

SECTION 4.8 – PUD, Planned Unit Development Overlay District

Section 4.8.1 - STATEMENT OF PURPOSE

The provisions of this Section provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. The purpose of this Section is to permit flexibility in the regulation of land development; to encourage the use of land in accordance with its character and adaptability; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide enhanced employment, housing, shopping, and traffic circulation to meet the needs of the residents of the Village of Grass Lake; encourage the use, reuse and improvement of existing sites and buildings when uniform regulations contained in base zoning districts do not provide adequate protection and safeguards for the site or surrounding area, and; bring about a greater compatibility of design and use between neighboring properties. To that end, the provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision making.

Section 4.8.2 - LOCATION OF THE PUD OVERLAY ZONING DISTRICT

A PUD District is hereby established and shall be located as an overlay district in any residential or open space zoning district of the Village of Grass Lake. This overlay district is intended to replace the underlying zoning districts upon formal application to the Planning Commission and approval of the Village Council. Denial of an application for PUD shall not change the underlying zoning district and regulations.

Section 4.8.3 - PUD PERMITTED USES

All residential uses may be permitted in the PUD overlay district in accordance with regulations stated below. All PUD projects must be compatible with the spirit and intent of the Master Plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

Section 4.8.4 - PUD REGULATIONS

The applicant for a PUD must demonstrate as a condition to being entitled to PUD approval that:

1. Granting of the PUD overlay zoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
2. In relation to underlying zoning, the proposed type of density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

3. The proposed development shall be consistent with the Village of Grass Lake Master Plan, and shall be consistent with the intent and spirit of the Zoning Ordinance.
4. The proposed development shall not result in any unreasonable negative economic impact upon surrounding properties.
5. The proposed development shall contain at least as much usable open space as would be required in this Ordinance in relation to the most dominant use in the development.

Section 4.8.5 - PUD OWNERSHIP

The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

Section 4.8.6 - PROJECT DESIGN STANDARDS

Based upon the following standards, the Planning Commission may recommend denial or approval, and the Village Council may deny or approve the proposed PUD.

1. Subject to the following subparagraph A of this Section, all ordinances applicable to lot size, lot width, lot coverage, setback, minimum floor area, building height, parking and loading, general provisions, and to other requirements and facilities; shall be as follows:
 - A. Single-family detached residential uses shall meet the ordinances applicable in the R-1, R-2, or OS-1 districts.
 - B. Multiple-family residential uses shall meet the ordinances applicable in the RM-1 district.
2. Consistent with the planned unit development concept, and to encourage flexibility and creativity, departures from compliance with the regulations above may be granted at the discretion of the Village Planning Commission as part of the approval of a planned unit development. Departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Village Planning Commission designed into the project to achieve the objectives intended with respect to each of the ordinances being departed from.
3. The development shall be designed so as to promote preservation of natural resources and natural features.
4. The Village Planning Commission shall take into account the following considerations and insure compliance with all relevant applicable ordinances: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; pedestrian circulation system; and an integrated development with respect to signage, lighting, landscaping and building materials.

Section 4.8.7 - PROCEDURE FOR PUD REVIEW AND APPROVAL

The granting of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this Ordinance so as to designate the property which is the subject of the

application as planned unit development. Further, an approval granted under this Section, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.

1. The Planning Commission shall hold a hearing at which the petitioner shall present the proposed PUD development plan and the Planning Commission shall provide the petitioner with its comments within thirty (30) days after holding such a hearing. No fees shall be charged for said preliminary hearing.
2. The petitioner shall next submit to the Clerk five (5) copies of the PUD development plan together with the base application fee. Copies of the plan as submitted shall be distributed to the appropriate reviewing agencies (e.g. village engineer, village planning consultant, county drain commissioner, Michigan Department of Environmental Quality (if wetlands are involved), etc.) for review to determine if the development concept can be accommodated by the existing public utility, street, and general service facilities as necessary for the project and determine if additional impact studies are required. Any costs incurred for additional reviews are the responsibility of the applicant.
3. The Chairman of the Planning Commission or Village Clerk shall notify the petitioner of any questions raised by the reviewing agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report from the village planning consultant which evaluates the planning aspects of the project and its impact on the present and future development of that part of the Village in which it is located.
4. The Planning Commission shall, after holding public hearings on said PUD development plan, noticed in accordance with Section 6.8, and reviewing said reports, make its recommendation to Village Council on said plan within sixty (60) days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.
5. If the PUD development plan is rejected by the Planning Commission, its reasons therefore shall be specified in a letter from the Planning Commission to the applicant.
6. The Planning Commission's recommendations and all related reports shall be submitted to the Village Council for its consideration. The Council shall, after holding a public hearing on the PUD development plan and petition, noticed in accordance with Section 6.8,, take final action on said plan and petition within thirty (30) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
7. If the site plan is rejected by the Council, its reasons shall be based upon the standards of review listed above, specified in writing, and approved by the Council.
8. Approval of the final PUD site plan by the Council shall constitute approval of the rezoning request and shall entitle the applicant to apply for building permits.

Section 4.8.8 - PUD APPLICATIONS

Preliminary plans shall include the following:

1. Applicant's name and address.

2. The name of the proposed development.
3. Common description of property and complete legal description.
4. Dimensions of land: width, length, acreage and frontage.
5. Existing zoning and zoning of all adjacent properties.
6. Statement of intent of proposed use of land and any phasing of the project.
7. Name, address, city and phone number of: firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
8. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
9. Proposed acceleration, deceleration, and passing lanes.
10. Location of existing drainage courses, flood plains, lakes, streams, and wetlands.
11. Intentions with respect to water and sewer.
12. All parking areas and number of spaces by size.
13. The number and location of areas to be preserved as open or recreational space.
14. All known natural resources and natural features to be preserved.
15. Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
16. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought.
17. The Planning Commission and/or Village Council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to review.

Final site plans shall include the following:

1. All requirements for site plan review under this Ordinance.
2. A site plan showing the type, location, and density of all uses.
3. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
4. Evidence of market need for the use(s) and economic feasibility of the project.
5. 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 Section. This specification should include ordinance provisions from which

deviations are sought, and if the applicant elects to be governed by Section 4.8, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.

6. In the event the property on which the project is to be situated consists of 25 acres or more, a community impact statement may be required as part of the application.
7. A detailed landscaping plan.
8. A specific schedule of the intended development and construction details, including phasing or timing, and 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.

Section 4.8.9 - PUD CONDITIONS

Reasonable conditions may be required with the approval of planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 4.8.10 - PHASING AND COMMENCEMENT OF CONSTRUCTION

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 insure 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.
2. **Commencement and Completion of Construction:** Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary approvals which have been actively pursued. Each phase of the project shall be commenced within one year of the schedule established for same in the application submitted for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided an extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Village Council shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions.

Section 4.8.11 - EFFECT OF APPROVAL OF PUD

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the Village of Grass Lake upon the request and/or approval of the applicant's transferees and/or assigns.

Section 4.8.12 - PUD FEES

There shall be an advance payment of review fees at the time the preliminary plan is submitted. No review fee shall be required for the preliminary hearing with the Planning Commission except rezoning fees required upon application for a rezoning. There shall also be an advance payment of review fees at filing for the final plan. The amount of such fees shall be established by the Village Council of the Village of Grass Lake by ordinance or resolution.

(Effective September 27, 1999) (Amended, effective May 20, 2009.)