

Draft Planned Development Overlay District Language

Draft 2

January 8, 2014

Section 8313: Planned Development (PD) Overlay District

8313.01 Intent.

The intent of this section is to provide an added degree of flexibility in the placement and interrelationship of the buildings within Planned Development and to provide for the permanent preservation of open space within planned projects for the purpose of preserving natural features, public views of the water, or agricultural production. Modifications of the area, height, placement requirements, and lot sizes, where used for permanent open space preservation, of this chapter may be permitted if the planned project would result in the preservation of natural features, additional open space, energy conserving design, preservation of historic or architectural features, agricultural production, or a beneficial arrangement of buildings.

8313.02 Eligibility Requirements.

To apply for planned development approval, the applicant shall demonstrate that each of the eligibility criteria shall be met:

1. **Unified Control of Property.** The proposed development shall be under single ownership or control to ensure there is a single entity responsible for completing the project. A responsible party shall be named for the project and included in the application.
2. **Underlying Zoning Requirement.** The Planned Development option is only available for properties with an underlying zoning of North City Residential, Main Street East, Rural and Waterfront.
3. **Minimum Lot Size.** A minimum lot size of 40,000 square feet is required in the Main Street East, Main Street West and Waterfront District. A minimum lot size of 80,000 square feet is required in the Rural District. A minimum lot size of 80,000 square feet is required in the Industrial + Entrepreneurial District. The Planning Commission may approve submission of an application on fewer acres provided that the proposal substantially achieves the Purpose and Intent of the Planned Development ordinance.
4. **Compatibility.** The proposed plan and uses shall not adversely affect adjacent neighborhoods or other development in terms of visual access to the Betsie Bay and Lake Michigan, traffic disruption,, impediments to development or redevelopment of nearby properties.
5. **Exception - General.** The Planning Commission may approve submission of an application for a planned development outside of the criteria noted above, provided that the proposed project is generally consistent with the purpose and intent of the planned development and is consistent with the Vision, Goals and Objectives of the Frankfort Master Plan and the underlying zoning district.

8313.03 Submittal requirements.

1. Pre-petition conference. Before submitting a petition, the applicant shall contact the Administrator to schedule a pre-petition conference. At the conference the petitioner shall present the proposed conceptual site plan and development program. The Administrator or designee may provide the applicant with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan and policies.
2. The petitioner for a planned project shall submit the following materials:
A planned project site plan containing the information required by the following Articles:
 - a. Article 1 Section 8107 Site Development Plan Review,
 - b. Article 2 Section 8204 Stormwater Management,
 - c. Article 5 Site Condominium and Utility Extension, or Article 7 Parcel Division Ordinance.
3. Architectural sketches showing building height and cross-sections.
4. An application identifying the specific code sections to be modified, as well as explaining how the modifications will help achieve the objectives of the development program and the standards described below.
5. When a planned project seeks to permanently preserve open space by utilizing reduced lot size, the applicant may be asked to provide an alternative concept site plan of the property, drawn to scale. The alternative concept site plan shall illustrate the maximum number of lots that could reasonably be achieved without application of the reduced lot size, taking into account the application of all ordinances, laws, and regulations, including, but not limited to, road rights-of-way, parking, access and provision of utilities, and storm water management, soil erosion and sedimentation control facilities.

8313.04. Standards for approval.

1. Based upon compliance with the following standards, the City Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the zoning chapter in the form of a planned development site plan:
 - a. The lot or lots included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum gross lot size shall be the combined total of the minimum gross lot sizes for each dwelling on a parcel. However, the following exceptions may apply.
 - i. For purposes of this section, zero lot line duplex or townhouse development shall mean a development containing attached single-family units on individual lots. The number of dwelling units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed development is located.
 - ii. In any zoning district when 20% or more of the total area of a development is set aside for permanent open space preservation, the gross lot size may be reduced below the minimum lot area per dwelling unit and width requirements for the zoning district in which it is located, as provided in this section.

