

Chapter 1362 - Planned Unit Developments

The purpose of planned unit developments is to permit flexibility in zoning regulations so that developments conserve environmental resources, economic investment and the community's social fabric while reclaiming marginal and abandoned areas. Where appropriate, new development contiguous to urban boundaries should be organized as compact, pedestrian-friendly, mixed-use neighborhoods characteristic of Traverse City's historic areas.

Approval of a planned unit development shall not be considered an ordinance amendment.

Footnotes:

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State Law reference— *Zoning and planning in home rules cities, M.C.L.A. § 117.4i; Regulation of location of trades, building and uses by local authorities, MCL § 125.3101—125.3702; Regulation of buildings, MCL § 125.3201; Authority to zone, MCL § 125.3301; Regulation of congested areas, MCL § 125.3201, MCL § 125.3807; Uses of land or structures not conforming to ordinances, MCL § 125.3201, § 125.3208, MCL § 125.3502, MCL § 125.3503, MCL § 125.3504; Powers of legislative bodies, MCL 125.3301, MCL § 125.3603; Acquisition of property, MCL § 125.3507*

Cross reference— *Signs in planned unit developments, § 1476.13*

1362.01 - Standards for approval.

Approval will not be granted when the planned unit development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications. A planned unit development shall be approved if it is shown that the land use and development meet all of the following standards:

- (1) The planned unit development (PUD) is intended to accommodate developments with mixed uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development challenges.
- (2) The use is compatible with adjacent land use, the natural environment and the capacities of affected public services and facilities. The use is consistent with the public health, safety and welfare of City residents.
- (3) The area of development is at least 3 contiguous acres. Where there are exceptional topographic, physical conditions, environmental factors, or other unusual or unique circumstances associated with a parcel which limits the parcel's ability to be reasonably developed, the minimum acreage requirement may be varied by the City Commission following a recommendation by the Planning Commission that the proposed PUD would allow development of land in such a manner as to be compatible with the surrounding land uses and the development would not be contrary to the spirit and purpose of the Zoning Ordinance.

- (4) Any size area of development contiguous to an existing PUD may be added to that PUD under the major amendment provisions of this chapter.
- (5) The uses as designed are compatible with adjacent land uses and consistent with all City ordinances.
- (6) Historic buildings that physically express the history of Traverse City will be preserved or restored and maintained unless it is shown that the building's condition prohibits preservation, restoration or renovation. New buildings and additions to existing buildings shall be compatible with historic buildings adjacent to them.
- (7) New developments shall be based on traditional forms in terms of placement, design and quality of materials, so that they share a common identity and express their common heritage with Traverse City.
- (8) The project emphasizes pedestrian circulation and access. The circulation system is composed of short blocks, narrow streets, sidewalks and alleys, where appropriate and practical. The vehicular and pedestrian circulation shall be well-defined and safe.
- (9) The outside storage of motor vehicles shall either occur on-street or behind or below buildings.
- (10) The natural landscape features will be preserved and integrated as an integral part of the overall design. Building placement and design represents thoughtful responses to the specific site features and the climate to create interesting and desirable outdoor spaces.
- (11) There shall be adequate public services and facilities to serve the development.
- (12) The site plan submitted with the PUD application satisfies all the standards for granting site plan approval.
- (13) If all or part of the land is in a Mixed Use PUD area as shown on the Zoning Map, then all requirements for that MX-PUD must be met.
- (14) The parcel, including any non-contiguous parcels, must be capable of being planned and developed as 1 integral land use unit.

(Ord. 669. Passed 03-21-05. Ord. 743. Passed 5-7-07.)

1362.02 - Procedure for approval.

- (a) *Pre-application conference.* Before submitting an application, the applicant shall meet with the Planning Director to review the proposed project, the Traverse City Code of Ordinances, and planning documents that relate to the property.
- (b) *Application.* A planned unit development application shall be submitted to the Planning Commission for review and recommendation and then to the City Commission for decision.

The Planning Commission may hold a public hearing with such notice as it deems advisable.

