set forth by the commercial and industrial districts (see Section 4.01) with changes made as deemed necessary by the Planning Commission.
- G. All parking areas shall be adequately lighted. The lighting shall be so arranged as to direct the light away from adjoining residences.
- H. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

### **SECTION 13.16 – PUD TRANSITIONAL YARD REGULATIONS**

To ensure that there is an appropriate relationship to the surrounding area, there shall be a minimum fifty (50) foot transitional yard along the perimeter of the PUD District. This buffer zone must be kept free of buildings or structures and must be landscaped, screened, or protected by natural features.

### **SECTION 13.17 – PUD APPLICATION PROCEDURE**

- A. **Ownership Requirements.** An application for approval of a PUD may be filed by a person having an interest in the property to be included in the planned unit. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by holder(s) of an equitable interest in such property. Full ownership interest in the land – legal title of the execution of a binding sales agreement must be in evidence before the final approval of the plan. The PUD shall be in single ownership by the time the final development plan is approved.
- B. **Pre-Application Conference.**
  - 1. The applicant shall meet informally with the Zoning Administrator, the Township Supervisor and the Chairperson of the Planning Commission in connection with the preparation of the planned unit development application. It shall be the responsibility of the Zoning Administrator to contact and invite these Township Officials. The general outlines of the proposal, and sketch plans are to be offered by the applicant at this pre-application conference. Thereafter, the Zoning Administrator shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to the preparation of the planned unit development application.
  - 2. The applicant shall submit a Preliminary Development Plan with a petition for rezoning to PUD District. The following written and graphic documents shall be submitted:
    - a. A legal description of the total site proposed for development including the present and proposed ownership of all or parts of the development.
    - b. A written statement of the nature and character of the proposed development, and the methods to be used in achieving these goals.
    - c. A written schedule of the approximate date, or dates, if the development is to be divided into stages, when construction will begin and be completed.

- d. Quantitative data for the following: total number and type of dwelling and non-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios, the proposed gross residential density of any separate stages, the number of parking spaces for each use proposed, any feasibility studies the applicant wishes to submit in support of the plan.
  - e. A graphic plan at scale of 1:1,200 (1 inch=100 feet) showing the existing site conditions, including contours, at an interval no greater than five (5) feet, waterways or bodies of water, unique natural features, rock outcroppings and vegetative cover.
  - f. A preliminary plat meeting the requirements of the Land Division Act, P.A. 591 of 1996, formerly the Subdivision Control Act, P.A. 288 of 1967 if the land is to be platted.
  - g. A site plan or plans at a scale of 1:1,200 showing the location and floor area and use of existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreation areas, schools sites, and similar public or semipublic uses, the proposed circulation system, including private and public streets, parking and loading areas, pedestrian ways, and access to existing and planned streets outside of the development, the existing and proposed utilities including sanitary and storm systems, and water, gas, electric, telephone, and television cable lines and a preliminary landscape plan.
  - h. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning and general character, and the effects of the proposed development on such land including the treatment of the perimeter areas of the PUD.
  - i. Additional material as may be required by the Planning Commission.
3. Within sixty (60) days following the submission of a Preliminary Development Plan, the Planning Commission shall hold a public hearing on the Plan, and vote to approve with modifications or disapprove of the Plan. If the Planning Commission action is for approval or approval subject to modification, a recommendation for similar action shall be made to the Township Board, which shall then act within thirty (30) days. Failure of either the Planning Commission or the Township Board to act within the specified time shall constitute disapproval of the Plan.
  4. If the Preliminary Development Plan is approved, with or without modifications, by the Township Board, the official zoning map shall be changed to so signify. Such a change shall not constitute final approval of a plat, or authorized to issue building permits. The Township Board may approve the PDP, with or without modifications, notwithstanding the nature of approval given by the Planning Commission.
- C. Final Development Plan.
1. Within nine (9) months following approval of the Preliminary Development Plan, the applicant shall submit to the Planning Commission a Final Development Plan containing in a final detailed form the information required in the Preliminary Development Plan. At its discretion and for good cause the Planning Commission may extend for six (6) months the period for filing the Final Development Plan.
  2. If the developer fails to submit a Final Development Plan for any reason, within the time allowed, the tentative rezoning shall be revoked and all the area within the development for which final approval has not been given shall be subject to the original zoning.
  3. If the Final Development Plan is in substantial compliance with the Preliminary Development Plan, it shall be approved by the Planning Commission within thirty (30) days. Notice of such approval shall then be given to the Township Board which shall approve the Final Development Plan, and the plat or plats involved, if any, within thirty

- (30) days; providing that such approval shall not be given until a performance bond of an amount equal to one-half of the cost of the entire implementation and construction costs of the PUD be provided to the Township. The Township Board may waive this last requirement.
4. If compliance with the Preliminary Development Plan is not established, submission of the Final Development Plan shall follow the procedure for approval of a Preliminary Development Plan before final approval may be given.
    - a. If, subsequent to the start of construction, it becomes necessary to modify the Final Development Plan, the Zoning Administrator may do so at his or her discretion to the limits established in the PUD guidelines. If greater modifications are requested by the developer, they shall be subject to the approval by the Planning Commission, which shall not act so as to substantially change, the character of nature of the Final Development Plan.
    - b. If construction has not started within eighteen (18) months of approval the Final Development Plan, said approval shall lapse. The Planning Commission may extend this period by six (6) months upon showing of good cause by the applicant. If the construction of the entire development or established stages is not significantly complete within the time limits imposed by the construction schedule, the Planning Commission shall review the PUD and may recommend to the Township Board that the time for completion be extended, that the final approval of the PUD be revoked, or that the Final Development Plan be amended. If final approval of all or portions of the Final Development Plan is withdrawn, that area of the PUD shall be subject to the original zoning.