2. The proposed modifications of zoning requirements must provide one (1) or more of the following:
 - a. Preservation of natural features (including views) that exceeds ordinance requirements, especially for those existing features prioritized in the Master Plan as being of highest and mid-level concern.
 - b. An arrangement of buildings which provides a public benefit, such as pedestrian orientation, trail access, waterfront access or a reduced need for infrastructure or impervious surface.
 - c. Preservation of historical or architectural features.
 - d. Preservation of agricultural land.
 - e. A recorded conservation easement or similar binding instrument providing for permanent open space of 20% or more of the planned project.
 - f. Usable open space in excess of the minimum requirement for the zoning district. Where no minimum usable open space standard is required by the zoning district, a minimum usable open space standard shall be established by the approval of the planned project.
 - g. Building or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum building or parking setback is required by the zoning district, a minimum setback standard shall be established by approval of the planned project.
 - h. Solar orientation or energy conserving design.
 - i. Affordable housing for lower income households.
 - j. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.
 - k. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.
 - l. Required off-street parking must be provided in accordance with the provisions of Section 8205: Building Scale Plans
 - m. The standards of lot coverage, building disposition, and Building Function for the zoning district(s) in which the project is located must be met.
 - n. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.
 - o. For planned developments proposed in the Rural District, and where 20% or more of the total area is proposed for permanent open space, projects shall meet the following standards:
 - i. The minimum gross lot size of the parcel proposed for the planned project shall be 80,000 square feet.
 - ii. The size and shape of the portions of the planned project designated for open space preservation shall be reviewed and approved in conjunction with a planned development site plan, site condominium plan, or a plat, in relation to natural features or characteristics specific to that site.
 - iii. The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of

the permanent open space. Minimum lot width and setback requirements shall meet or exceed standards of the Rural District.

- iv. Permanent open space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, natural features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear open space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
 - v. Land in permanent open space may be, but is not required to be, dedicated to the use of the public.
 - vi. Prior to the issuance of any permit, the permanent open space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the permanent open space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for open space preservation. Such permanent open space shall constitute 20% or more of the total area of a development.
 - vii. The option of utilizing a conservation easement or plat dedication for open space preservation for not less than 20% of the total area may be exercised only 1 time on a parcel of land.
3. The Commission or Council may add conditions to the approval of the planned project to achieve conformity to these standards.

8313.05. Approval Procedure.

1. The planned development project application, site plan and other required materials shall be filed with the Administrator. The Administrator or designee shall review the materials filed and, after conferring with the applicant and appropriate city service areas, shall submit a report and recommendation to the Planning Commission. Within a reasonable time (60 days) following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the planned project within (30 days) a reasonable time following the close of the public hearing.
2. Approval of a planned project by City Council shall state the modifications of the zoning ordinance and any specific conditions. Such modifications become part of the approved planned project and site plan and allow the location of improvements on the site according to the plan.
3. The approval of the application by the City Council shall allow the Administrator or designee to issue a zoning compliance permit in conformity with the application as approved. This permit shall specify the exact modifications to the provisions of this chapter which have been

approved for this planned project. The holder of this zoning compliance permit may then proceed with the project in conformity with other code requirements.

4. For three (3) years from the date of approval of the planned development project, permits may be issued and the land developed consistent with the planned project plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved planned project plans. If the planned development project has not been completed three (3) years from the date of approval, the City Council may revert the property to the previous zoning.

8313.06 Deviations from approved planned project.

1. A planned development project may be amended as provided in this section as long as those design elements which were identified in the development program as justification for the approval of modifications of the zoning chapter are not reduced or eliminated.
2. Minor changes to a previously approved planned development project may be approved as provided in Section 8107.08, (requires additional language in 8107.08 creating administrative review authority for the Administrator) , except that:
 - a. The proposed changes shall not alter the basic design or any specific conditions or expressly prohibited amendments of the plan as approved by Council; and
 - b. The recorded conservation easement or binding legal instrument providing for permanent open space preservation shall not be extinguished. The planning and development services manager or designee shall record all such amendments on the original planned project site plan.
 - c. Relocation of landscaping or changes in species of landscape materials shall not reduce minimum requirements or violate prohibited activities under a recorded conservation easement or binding legal instrument for permanent open space preservation.
 - d. Any recreational or maintenance facilities shall not violate the activities prohibited under a recorded conservation easement or binding legal instrument for permanent open space preservation.
3. Planning Commission review and City Council approval is required to divide a planned project parcel which is not already regulated by the Subdivision Control Act of 1967 as amended. The Council shall approve the division only if it determines that the resulting parcel(s) will comply with all applicable laws and will not affect the objectives of the planned project as originally approved. If permanent open space preservation was provided by the planned project approval, the following shall also apply:
 - a. The same or a substantially similar request shall not have been presented to the Council previously and expressly denied and rejected after public hearing.
 - b. The option of utilizing a conservation easement, plat dedication or other binding instrument for permanent open space preservation of 20% or greater of the total area shall be exercised no more than 1 time on a parcel of land.