(c) *Public hearing.* A public hearing before the City Commission shall be held on each planned unit development request properly filed under this Zoning Code. Notice of the public hearing shall be given not less than 15 days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in Traverse City and shall be mailed or personally delivered to:

- (1) The owners of the property for which approval is being considered;
- (2) All persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
- (3) At least 1 occupant of each dwelling unit or area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than 4 dwelling units or other distinct owned or leased areas, notice may be given to the manager or owner of the structure to post the notice at the primary entrance to the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification.

(d) *Notice.* The notice of the public hearing shall contain:

- (1) A description of the nature of the planned unit development request;
- (2) A description of the property which is the subject of the planned unit development, including a listing of all street addresses within the property where they exist;
- (3) The time and place of the public hearing for consideration of the planned unit development request; and
- (4) When and where written comments will be received concerning the request.

(e) *Decision.* The application for planned unit development may be denied, approved or approved with conditions after conducting a public hearing with such notification as provided herein. The decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. Unless otherwise mutually agreed, an application for a PUD shall be decided by the City Commission within 45 days of the public hearing on the application, and if no such decision is rendered, the application shall be deemed approved. A decision of the City Commission shall be final. There shall be no appeal of the City Commission's decision to the Board of Zoning Appeals.

(f) *Compliance.* After approval of a planned unit development, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the planned unit development.

1362.03 - Planned unit development application.

- (a) *Required information.* A planned unit development application shall be submitted to the Planning Director. An application shall not be deemed accepted by or filed with the City until it is certified as complete by the Planning Director. The application must be signed by the applicant and by the owner or a person with the owner's written consent and must contain:
- (1) A land use permit application with a site plan;
 - (2) A boundary survey of the property prepared by a registered surveyor;
 - (3) A non-refundable application fee established by City Commission resolution.
- (b) *Additional information.* Upon the request of the Planning Director within 35 days of accepting the application, the applicant shall provide such additional information and items pertinent to the development or use:
- (1) A description of the developer's intent and objectives (physical, social and environmental);
 - (2) The method of the proposed financing;
 - (3) A market and economic feasibility statement;
 - (4) A description of the proposed development staging and timing;
 - (5) A description of the impact of development on local streets, natural features, schools and utilities;
 - (6) Identification of any waste emissions and methods of handling smoke, dust, noise, odors, liquids, solids and vibrations;
 - (7) A facade drawing showing all sides of new building(s) in the proposed development. All exterior building materials shall be labeled on the drawing.
 - (8) Such other information and items pertinent to the development or use.
- (c) *Failure to provide in a timely manner.* Failure of the applicant to provide such requested information in a timely manner may be grounds for denial of the application.

1362.04 - PUD order.

If it is determined that the application is consistent with the intent of this Zoning Code and with the other standards and requirements herein contained, an order authorizing development and use in accordance with the application and material submitted shall be issued. The PUD order may contain any lawful conditions or restrictions which the City Commission may consider necessary to carry out the purposes of this Zoning Code and to protect the public health, safety and welfare. The PUD order shall recite the findings of fact and the reasons upon which it is based and may specify the following:

- (1) *Dimensional and parking restrictions.* The PUD order may alter and establish lot size limits,

required facilities, buffers, open space areas, density limits, set-back requirements, height limits, building size limits, off-street parking regulations, landscaping rules, miscellaneous regulations and density and intensity limits where such regulations or changes are consistent with the intent of this chapter and the standards set forth herein. Dimensional, parking and use restrictions of the underlying zoning shall not apply to the area within an approved planned unit development unless expressly retained in the PUD order.

- (2) *Use restrictions.* The PUD order may also authorize principal and other uses not permitted in the district where the land is located, provided that such uses are consistent with the intent of this Zoning Code and the standards set forth herein.
- (3) *Date.* A PUD order shall be dated as of the date of approval by the authorizing official or body.
- (4) *Recording.* PUD orders shall be recorded with the City Clerk and the Register of Deeds of the county in which the land is located.

1362.05 - Phased developments.

