

Article 10: Land Development Options

10.1 INTENT AND PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by the City of Petoskey. These options may be used singly or jointly depending on the circumstances of particular development scenarios. The purpose of this Article is to set forth the regulations regarding the different land development options to protect the health, safety, and welfare of the citizens of Petoskey. Where necessary, the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article 6 and Article 7 and procedures that supplement or replace particular procedures in Article 8.

10.2 PLANNED DEVELOPMENT

10.2.1 Intent and Purpose

A. The purpose of this district is to permit flexibility in the regulation of land development; 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 adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique structures or settings within the community, or on land which exhibits difficult or costly development problems.

B. The development allowed under this Section shall be considered an optional means of land development only on terms agreeable to the City.

C. Use of the PD option will allow any number of the following goals:

- 1 Flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- 2 To encourage useful open spaces suited to the needs of the parcel(s) in question.
- 3 To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
- 4 To accept dedicated open space areas for public use in perpetuity through a conservation easement or other means acceptable to the City.
- 5 To provide proper housing including workforce housing.
- 6 To provide employment, service and shopping opportunities suited to the needs of the residents of the City and their immediate neighborhoods.
- 7 Redevelopment of brownfields and grayfields.

- 45 8 Preservation, enhancement or restoration of natural resources.
- 46 9 Preservation or restoration of historic resources.
- 47 10 To provide a diverse mix of housing options, price points, and opportunities to rent or
- 48 purchase.
- 49 11 To allow commercial uses in residentially zoned areas and allow residential uses in
- 50 commercially zoned areas.
- 51 12 To permit densities or lot sizes that are different from the applicable district, and to
- 52 allow the mixing of land uses that would otherwise not be allowed.
- 53 13 The development would be consistent with the City of Petoskey Master Plan and Future
- 54 Land Use Map.

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56 D. It is further intended the development will be laid out so the various land uses and building

57 bulk will relate to one another and to adjoining existing and planned uses in such a way that

58 they will be compatible, with no material adverse impact of one use on another.

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60 E. Use of the PD option encourages the following:

- 61 1 The integration of walkable and nonmotorized facilities.
- 62 2 The use of sustainable and energy-efficient site elements, such as stormwater and
- 63 rainwater management, and recycling.
- 64 3 The use of native landscaping, protection or restoration of habitat, heat island
- 65 reduction, and reduction of light pollution.

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67 F. The properties are zoned [insert applicable districts] districts.

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69 G. This option shall not be used solely to avoid the applicable zoning requirements. Problems

70 or constraints presented by applicable zoning provisions shall be identified in the PD

71 application. Any permission given for any activity, building, dimensional requirement, or use

72 not normally allowed shall improve the public health, safety, and welfare in the area affected.

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74 H. The PD option may be used only when the proposed land use will not materially add service

75 and facility loads beyond those considered in the City of Petoskey Master Plan and other

76 public agency plans unless the proponent can prove to the sole satisfaction of the City that

77 such added loads will be accommodated or mitigated by the proponent as part of the PD.

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79 10.2.2 Uses Permitted

80 A. Uses permitted and uses permitted subject to special land use permit approval in this

81 Ordinance may be allowed within the districts identified on the PD plan, except that some

82 uses may be specifically prohibited from districts designated on the PD plan.

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84 B. The City may allow uses that are not permitted in the district if specifically noted in the PD

85 plan. Conditions applicable to uses subject to special land use permit approval shall be used

86 as guidelines for design and layout but may be varied by the Planning Commission, provided

87 such conditions are indicated on the PD plan.

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89 10.2.3 Height, Bulk, Density, and Area Standards

90 The standards for height, bulk, density, and setbacks of each district shall be applicable within each
 91 district area designated on the plan, except as specifically modified and noted on the PD plan.
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93 10.2.4 Qualifying Standards

94 Each parcel proposed for development as a PD shall meet the following site eligibility requirements:
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- 96 1. To promote the goals and objectives of the City of Petoskey Master Plan.
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- 98 2. The petitioner shall demonstrate that the characteristics of the site make the site
 99 suitable and desirable for a PD project due to certain site features which may include
 100 the topography, soils, drainage characteristics, vegetation, site size and location,
 101 historic buildings, scenic views or other unique features.
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- 103 3. The petitioner shall demonstrate and illustrate that the proposed PD zoning is
 104 warranted by the better design and amenities incorporated in the proposal that
 105 would not be feasible under standard zoning classifications.
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- 107 4. To permanently establish land use patterns that are compatible or that will protect
 108 existing or planned uses.
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- 110 5. To bring about the redevelopment of sites where an orderly change of use or
 111 requirements is determined to be desirable and transformational for the City.
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113 10.2.5 PD Application Requirements

