

ARTICLE 12

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 12.01. DESCRIPTION AND PURPOSE.

The PUD District is intended to permit and control the development of preplanned areas for compatible use of land. This district may be used to develop land to enhance the environment by providing open space, preserve or provide woodlots, water frontage and active and passive recreation areas by allowing flexibility for private development. A mixture of housing and commercial uses not otherwise permitted in the residential districts of the township are permitted in this district. The regulations contained herein provide flexibility in the placement of structures, lot sizes, and types of housing, while maintaining adequate planning and development standards.

The use, area, height, bulk, and placement regulations of this ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain large developments these requirements result in a less desirable development for the achievement of the purposes of this ordinance than if a controlled degree of flexibility is allowed. For example, large scale residential or commercial development might better achieve the purposes of this ordinance if a portion of the open space requirements were consolidated into lots or community parks rather than on an individual, lot-for-lot basis.

A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple family development might include a coffee shop, food store, or barber shop primarily for the residents of the development and surrounding communities. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties.

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as Planned Unit Developments (PUD's) for various compatible uses permitted by this ordinance in other districts and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in use, area, height, bulk, and placement regulations for PUD Developments. However, it is also the intent of a PUD District to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD Zoning District.

Sec. 12.02. LEGISLATIVE FINDINGS.

It is hereby determined that through careful land use and site planning, it is sometimes possible to develop substantial tracts of land for uses and with structures and other

facilities which are not fully in conformance with the provisions of this ordinance but which, nevertheless, are not harmful to the public health, safety and welfare, and which, in fact, may, through improved efficiency of land use, be beneficial thereto, and that it is in the public interest to provide regulations as an alternative to the regulations otherwise provided in this ordinance to make possible such development and use while, at the same time, assuring that any such development and use is not harmful to the public health, safety and welfare.

Sec. 12.03. PROCEDURE.

A. APPLICATION. Any area in the township may be zoned as a PUD District upon application therefore by the owners of the property in said area. Such application shall be accompanied by a preliminary plan as herein provided. Before any land is developed or improvement made in the PUD District, the owner or occupant shall obtain approval of a Final Development Plan as provided herein.

B. APPLICATION FOR PRELIMINARY PLAN APPROVAL.

In order to allow the Planning Commission and the Township Board and the developer to reach an understanding of basic design concepts and avoid unnecessary investment, the developer shall submit a preliminary development plan to the Planning Commission. The preliminary development plan shall be drawn to approximate scale and show clearly the following information:

1. Boundaries of the property.
2. Location map showing uses and ownership of abutting lands.
3. Location and height of all buildings.
4. Interior roadway system, parking facilities, and all existing rights-of-way and easements, whether public or private.
5. Delineation of the various residential or commercial areas; indicate for each such area its size, number of buildings, number of dwelling units, and approximate percentage allocation by dwelling unit.
6. Preliminary architectural sketches or a general statement as to the type of construction and materials to be used in the proposed buildings.
7. Interior open-space system.
8. If grades exceed thirty percent (30%), or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding or ponding, an overlay outlining the above susceptible soil shall be provided.
9. Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
10. General description of the provision of other community facilities such as schools, recreational facilities, fire protection and services, and cultural

facilities, if any, and some indication of how these needs are proposed to be accommodated.

- 11. The period of time within which the project will be completed.
- 12. Additional information which the Planning Commission or its authorized representative may find reasonably necessary to evaluate the proposed development and its effect on surrounding areas.
- 13. A detailed statement outlining the reasons for requesting the PUD zone and uses proposed for the land. This statement shall include a schedule of development for the project and a statement regarding procedures to be established to maintain any open areas, private streets and parking areas.

C. PROVISIONS PLAN MUST INCLUDE. Each plan shall make provision for construction materials storage and screening of that area, off-street parking, loading zones, traffic patterns, landscaping, green strips, buffer zones, and other reasonable incidents of planning a development.

D. PRELIMINARY DEVELOPMENT PLAN DECISION. Approval of the preliminary development plan by the Planning Commission may be conditioned upon suggested changes in the plan which are in accord with the spirit, purpose and intent of this section and the ordinances of the Charter Township of Allendale.

Final approval of a preliminary development plan shall be by the Charter Township Board and said plan shall be adopted as an ordinance amendment (rezoning) by the procedures established in Article 29 for amendments to this ordinance. The ordinance shall specify the permitted uses, which shall exclude any other uses. District zoning classifications under the ordinances of the Charter Township of Allendale may be included or incorporated by reference, if necessary.

Approval of the Preliminary Development Plan by the Planning Commission and the Township Board shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.

E. FINAL DEVELOPMENT PLAN.

Development or improvement of lots or areas within said district after approval and adoption of a Preliminary Development Plan shall be accomplished by submission to the Planning Commission of a Final Development Plan for each phase of the development, which shall include such of the following information as the Planning Commission finds reasonably necessary to consider said Plan:

- 1. A final site plan as described in Section 23.06
- 2. A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious

gasses, glare and heat, fire hazards, industrial wastes and traffic which may be produced by such operation.

3. Engineering and architectural plans for controlling problems of the type enumerated under item (2) above, if deemed necessary by the developer or if required by the Planning Commission or its authorized representative.