Each phase of a planned unit development (PUD) shall be planned, developed and approved to exist as an independent PUD. Each phase of a PUD shall be applied for and considered as a separate PUD. An applicant may elect to incorporate an existing PUD and a proposed phase of that PUD as a PUD amendment.

1362.06 - Amendments.

A PUD order may be amended as follows:

- (1) *Minor amendment.* Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Planning Director without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the PUD, significantly reduce usable open space, significantly reduce or increase parking areas, or significantly encroach on natural features proposed by the plan to be protected.
- (2) *Major amendment.* Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the authority granting the PUD to be amended according to the procedures authorized by this chapter for approval of a PUD.

1362.07 - Termination.

The PUD order shall automatically expire 2 years from the date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request stating the reasons therefor, the Planning Director may extend an order for 1 additional year. An order may be terminated upon application by the owners of record of the land subject to a granting order. It shall be submitted and considered under the same process as is then established for granting or amending such order. The applicant shall demonstrate that if the order is terminated, the property shall comply with all current requirements for the zoning district(s) of that property. The order may be rescinded at any time by the authority granting it for a material misrepresentation in the application, or for a violation of the order by the applicant or his or her successors, agents or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an order, the zoning requirements shall revert to the current requirements for the zoning district designated for the property.

(Ord. 707. Passed 10-2-06.)

1362.08 - Mixed use PUD—Morgan Farm.

A mixed use PUD is for the purpose of accommodating a mixture of land uses in the area traditionally known as the "Morgan Farm area" as that area is shown on the Zoning Map.

It is available to permit a single development or series of development phases that encourage diversity of complimentary land uses mixing primarily residential uses with office, retail, recreational and other related uses. Upon issuance of a PUD order, the following uses are allowed and the following standards apply in addition to the standards of Section 1362.01 (4) through (14):

- (a) *Requirements if no PUD is granted.* If a PUD is not in effect, the use and dimensional requirements shall be the same as for the R-1b zoning district.
- (b) *Uses allowed under a PUD.* If a PUD is granted, R-1b uses, together with accessory uses, are allowed and up to 15 percent of the gross floor area of a project may allow C-2 uses or up to 50 percent of the gross floor area of the project may allow lodging facilities where at least 20 percent of the project's housing units for the balance of the project meet the Affordable Housing Standards in Section 1376.02.
- (c) *Dimensional requirements under a PUD.* If a PUD is granted, dimensional requirements are as follows:
 - (1) *Parcel size.* The minimum land area required shall be 10 adjacent acres under single ownership and control. For the purpose of this requirement, streets shall not be deemed to divide acreage.
 - (2) *Size and area.* The size and area requirements shall be as follows:

- a. The maximum density is 7 dwelling units per acre.
- b. The maximum impervious surface ratio is .35.
- (3) *Open space.* 30 percent of the land area of a project shall be used for common open space.
- (d) *Additional requirements under a PUD.* If a PUD is granted, the following requirements pertaining to impervious surface ratio, setbacks, mix of uses, building height and bulk are as follows:
 - (1) The minimum setback of any building shall be at least 20 feet from boundary lines or public streets and 60 feet from a state highway.
 - (2) Office or retail floor area shall be limited to 15 percent of the total residential floor area. Lodging facilities up to 50 percent of the gross floor area of the project may be allowed where at least 20 percent of the project's housing units for the balance of the project meet the Affordable Housing Standards in Section 1376.02.
 - (3) Maximum building height shall be 60 feet. That portion of a building taller than 45 feet must be set back an additional 10 feet from the above minimum setback for each foot of building height that exceeds that height. An additional 10 feet in building height shall be allowed to permit parking level(s) under the building.
- (e) *Access requirements under a PUD.* If a PUD is granted, the following access requirements shall apply:
 - (1) Site access to the public rights-of-way shall be provided by a common driveway or driveways which are intended to service the entire development.
 - (2) Access to individual uses within the development shall be provided by a private road which shall be adequately sized to accommodate emergency vehicle access and projected traffic loads but not excessively large.

(Ord. 476. Passed 7-6-99. Ord. 824. Passed 2-2-09.)