114 PD applications shall not be required to go through the zoning map amendment procedures, as
 115 outlined in Article 13.
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117 10.2.6 PD Application Review Procedures

118 The PD application review procedures follow eight primary steps as outlined below
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PD Review Process	Planner /Zoning Administrator	Planning Commission	City Council
Step 1 – Request for Qualification for a PD <i>Informational Meeting</i>	X	X	
Step 2 – Pre-Application Submission	X	X	
Step 3 – Completeness Review	X		
Step 4 – Submission of PD Plan <i>Public Hearing</i>	X	X	
Step 5 – PC Approval/Denial	X	X	
Step 6 – City Council Approval/Denial			X
Step 7 – Submission of Site Plan(s)	X	X	
Step 8 – Documentation	X		

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- A. **(STEP 1): Request for PD Qualification** The Planning Commission shall review the applicant's Request for Qualification. ~~If approved, the applicant may then continue to prepare a Pre-Application Submission.~~ The Request for PD Qualification shall include:
1. A conceptual land use plan or site master plan that graphically illustrates the following:
 - a) Applicant name and address
 - b) Parcel(s) that would be included in the PD.
 - c) Location of land use areas.
 - d) The use of open space.
 - e) Location of streets providing access to the site.
 - f) Pedestrian and vehicular circulation within the site.
 - g) Location of proposed structures including residential and commercial.
 2. A statement of why the PD is proposed versus using existing zoning. This statement must include a statement of what elements of the proposed PD would not be possible under existing zoning.
 3. Planning Commission Review and Action
 - a) The Planning Commission shall review the Request for Qualification and decide if the proposed PD meets the Intent and Purpose for a PD as stated in 10.2.1.
 - b) If approved the applicant may proceed to prepare a complete PD plan and application.
- B. **(STEP 2): Application Submission** At this step in the review process, the Applicant shall prepare an application submission reflecting comments received from Step 1 – Request for Qualification, in addition to other information outlined below.
1. Name, address, and telephone number of the developer (s) and architect.
 2. Legal description of property.
 3. Survey of property.
 4. Zoning classification of site and abutting parcels.
 5. Manner of ownership and dedication.
 6. Any mechanism to protect areas designated as common or open spaces.
 7. Conceptual plan drawn to an engineers scale not more than 1" = 100'.
 - a. Scale and North point.
 - b. Net acreage (-ROW) and total acreage of the site.
 - c. Existing lot lines, buildings, and parking within 100' of the site.
 - d. Proposed lot lines, buildings, parking, and setbacks.
 - e. Location and height of all structures and buildings.

- 168 f. Location of existing and proposed roads, driveways, sidewalks, pathways, and
- 169 parking.
- 170 g. Proposed parking lots and the number of spaces.
- 171 h. Number and location of residential units.
- 172 i. Density calculations by type of residential units.
- 173 j. Commercial square footage and location.
- 174 k. Building form and character illustrations of all sides of all structures.
- 175 l. Conceptual landscape plan with existing landscape features noted.
- 176 m. Location of existing drainage covers, floodplains, rivers, and wetlands.
- 177 n. Location of existing and proposed sanitary sewers.
- 178 o. Location of existing and proposed water mains.
- 179 p. Stormwater retention and detention pond existing and proposed.
- 180 q. Storm sewers proposed.
- 181 r. Location and size (acres) of recreation and open space areas.
- 182 s. Conceptual lighting plan.
- 183 t. Project phasing plan, if applicable.

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185 8. Table of all elements that deviate from existing zoning.

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187 9. Any additional information required by the Planning Commission, such as but not limited

188 to: market studies, traffic impact studies, parking studies, or environmental impact

189 studies.

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191 10. Parking Calculations for the entire site per the zoning ordinance. This includes a parking

192 calculation for uses even if the proposed PD is in a parking-exempt district.

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194 11. A pattern book or design guidelines manual if requested by the Planning Commission.

