

## **PUD – PLANNED UNIT DEVELOPMENT DISTRICT**

### **INTENT AND PURPOSE**

- A. The intent of the PUD district is to permit coordinated development on larger sites in order to achieve the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
  2. Provide the opportunity to mix compatible uses or residential types.
  3. Allow clustering of residential units to preserve common open space and significant natural features.
  4. Ensure compatibility of design and function between neighboring properties.
  5. Promote efficient provision of public services, utilities and transportation facilities.
  6. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
  7. Provide complete non-motorized circulation to, from and within developments.
  8. Provide adequate housing and employment opportunities.
  9. Encourage development of convenient recreational facilities as an integral part of residential developments.
  10. Encourage development that is consistent with the goals stated within the Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township, assure a superior quality of development. If this improved quality is not clearly apparent upon Township review, a site shall not qualify for the modifications allowable under this Chapter.

### **QUALIFYING CONDITIONS**

The following provisions shall apply to all planned unit developments:

- A. PUDs shall not be applied to the CF or AR Districts. Open Space Developments are the preferred application for those districts.
- B. A Planned Unit Development (PUD) submitted by an applicant shall be under the control of a single owner or unified group of owners and shall be capable of being planned and developed as an integral unit. A PUD initiated by the Township shall be capable of being developed in a coordinated manner. If a PUD is approved, the requirements shall be transferred to all future owners, and any changes shall require approval of both the Township and the affected landowners within the PUD.
- C. A PUD shall be established on a minimum of four (4) acres.
- D. Residential densities shall not exceed three (3) units per acre.

- E. All land included in a PUD application shall be contiguous.
- F. The application shall demonstrate the PUD will result in recognizable and substantial benefits to the residents or occupants of the site, visitors to the site, adjacent properties and the Township in contrast to development permitted under conventional zoning. The applicant must provide compelling evidence that demonstrates these benefits through drawings, reports or other submittals that contrast development under conventional zoning with the design and uses proposed. Such benefits can be provided from amongst the following:
  - 1. Transition areas from adjacent land uses.
  - 2. High quality architectural design and materials, with clear guidelines that must be met with future site plan submittals
  - 3. Extensive landscaping and preservation of quality woodlands or other natural features.
  - 4. Assured preservation of unique historic site features, or viewsheds.
  - 5. Greenways that link to adjacent greenway corridors.
  - 6. Unified access and circulation that reduces the number of driveways.
  - 7. Provision of open space and social space.
  - 8. Provision of extensive pathway systems through the project.
  - 9. Provision of recreational facilities, such as playground equipment and courts.
  - 10. Use or enhancement of natural systems for stormwater detention.
  - 11. More extensive setbacks or buffering between development and water features.
  - 12. Coordinated site design elements such as lighting, signs and greenbelt design.
  - 13. Coordinated development of several small parcels.
  - 14. Design improvements (public and/or private) to mitigate traffic impacts.
  - 15. Elimination of nonconforming situations.
  - 16. Removal or renovation of blighted buildings.

### **APPLICATION AND REVIEW PROCEDURES**

- A. Pre-Application Meeting:
  - 1. An applicant desiring to submit an application for a Planned Unit Development may attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
  - 2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
  - 3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Planning Commission.
- B. Preliminary PUD Site Plan Submittal Requirements:

The purpose of the Preliminary review is to provide the applicant with a substantive review of the proposed project in order to prepare final site engineering and architecture

plans and to execute necessary agreements between the applicant and the Township. Twelve (12) copies of each of the following items shall be submitted by the applicant. (Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer's scale):

1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
2. A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative or consultant charges to review the PUD submittal.
3. Cover Sheets providing:
  - a. A Plan Sheet(s) labeled "Existing Site Conditions", that includes the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands, the limits of major stands of trees and a tree survey of landmark trees. This sheet shall also illustrate existing topography of the entire site at five (5) foot contour intervals and a general description of grades within one-hundred (100) feet of the site.
  - b. A narrative description of the relationship between the PUD and the goals of the Master Plan.

C. Standards for Approval of Preliminary PUD Site Plan:

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Board of Trustees may deny, approve, or approve with conditions the proposed planned unit development.

