

**ARTICLE 23  
PLANNED UNIT DEVELOPMENT**

**50.2300 Planned Development.** The provisions of this Article shall apply only to those districts where planned developments are permitted.

**(1) Intent.** It is the intent of this Special Use to provide a more desirable living environment by retaining the natural character of the City through the preservation of open spaces, woodlands, streams, ponds, waterfrontage, hills, and similar natural assets. It is further intended that this permitted use encourage a more creative approach to residential development through the planned reduction or grouping of lots while maintaining the overall density of the zoning district.

**(2) General Provisions.**

(a) Minimum site shall be ten (10) acres.

(b) Ownership shall be under one proprietor and shall be developed and administered as an integral unit. ("Proprietor to be defined as a person, firm, association, partnership, corporation or combination of any of them, which may hold any interest of ownership in the Planned Development.)

(c) Average residential density shall not exceed one (1) dwelling unit per acre.

(d) For all area gained through the reduction or grouping of lots, an equal area shall be set aside for the common use of the lot owners or residents within the development. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.

**(3) Permitted Uses and Structures.**

Within any Planned Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent as stated in this Section except as otherwise provided in this Ordinance, for any other than one or more of the following-permitted uses:

(a) Principal Uses and Structures.

(i) Single family residences.

(ii) Recreational areas for the private use of the Planned Development lot owners including, but not limited to, golf courses, tennis courts, swimming pools and skiing trails.

(iii) Open spaces including, but not limited to, fields, wooded areas, streams, ponds, waterfront parks and scenic hills.

(iv) General farming.

(b) Accessory Uses and Structures.

(i) Carports and garages.

(ii) Clubhouses and structures incidental to permitted recreational uses.

(iii) Barns and structures associated with general farming, provided that they are located on the designated individual lot.

**(4) Area, Height and Placement Regulations.**

Within any Planned Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in compliance with the following regulations:

(a) Maximum height: 35

(b) Minimum lot area:

(i) Single Family

Dwelling: 8,000 sq. ft.

(c) Minimum yards:

(i) Front: 25

(ii) Side: 15

(iii) Rear: 40. The Planning

Commission may reduce this requirement for individual lots if the rear yard of the lots abuts common land, open space or recreation area as required in Paragraph (4) under General Provisions, above.

(d) Perimeter Setbacks: There shall be a required yard along all exterior boundary lines of the Planned Development site which shall not be less than the minimum yard requirements for the R-1 Single Family Residential Estate zoning district.

**(5) General Site and Development Requirements.**

(a) Access Drive. There shall be hard-surfaced access drives which shall provide unrestricted access to a public road or highway from the Planned Development site. There shall be a distance of no less than 600 feet between access drives along public roadways.

(b) Parking. There shall be hard-surfaced, well-drained, off-street parking areas within the Planned Development at the following ratios:

(i) Residences: 2 spaces per dwelling.

(ii) Mixed or combined uses in the same lot; sum of requirements for the individual uses computed separately.

**(6) Application Requirements.** The Application for a Special Use Permit for the Planned Development will be accompanied by all necessary plans, drawings, specifications and reports indicating all proposed structures and facilities in the Planned Development. For unsubdivided land, all of the Site Plan requirements of Article 20 shall be met. For subdivided land, all the requirements for the submission of a tentative preliminary plan shall be met. Concept sketches and preliminary drawings may be submitted prior to the final official submission (one-half the applicable fee will be charged for concept submission with balance due at the time of full submission).

**50.2301 [Planned Development – Central Business District (CBD) Overlay.** The provisions of this Section shall apply only to that portion of the Central Business District lying west of Gardner Street, south of Main Street, east of Spring Street, and north of Bay Street in the City of Harbor Springs. This area of the CBD shall be hereinafter referred to as the “CBD PD District.” The regulations of this Section 50.2301 shall be referred to as the “CBD District PD Overlay,” and are available at the option of an applicant for zoning approval of a proposed project (a “Planned Development”) within the CBD PD District.