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196 C. **(STEP 3): Completeness Review** Upon submission of a final PD Application, the Zoning

197 Administrator shall perform a completeness review. Once an application is determined to

198 be complete, the Zoning Administrator and any other applicable departments and agencies

199 shall perform a technical review based on the application submission and provide

200 comments to the Applicant.

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202 D. **(STEP 4): Submission of PD Plans** Based on the results of the Completeness Review, the

203 Applicant shall revise the PD plan based on technical comments received from Step 3 prior

204 to submission to the Planning Commission.

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206 E. **(STEP 5): Planning Commission Public Hearing, Review and Determination** The review of a

207 PD application by the Planning Commission shall follow the procedures below:

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- 209 1. Review: Upon satisfaction from the City Zoning Administrator and/or Planner of a
 - 210 complete PD plan application, the Planning Commission shall hold a public hearing on
 - 211 the PD plan and shall give notice as provided in Article 12.
 - 212 2. Planning Commission Review: The Planning Commission shall review the proposed PD
 - 213 plan and make a determination about the proposal's qualification for the PD option and
 - 214 for adherence to the following objectives and requirements:
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- a. The proposed PD adheres to the conditions for qualification of the PD option and promotes the land use goals and objectives of the City.
- b. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Article, the provisions of this Section shall apply to the lands embraced within a PD area.
- c. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the street network, storm water drainage system, and other public infrastructure and services are satisfactory.

3. Planning Commission Determination

- a. Recommendation: The Planning Commission shall submit its recommendation to the City Council along with the technical review and findings of fact for final determination.
- b. Finding of Facts: After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PD under consideration as the basis of their recommendation to approve or deny the application, along with any applicable conditions.

F. **(STEP 6)** City Council Review and Action

- 1. Determination: Upon receipt of the technical review, findings of fact, and recommendation of the Planning Commission, the City Council shall review the application and make a determination to approve or deny the application, or request additional information. .
- 2. PD Agreement: If the City Council approves the application, it shall direct the City attorney to prepare a PD Agreement setting forth the conditions on which such approval is based. The PD Agreement shall:
 - a. Be signed by the Mayor, City Clerk, and the applicant.
 - b. Become effective on execution by the Mayor and City Clerk after its approval.
 - c. Be recorded at the Emmet County Register of Deeds’ office by the applicant, who shall provide a copy of the record to the City within forty-five (45) days of City Council approval.
 - d. Limit the development and uses that may take place in such area to those expressly permitted under the PD Agreement unless otherwise amended following the procedures in this Section.

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- G. **(STEP 7): Submission of Site Plans** Before any zoning permits are issued for the PD, final site plan(s) for the project area shall be submitted to the Planning Commission for review and approval, or approval with conditions by the Planning Commission of the following:
 - 1. Review and approval of site plans shall comply with Article 8 and this Section except as otherwise modified in the approved plan and PD Agreement.
 - 2. Before approving of any site plan, the Planning Commission shall decide that:
 - a. All portions of the project area shown on the approved plan for the PD for use by the public or the residents of lands within the PD have been committed to such uses under the PD Agreement;
 - b. The site plan is in conformity with the approved development agreement and plan for the PD;
 - c. Provisions have been made under the PD Agreement to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PD Agreement.
- H. **(STEP 8): Submission of As-Built Documentation** A copy of the as-built, to scale, drawings and documentation shall be submitted to the City.

10.2.7 Termination and Expiration

An approved PD Agreement may be terminated or will expire in the following ways:

- A. An applicant or the applicant's successors or assigns may choose to terminate a PD Agreement, before any development within the area involved, by filing with the City and recording at the Emmet County Register of Deeds an affidavit so stating. The approval of the plan under the PD Agreement shall terminate on such recording.
- B. No approved plan under a PD Agreement shall be terminated after development begins except with the approval of the City Council and of all parties with interest in the land.
- C. Within one (1) year following execution of the PD Agreement by the City Council, approved site plans for an area included within the PD must be filed with the City. If such plans have not been filed within the one (1) year period, the right to develop the approved plan under the PD Agreement shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the City Council. The City Council may authorize one (1) extension of up to one (1) year.
- D. If the development of the approved site plan(s) in a phased PD development is not substantially completed in three (3) years after approval, further final submittals under the PD shall stop until the phasebbb in question is completed, or cause can be shown for not completing the same.

309 10.2.8 Fees and Performance Guarantees

310 Fees and performance guarantees associated with the review and approval of a PD application shall
311 be consistent with the requirements in Article 12.