1. The planned unit development meets the qualification requirements of this Chapter.
2. In contrast to development under conventional zoning, the proposed PUD shall have a significant beneficial effect in terms of public health, safety and welfare, as described in the sections above.
3. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
4. The planned unit development is generally consistent with the goals, objectives and future land use map of the Master Plan.
5. The PUD be designed, constructed and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
6. Be served adequately by essential public facilities and services, such as streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer facilities.
7. Not create excessive additional requirements at public cost for public facilities and services.
8. Be developed in accordance with the Objectives of the Planned Unit Development District.

9. Preserve, to the maximum extent feasible, significant natural and historical features, surface and underground water bodies and the integrity of the land.
  10. Promote safe, convenient, uncongested, and well-defined vehicular circulation within and to the site. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  11. A comprehensive pathway system shall be provided that links all components within the PUD and links the PUD with existing or planned public sidewalk or pathway systems. The pathway system may consist of sidewalks, paved pathways or natural trails, as deemed appropriate by the Township.
  12. Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site, and surrounding lands. The required common open space shall not include narrow corridors or isolated sections of a site. The required open space shall be:
    - a. Centrally located and of sufficient size to be usable for recreation;
    - b. Along the road frontage of the development;
    - c. Located to preserve significant natural features;
    - d. Located to connect open spaces throughout the development; or provide a buffer from adjacent land uses.
    - e. Considerate of connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
  13. Required open space shall be exclusive of all buildings, setbacks or building spacing required under conventional zoning, required greenbelts, paved areas, rights-of-ways, easements for roads or overhead utilities, fenced detention ponds, and any submerged area of a pond lake river or stream.
  14. At least twenty-five percent (25%) of required open space shall be exclusive of ponds, non-fenced stormwater detention facilities, wetlands and golf courses.
  15. Grading and utility installation in the open space shall be minimal, with the intent to preserve existing significant topographic features where such resources exist.
- D. Preliminary PUD approval is valid for up to two (2) years. If final PUD approval is not sought by the end of this timeframe, the approval shall be considered null and void.
- E. Final PUD Site Plan Submittal Requirements:  
The final submittal shall include twelve (12) copies of each of the following items:
1. All materials, in detail, as required by Chapter 16, Site Plan Review.
  2. A draft PUD Agreement outlining such items as road and utility financing, development conditions, permanent dedication of common open space, maintenance schedule and financing of PUD amenities and common areas, performance guarantees, development phasing schedule, etc.
- F. Standards for Approval of Final PUD Site Plan:

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or recommend approval with conditions. The Board of Trustees may deny, approve or approve with conditions the proposed planned unit development.

1. The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Preliminary PUD Plan, and associated documents and any conditions required by the Township.
2. The Final PUD Plan and associated documents shall be reviewed in accordance with Chapter 16 Site Plan Review, Subdivision Regulations, and any other applicable legal requirements.
3. The Township may impose additional reasonable conditions to ensure compliance with the standards of this Section, and ensure that public streets, services and facilities will be capable of accommodating increased demands created by the PUD.

### **ADMINISTRATION**

#### **A. Amendments and Deviations from Approved Final PUD Site Plan**

1. **Deviations:** Deviations from the approved Final PUD Site Plan may occur only when an applicant or property owner granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change, and receives approval consistent with section 16.11. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.
2. **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval.

#### **B. Schedule of Construction**

Final site plan approval of a PUD, PUD phase, or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

#### **C. Appeals and Violations**

Subject to the provisions of this Section, the Township Board, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions only in cases where there is evidence that all of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
  - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
  - c. By reason of the use or development of the property immediately adjoining the property in question.

- d. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  - e. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD.
2. Violations: A violation of the PUD plan or agreement shall be considered a violation of this Ordinance. Notwithstanding any other relief available to the Township pursuant to this Ordinance or the law, the Board of Trustees may revoke its approval of a PUD plan for a violation of the PUD plan or agreement.

D. Appeals

Decisions granting PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan and otherwise meets the applicable review standards applicable to variances in this Ordinance.

## **U.S. HIGHWAY 2 ACCESS MANAGEMENT OVERLAY AND SCENIC ROAD OVERLAY**

### **OVERLAY DESIGNATION**

- A. The intent of access management regulations is to provide access requirements that will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards of this Section shall apply to all lands with frontage along U.S. Highway 2 and along adjacent streets within three hundred (300) feet of the U.S. Highway 2 right-of-way. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the underlying zoning districts.
- B. The intent of the scenic road overlay is to protect natural and scenic amenities within the Township, especially along public corridors. It is recognized that the Township is known for and depends upon its natural beauty for tourism and economic development. The image and protection of natural amenities also greatly contributes to quality of life in the Township.