F. ENERVATING, DEBILITATING; CONTROL DEVICES. If the Planning Commission shall determine that the proposed use of the land as shown on the Final Development Plan might have an enervating, debilitating, or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, and noxious gases, glare and heat, vibrations, fire hazards, industrial wastes or traffic, or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the Final Development Plan.

G. PERFORMANCE BOND. The Planning Commission, in connection with approval of any application for a Final Development Plan, may require reasonable undertakings by the applicant

to guarantee and assure by agreement, including a performance bond to be posted by applicant, or by some other reasonable surety arrangement at appropriate stages of the planned development, that the development will be executed in accordance with the approved plan.

H. FINAL APPROVAL. The Planning Commission shall consider the Final Development Plan and shall, when appropriate, direct that specific changes be made to conform with the spirit, purpose and intent of this ordinance.

Final approval or disapproval of a Final Development Plan shall be by the Charter Township Board. A copy of said Final Development Plan, if finally approved, shall be forwarded to the Charter Township Zoning Administrator for filing.

I. RECORDING OF PLAT. The Planning Commission and the Charter Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the Subdivision Control Act of 1967, as amended, for the State of Michigan.

J. CHANGES TO AN APPROVED PLAN. Minor changes in the location and siting of buildings, structures, streets or parking areas, or in the extent of structural coverage, floor space, or setback, or in the amount of open space, after adoption of the P.U.D. preliminary development plan by the Charter Township Board, may be authorized by

the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the preliminary plan was approved. Notwithstanding, the Planning Commission, in its discretion, may decide to hold a public hearing on any deviation from the adopted P.U.D. site plan. No change or series of changes authorized by this subsection may cause any of the following:

1. A change in use or character of the development,
2. An increase of more than five (5) percent in site coverage of structures, or five (5) percent in overall floor space,
3. An increase in density of dwelling units,
4. An increase in anticipated problems related to traffic circulation or public utilities.
5. A reduction of more than five (5) percent in approved open space,
6. A reduction of off-street parking and loading space,
7. A reduction in pavement widths,
8. A reduction of more than twenty (20%) percent in structural setbacks from the P.U.D. boundary.

Sec. 12.04. GENERAL PROVISIONS.

- A.** The provisions of this Article shall apply only to a tract of land under single

ownership or proof of control through option to purchase or easement agreement. These provisions may be waived by the Planning Commission if physical conditions such as poor soils, flood plains, proximity to freeways or major arterials, railroads, topography or similar conditions may preclude or impose practical difficulty to design a traditional development.

- B.** No transition or use substitution privileges provided elsewhere in the ordinance shall apply to the PUD District.
- C.** All of the provisions of the zoning, building and other ordinances of the Charter Township shall control in the PUD District except where inconsistent therewith, in which case the provisions of the PUD District shall supersede and control any other such provisions.
- D.** Appeals may not be made to the Board of Appeals regarding PUD provisions.
- E.** In the event that any section, clause or provision of this PUD District shall be declared by a court to be invalid, the same shall not affect the validity of this section as a whole, or any part thereof, other than the part so declared to be invalid.
- F.** In the event that any zoning or other procedures done under this PUD District shall be nullified by a court of competent jurisdiction, or in any other lawful manner, then the zoning of that area having been zoned under this PUD District shall be that district under which

it was zoned immediately preceding its zoning under this PUD District.

- G. The total number of dwelling units allowed in a project shall be determined by multiplying the net residential acreage of a project area, by the following densities:

<p>0-2.5 units per net residential acre for a PUD project without public sanitary sewer or public water systems.</p> <p>2.6-4.9 units per net residential acre for PUD project with an approved public or community water or sewage system.</p> <p>5.0-9.9 units per net residential acre for a PUD project with both a public water and public sanitary sewer systems.</p>

- H. Total ground area occupied by all buildings and structures may not exceed thirty-five (35%) percent of the total ground area of the PUD. The total ground areas shall be computed in acres and square feet within the boundaries of the PUD, and shall include public and private right of ways.

- I. No building, structure or parking area within a PUD development may be erected closer than twenty-five (25) feet from its PUD Zone District line, provided that the Planning Commission may, after public hearing, determine that a greater setback, not to exceed one hundred (100) feet, should be required.

- J. Parking shall be provided as required in Article 21 of this ordinance. If it is established that the proposed uses will not generate this need for parking, the Planning Commission may approve a lesser.

- K. The stages of a PUD development shall be so scheduled that, if later stages of the development are not implemented, the initial stage(s) shall be consistent with the provisions of this Ordinance and shall not detract from the feasibility of developing the remaining portion of the subject PUD area in an appropriate and desirable manner.

- L. Permitted uses in a P.U.D. district shall include any residential use including attached or unattached single family homes, two-family homes, multiple-family structures and mobile home parks or subdivisions, office or those non-residential uses permitted in residential zones, professional uses, and those C-1 or C-2 uses specifically authorized by the Planning Commission at the time of original approval or subsequent amendment.

- M. If a final development plan has not been submitted by the developer within one year after approval of the preliminary development plan, the Planning Commission shall request a report from the developer regarding the status of the project. If construction has not begun and been diligently carried out towards implementing the P.U.D. project within three (3) years after preliminary

approval, the Planning Commission may initiate a zone change amendment to restore the zoning to its previous classification. In initiating such a change, the Planning Commission shall follow all of the procedures established for zoning amendments in Article 29.