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313 10.2.9 Amendments to Planned Development Plan

314 Proposed amendments or changes to an approved PD plan and/or PD Agreement shall be presented
315 to the Zoning Administrator who shall decide whether the proposed modification is of minor or major
316 nature based on Article 8, with the following additions:

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318 A. Minor Amendment: If determined to be a minor amendment, the Administrative Review
319 Committee may review and approve or deny the request. The PD Agreement shall be
320 modified to reflect any minor amendment that has been approved.
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322 B. Major Amendment: If a major amendment is determined, the Planning Commission shall
323 hold a public hearing consistent with the requirements in Article 12 as part of its review and
324 recommend to the City Council to approve or deny the request. The City Council shall have
325 the final determination to approve or deny a major amendment request. The PD Agreement
326 shall be modified to reflect any major amendment that has been approved.

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328 10.3 CONDOMINIUM DEVELOPMENT

329 New condominium projects and conversion condominium projects shall conform to the regulations set forth
330 in the Condominium Act, Public Act 59 of 1978 of the State of Michigan, as amended, as well as to the
331 requirements of this Ordinance and all other applicable regulations of the City. In addition, the following
332 standards and review procedures shall apply:

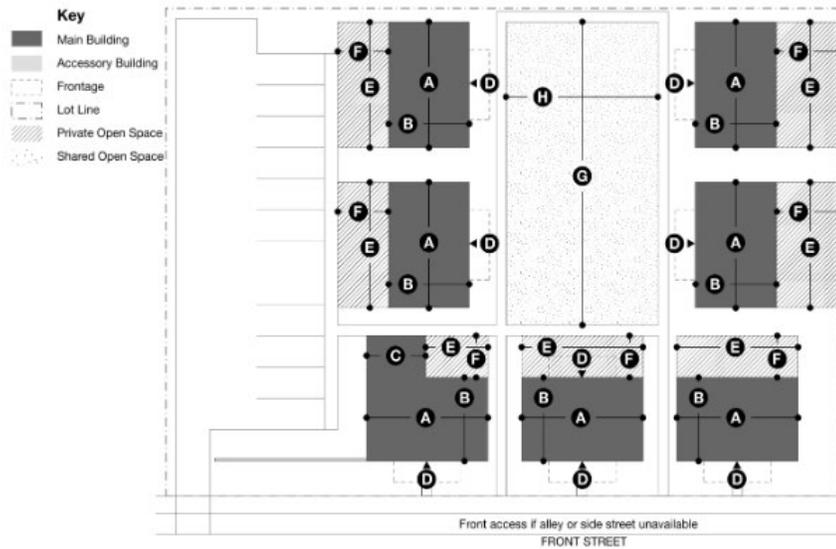
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334 A. Each condominium project shall be reviewed in a manner consistent with like projects within the
335 underlying zoning district.
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337 B. All site plan review provisions and requirements outlined in Article 8 shall apply to condominium
338 projects.
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340 C. Subdivision Requirements: A site condominium project shall be considered equivalent to a platted
341 subdivision for the purposes of enforcing the site and building standards of the City. The substantive
342 requirements for streets, sidewalks, utilities, storm drainage, and subdivision lot layout and design
343 as outlined in the Subdivision Control/Land Division Act, Public Act 288 of 1967 of the State of
344 Michigan, as amended, and Subdivision Regulations of the City, shall apply to all site condominium
345 projects.

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10.4 COTTAGE COURTS

A cottage court development is a grouping of small, detached houses, two-unit houses, or backyard cottages clustered around a common open space or shared courtyard. This type of housing development utilizes a shared parking lot, and access to the homes is from the open courtyard.



Building Standards		Site Standards	
Units Per Building	1	Main Entrance	
Buildings per Site	3 Min., 12 Max.	D – Face Street	
Main Building		D - Face Court	
A – Length	Dimensioned to accommodate a minimum of 600 square feet to a maximum of 1,080 square feet	Private Open Space	
B - Width		E – Width	12 Feet Minimum
		F – Depth	8 Feet Minimum
Secondary Wings		Shared Open Space	
C – Width	20 feet maximum	G – Length	Note (1)
		H – Width	Note (2)
		Area	= (G x H) +20%

371 Note (1) Length is determined by the number of cottages facing the width of the courtyard plus the open space between
372 the cottages facing the courtyard.
373 Note (2) Width is determined by the number of cottages facing the length of the courtyard