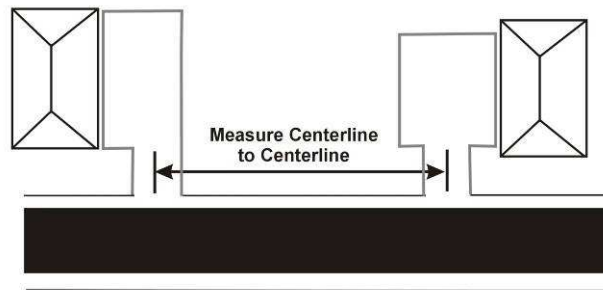
### **DESIGN STANDARDS**

- A. The access requirements contained in this subsection shall apply to all uses on lots with frontage on U.S. Highway 2, except permitted one and two-family residential uses. The setback requirements shall apply to all uses on lots with frontage on U.S. Highway 2.
- B. The access requirements contained herein shall be required in addition to, and where not in conflict shall supersede, the requirements of the Michigan Department of Transportation (MDOT).
- C. For expansion and/or redevelopment of existing sites where the Township determines that compliance with all the access requirements of this Section is unreasonable, the requirements shall be applied to the maximum extent possible. In these situations, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates that one of the following apply:
  - 1. Size of the parcel is insufficient to meet the dimensional standards.
  - 2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
  - 3. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers.
  - 4. There is no other reasonable means of access.
- D. Setbacks
  - 1. Except for an area East of U.S. Highway 141 to the corporate limits of Crystal Falls, the front setback for all properties abutting U.S. Highway 2 shall be two hundred feet (200) feet from the center line of the road. The exempted area shall have a setback of eighty (80) feet from the center line of the road.

2. An easement for public sidewalk of not less than ten (10) feet and a sidewalk of not less than five (5) feet may be required along all frontages in this district.
- E. Number of Driveways
1. In commercial, industrial, or multi-family zoning districts, access to a parcel may be required to consist of either a single two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
  2. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
  3. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
  4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers manual Trip Generation or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point.
- F. Shared Access, Frontage Roads, Parking Lot Connections and Rear Service Drives.
1. Shared use of access between two (2) or more property owners may be required as part of a lot split or site plan review process. The use of driveways constructed along property lines, connecting parking lots and on-site construction of frontage roads and rear service drives (where frontage dimensions are less than three hundred (300) feet) at locations with sight distance problems, and/or along road segments experiencing congestion or accidents shall be considered. In these cases, shared access of some type may be the only access design allowed.
  2. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility shall be required by the Planning Commission, where feasible.
  3. In cases where a site is adjacent to undeveloped property, the site shall be designed to accommodate a future frontage road, parking lot connection and/or rear service drive
  4. The applicant shall provide the Zoning Administrator with irrevocable, registered access easements to adjacent properties.
  5. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following requirements:
    - a. Drive width shall be no more than thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
    - b. Frontage roads shall have a setback of at least thirty (30) feet between the outer edge of pavement and the right-of-way line, with at least sixty (60) feet of uninterrupted stacking space at the intersections.
    - c. Parking along or which backs into a frontage road shall be prohibited.



- G. Rear service drives shall be no closer than ten (10) feet from the rear property line, except in the case of shared driveways along property lines.
- H. Directional Driveways, Divided Driveways and Deceleration Tapers
  - 1. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes shall be required by the Planning Commission where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.
  - 2. Driveways shall be designed with twenty-five (25) foot radii or thirty (30) foot radii where daily semi-truck traffic is expected.
- I. Commercial Driveways
  - 1. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent to the property or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than two hundred (200) feet.
  - 2. Minimum spacing between two (2) commercial driveways shall be not less than three hundred (300) feet along the parcel frontage. The minimum spacing is measured from centerline to centerline.



- 3. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred fifty (250) feet from those on the opposite side of the roadway. These requirements may be reduced by the Planning Commission in cases where compliance is not possible.

### SCENIC ROADS

The requirements contained in this subsection shall apply to Idlewild Road from U.S. Highway 2 to the Tobin-Alpha Road, County Road 639 (Pentoga Trail) from U.S. Highway 2 to County Road 424, State Highway M-69 from U.S. Highway 2 to Lake Mary Road, and U.S. Highway 2 throughout Crystal Falls Township.

