

# VILLAGE OF ELK RAPIDS

315 Bridge Street; P.O. Box 398  
Elk Rapids, Michigan 49629

## PLANNED UNIT DEVELOPMENT PERMIT APPLICATION

### TO BE COMPLETED BY ZONING ADMINISTRATOR:

APPLICATION NUMBER: \_\_\_\_\_

APPLICATION FEE: \$000.00

DATE OF APPLICATION: \_\_\_\_\_

CHECK NUMBER: \_\_\_\_\_

DATE OF PUBLIC HEARING: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT:

(Attach additional pages if necessary)

#### PROPERTY INFORMATION:

Address \_\_\_\_\_

Parcel # \_\_\_\_\_ Lot # \_\_\_\_\_

Legal Description: \_\_\_\_\_

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#### OWNER INFORMATION:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

#### APPLICANT INFORMATION: (If different from Owner)

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

#### DETAILED DESCRIPTION OF REQUEST: \_\_\_\_\_

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**PLANNED UNIT DEVELOPMENT PERMIT APPLICATION**

THE COMPLETED APPLICATION AND FIFTEEN (15)\* COPIES OF THE SITE PLAN SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR PRIOR TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED FOR INTRODUCTION. THE SITE PLAN SHALL MEET ALL THE REQUIREMENTS OF THE VILLAGE OF ELK RAPIDS ZONING AND UNIFIED DEVELOPMENT CODE SECTION 153.152.

\*After the Planning Commission has acted upon the request, ten (10) additional copies of the site plan shall be submitted to the Zoning Administrator.

**AUTHORIZED/SIGNATURE(s):**

As owner and/or applicant representing the owner, I certify and attest that all the above information is accurate to my fullest knowledge and I hereby agree to comply with the provisions of the village of Elk Rapids Zoning and Unified Development Code. **I authorize the Village of Elk Rapids** staff, appointed board and/or commissioners, or committee members to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site visits shall be conducted at reasonable hours and times.

\_\_\_\_\_  
Signature of Owner(s) Date

\_\_\_\_\_  
Signature Applicant (if different than owner) Date

# **PLANNED UNIT DEVELOPMENT PERMIT APPLICATION**

## **SITE PLANS – VILLAGE OF ELK RAPIDS – APPLICABLE CODE SECTIONS**

### **§ 153.055 THRU § 153.061 (INCLUSIVE).**

### **§ 153.058 APPLICATIONS AND APPROVAL REQUIREMENTS.**

A site plan and all associated documents that meet the submittal requirements of § 153.152 are required prior to the review of every planned unit development request. A site plan shall be approved that meets all the requirements of §§ 153.039, 153.040, 153.152, 153.153, Chapters 162, 163 and 164, any specific requirements applicable to planned unit developments found in Chapter 153 and the specific zoning district, and any other pertinent section of this Zoning and Unified Development Code. Conditions may be imposed to achieve conformance with these requirements per § 153.155. No site plan shall be approved for a planned unit development that does not meet the requirements of this Ordinance.

- (A) An application for a PUD shall be filed with the Zoning Administrator. The application must be signed by all individuals or entities having an interest in the real property. An affidavit of ownership shall accompany the application.
- (B) (1) In addition to all the requirements of §§ 153.036(B) and (C), 153.038, and 153.039, an applicant may be requested to provide the following information:
  - (a) A plan identifying the location and type of individual trees of ten-inch or larger caliper and clusters and types of smaller vegetation.
  - (b) The developer's intent and physical, social, and environmental objectives.
  - (c) A description of all exterior building materials with an emphasis on:
    - (1) How the proposed architectural design and façade materials will be complimentary to existing or proposed uses within the site and to surrounding uses;
    - (2) General rooftop appearances, particularly where a rooftop will lie below finished street grade or as may be viewed from the windows of higher adjacent existing or proposed buildings.
  - (d) An estimate of the number of school age children (if applicable).
  - (e) Proposed financing.
  - (f) Impact of development on local streets, schools, parks, public safety and utilities. A traffic impact analysis may be required if more than 500 vehicle trips per day may reasonably be expected to result from the development.
  - (g) Market and economic feasibility.
  - (h) Such other information pertinent to the development or use as required by the Planning Commission or the Village Council.
  - (i) Proposed phases of the development.