**(1) Intent.** It is the intent of this Special Use to accomplish the objectives of the Zoning

Code through a land development review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the Central Business District by encouraging innovation in land use, design, layout and type of structure constructed; to achieve economy and efficiency in the use of land, natural resources, energy and to provide better employment and economic development and shopping opportunities particularly suited to the needs of the community and the Central Business District.

**(2) General Provisions.**

(a) The minimum lot size for any Planned Development in the CBD PD District shall be .5 acre (21,780 square feet). Unless a site has such a minimum area, it shall not qualify for Planned Development under this Section.

(b) Ownership shall be under one Proprietor and the Planned Development shall be developed and administered as an integral unit (“Proprietor” is defined as one person, partnership, corporation or limited liability company owning the site).

**(3) Permitted Uses and Structures.** Within any Planned Development in the CBD PD District, no structure shall hereafter be used, erected, converted or altered externally in whole or in part unless permitted as a principal use or as a special land use by the Central Business District regulations as provided in Article 12 of this Code.

**(4) Height and Density Regulations.** Within any Planned Development in the CBD PD District, the height and story limitations of Section 50.1203 shall not be modified, unless the applicant shall show by good and sufficient evidence, and City Council, upon recommendation of the Planning Commission, shall find, in its discretion, as follows:

(a) that facilities benefiting the public at large, or the general Downtown District are to be provided within the Planned Development, such that a variation from a strict

application of the height and story limitations is appropriate under the circumstances; or,

(b) there are dedications of open space within the proposed project that make a better site development than if the strict application of the height and story limitations were adhered to; or,

(c) that the project as a whole promotes desirable economic development in the Central Business District to such an extent, and the economics of the project are such, that a variation from a strict application of the height and story limitations is appropriate under the circumstances; and,

(d) that the project as a whole promotes the health, safety and welfare of the City of Harbor Springs; and,

(e) that the project will not cause the interests of adjacent property owners to be damaged or injured.

Upon the Council's finding in the affirmative as to one or more of items (a), (b) and (c) above, and both of (d) and (e), a variation of the height restriction of the CBD regulations may be granted, but not to more than 39 feet, and a variation of the story limitation of the CBD regulations may be granted, but not to more than three (3) stories.

**(5) General Site and Development Requirements.** All other provisions, requirements and regulations of the Central Business District shall apply to a Planned Development within the CBD PD District.

**(6) Application Requirements and Procedure.**

(a) The Applicant for a Planned Development in the CBD PD District shall submit a site plan meeting all of the Site Plan requirements of Article 20, and for those uses requiring special land use approval, shall submit such additional information and drawings as are required by Article 21 of this Code. Concept sketches and preliminary drawings may be submitted prior to the final official submission (one half the applicable fee will be charged for concept submission with balance due at the time

of full submission), for the purpose of initiating discussion and obtaining input prior to formal application to the Planning Commission.

(b) The Planning Commission shall review the Application for a Planned Development in the CBD PD District, and shall hold a public hearing thereon before making a recommendation to the City Council as provided for in subparagraph (c).

(c) After the public hearing as required by subparagraph (b), the Planning Commission shall prepare a recommendation to the City Council to approve, approve with conditions, or to deny such Planned Development in the CBD PD District. If the proposed Planned Development is a special land use, the Planning Commission in its transmittal of a recommendation for the Planned Development shall include its findings on the specific criteria of approval for special land uses as provided in Article 21.

(d) The City Council shall hold at least one public hearing on the request for a Planned Development in the CBD PD District. The City Council shall deny, approve, or approve with conditions, the request. If the City Council approves the Planned Development, a written agreement shall be entered into between the City and the applicant, specifying the terms and conditions of the approval granted, and the scope and details of the project, which agreement shall be binding upon the Applicant, and shall be recorded with the Emmet County Register of Deeds, to run with the land in the Planned Development for the benefit of the City of Harbor Springs, and shall bind successors in interest in the Planned Development, in perpetuity.]<sup>107</sup>