- 1. All lots abutting a designated scenic road shall maintain in current existing tree and shrubs condition a fifty (50) foot wide strip of land inward from the right-of-way line of the county or state road where it abuts the lot. Removal of dead trees and minor trimming of vegetation is permitted for public safety considerations. In commercial districts a two-hundred (200) square foot area may be cleared to enhance visibility of the business signs and structure.

2. Where there is a lack of vegetation in the Scenic Road buffer, the Zoning Administrator or Planning Commission may require that the buffer area be augmented to create a vegetative buffer. If the buffer is required to be augmented, one (1) tree of fifteen (15) feet in height and one (1) shrub shall be provided for every one hundred (100) square feet of buffer area. Native vegetation is encouraged and the buffer area should be maintained in a natural state (to retain rural character) rather than being overly groomed.
3. One drive cut is permitted per parcel for residential uses. If vehicle turn-around areas are used they must be provided outside the required buffer area. Eyebrow driveways for one dwelling are not permitted.

## **W-S – WATERFRONT-SHORE LAND OVERLAY**

### **INTENT AND PURPOSE**

The surface water resources of the Township are a valuable asset to the citizens of the Township and the State of Michigan. The purpose of this district is to provide specific regulations which shall further the maintenance of safe and healthful conditions; prevent and control water pollution; reduce hazards to persons and damage to property as a result of flood conditions; protect fish and other aquatic life; provide for the wise utilization of water and related land resources; and control development so as to preserve the economic and natural environmental value of shore lands. It is further recognized that the surface water resources of the Township are a shared resource of relatively fixed supply and, thus, must be regulated in a manner which will ensure reasonable usage by riparian property owners and the general public. The Waterfront-Shore land Zoning District includes all lands in any zoning district within five hundred (500) feet of the ordinary high water mark of lakes and tributaries in the Township.

### **SITE DEVELOPMENT STANDARDS**

- A. Shore land Vegetation. The cutting of trees and shrubbery shall be regulated so as to protect natural beauty, control erosion and reduce the flow of sediments and nutrients from the shore land area.
1. A fifty (50)-foot strip bordering and adjacent to all waters within the Waterfront-Shore land District shall be established as a "Vegetative Buffer Strip."
  2. The "Vegetative Buffer Strip" shall be maintained in grass lands, trees and shrubs or its natural state. Natural growth shall be preserved as far as practical and when removed, it shall be replaced with other vegetation that is equally effective in controlling runoff.
  3. In the strip of land fifty (50) feet wide inland from the ordinary high water mark of a lake, pond, or flowage or the full bank stage of a river or stream, not more than thirty (30) feet in any one hundred (100) feet of frontage may be denuded to monitor persons in the water and to place stairs, pathways, boat launches, or boardwalks (see Section 3.08). The removal of vegetation shall not cause excessive erosion and sedimentation of an adjacent watercourse.
  4. The tree and shrubbery cutting regulations outlined herein shall not apply to the removal of dead, diseased or dying trees or shrubs. Pruning trees of over twelve (12) inches in diameter is permitted up to fifteen (15) feet above the ground to enhance the view of the water.
- B. Building Setback. On waterfront lots, a setback of one hundred (100) feet shall be maintained from the ordinary high water mark of a natural lake, pond, or tributary to the nearest part of any building. This setback requirement does not apply to ponds constructed by an owner of a property which are under five (5) acres in area.
- C. The construction of any wastewater disposal system within a wetland in the Waterfront-Shore land District is prohibited and raising the elevation of ground by adding fill materials to create a mounded disposal tile field is prohibited.
1. Any activity which may adversely impact a wetland or an inland lake or stream shall submit approval by the State of Michigan pursuant to provisions of the Natural Resources Environmental Protection Act, Public Act 451 of 1994, as amended, being MCL 324.101 et seq.

2. Slopes greater than fifteen percent (15%) within the Waterfront Shore land District may not be denuded. When applying for a development permit that affects steep slopes, a property owner shall provide to the Township evidence, in writing, that a plan has been prepared for the disposal of storm waters without serious erosion of top soil or impairment of slope stability and without sedimentation of any water body.
3. The construction of any canal or channel or similar activity within the Waterfront Shore land District must be done in accordance with State of Michigan rules and regulations.
  - a. The construction of a canal, channel or any artificial waterway which traverses a wetland for the primary purpose of providing a navigable waterway which would promote or encourage development of a contiguous upland area is prohibited.