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Processing of the application will not begin until all required information has been submitted. The Planning Commission may, upon petition therefore by the applicant, waive a particular submittal requirement, when it documents on the record based on facts presented to it that no good public purpose will be advanced by requiring submittal of requested information

### **§ 153.059 PROCEDURE:**

- (A) A planned unit development application shall be submitted to the Zoning Administrator and transferred to the Planning Commission for review and recommendation. The Planning Commission shall hold a public hearing with such notice as required by § 155.04.
- (B) Planning Commission responsibilities in review of a PUD: Based upon input from appropriate village staff, boards and commissions, as well as upon reviews, studies, and reports prepared by professional experts where warranted, the Planning Commission shall:
  - (1) Adopt written findings of fact that the following standards of this chapter have been met:
    - (a) The site plan review standards of § 153.153.
    - (b) The eligibility requirements of § 153.057.
    - (c) The special use standards of § 153.040.
    - (d) If there is common open space, the requirements of § 153.060.
    - (e) All applicable requirements of the underlying zone
  - (2) Find that the PUD proposal has the following characteristics prior to recommending approval of the PUD application:
    - (a) Innovation in land use and variety in design, layout and type of structures constructed;
    - (b) Economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;
    - (c) Useful open space and improved housing, employment, and/or shopping opportunities particularly suited to the needs of the village area;
    - (d) Innovative reuse and improvement of existing sites and buildings;
    - (e) Consolidation and maximization of usable open space where it is available or required;
    - (f) Landscaping which insures that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment;
    - (g) That a professional engineer with experience in vehicular and pedestrian traffic has determined that the proposed circulation is safe, convenient, un-congested and well defined to and within the development;

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- (h) The preservation of existing important natural, historical, and architectural features within the development;
  - (i) That there exists a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; that there is a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use or façade materials is to be discouraged but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
  - (j) That it will not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (C) After review by the Planning Commission, the Commission shall submit a written recommendation to the Village Council with their findings as to the degree to which the standards of this Ordinance have been met and any conditions which should be imposed should approval be recommended. A public hearing shall be held by the Village Council for each planned unit development request properly filed under the terms of this Zoning and Unified Development Code. Notice of the public hearing shall be given following the procedures specified in § 155.04.
- (D) Based on a review of the information submitted in § 153.058 and the site plan submitted pursuant to §§ 153.151 and 153.152, and the Planning Commission's recommendations, the Village Council may deny, approve, or approve with conditions a request for a planned unit development. The decision on a planned unit development under consideration shall be incorporated in a statement containing the conclusions which specify the basis for the decision and any condition imposed. Only upon approval of the Village Council may a planned unit development permit be issued by the Zoning Administrator.
- (E) If the Village Council determines that the application is consistent with the intent and eligibility conditions of this chapter and with any other standards and requirements contained in this code, it shall enter an order authorizing development and use in accordance with the application and material submitted, modified as the Village Council may consider necessary to carry out the intent and standards of this chapter and containing any lawful conditions or restrictions which the Village Council may consider necessary to carry out the purposes of this Zoning and Unified Development Code and to protect the public health, safety, and welfare. The order shall recite the finding of fact and the reasons upon which it is based. A performance guarantee meeting the requirements of § 153.158 may be required as a condition of approval.
- (F) 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 or only as authorized by the provisions of this Zoning and Unified Development Code which would apply if the planned unit development order had not been issued.

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- (G) Planned unit developments may be constructed in phases, provided that the first phase must stand on its own regarding services, utilities, circulation, facilities, and open spaces without the construction of subsequent phases.
  - (1) The conditions for approval of a PUD shall apply to all phases of the PUD.
  - (2) Each phase of the PUD not specifically reviewed and approved in the initial processing shall be treated in the same way as a major amendment of the PUD and must therefore be approved by the Village Council following the same procedure as for the original approval.
- (H) An order approving a Planned Unit Development Permit, including the Approved Site Plan, may be amended in accordance with the requirements of §153.008(C).
- (I) The PUD order shall expire one year from the date of final approval if the applicant has not commenced actual construction. The Village Council shall have the right to extend an order for one additional year. An order may be canceled by written agreement executed by the owner of the land to which it pertains and the Village Council at any time when the development and use of the land is in conformance with all provisions of this Zoning and Unified Development Code which would apply if such order had not been issued. The PUD order may be rescinded at any time by the Village Council for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupants of the PUD area and after a hearing on the violation. Upon cancellation the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.
- (J) A planned unit development approval shall not be considered an ordinance amendment.
- (K) The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final village approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless and amendment is adopted by the village. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County and copies of recorded documents presented to the Zoning Administrator and filed with the Village Clerk. Issuance of a planned unit development permit is conditioned upon receipt of any required deed restriction.
- (L) Any standard or requirement applicable to a use in an underlying zone may be waived or varied by the Village Council upon the recommendation of the Planning Commission where doing so still results in a project that otherwise meets the standards of this Ordinance without creating a nuisance for abutting properties or materially reducing the value, use or enjoyment of abutting properties.