

ARTICLE 12 PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Updated 1-25-14

Sec. 12.01. INTENT

A Planned Unit Development (PUD) zone is intended to allow substantial flexibility in planning and designing a project. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and intimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

Through proper planning and design, each Planned Unit Development should include features which further, and comply with, the following objectives.

- A.** To allow on the same site uses, structures, facilities, housing types and open space in a manner compatible with each other and with existing and planned uses on nearby properties.
- B.** To allow for development to achieve better utilization of property than is possible through strict application of standard zoning and subdivision controls.
- C.** To encourage property development and re-development that, to the greatest extent possible, preserves natural

vegetation, respects natural topographic conditions, and does not adversely affect wetlands, flood plains, the natural drainage pattern, and other natural site features.

- D.** To promote the efficient use of property resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- E.** To promote creativity in design and construction techniques.
- F.** To provide for the regulation of legal property uses not otherwise authorized within this ordinance.
- G.** To provide for single or mixed use developments that advance and are consistent with the goals and objectives of the Allendale Charter Township Master Plan.
- H.** To promote the principles of neo-traditional design which include smaller lots, shorter building setbacks, alleys, street trees, street lights, sidewalks, and civic open space and parks to create a sense of community and opportunities for interaction among neighbors.

Sec. 12.02. PUD AUTHORIZATION

A Planned Unit Development zoning district

may be approved by the Township Board after receiving a recommendation from the Planning Commission in any location within Allendale Township in accordance with the procedures, regulations and standards of this chapter. Approving a PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map.

Sec. 12.03. QUALIFYING CONDITIONS.

A. Minimum Size. The property proposed for rezoning to PUD shall consist of a minimum of three contiguous acres although the Township Board after receiving a recommendation from the Planning Commission may approve a PUD with less than three acres is not a means to circumvent the Zoning Ordinance development standards and procedures which would normally apply to the proposed use and that the PUD will satisfy one or more of the following standards:

1. The PUD proposes amenities which are not typically provided by uses allowed on parcels of less than three acres in the zoning district recommended by the Master Plan or by similar existing uses in the Township;
2. The PUD will result in a living environment which is more or equally desirable than if the PUD were to be built on a site of three acres or more.
3. The PUD could not be built without some modification of the standards

of the underlying zoning district recommended by the Master Plan as they apply to the proposed parcel and the proposed use and design of the development are not typical of the uses which would otherwise be allowed in the zoning district recommended by the Master Plan.

(Ord. 2014-2, Eff.1-25-14)

B. Common Ownership. The property proposed for rezoning shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and outgoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control for the entire PUD or individual properties within the PUD provided that all requirements approved by the Township Board continue to be met and there is still unified control for the development and operation of the PUD as required by the Ordinance.

Sec. 12.04. PERMITTED USES

The use or uses of land permitted within a PUD shall be in accordance with the uses allowed for that zoning district recommended by the current Master Plan of Allendale Charter Township for the parcel or parcels requested for PUD rezoning.

However, the Township Board (the Board) after receiving a recommendation from the Planning Commission may permit other land uses not otherwise permitted in that zoning district recommended by the Master Plan if, in the opinion of the Board, the other uses;

complement and are compatible with the permitted uses; are not the primary use of the property; are compatible with nearby existing and permitted land uses; and meet the intent of the PUD chapter and the intent of the Master Plan.

The Board shall base this determination on how well the other proposed property uses satisfy the objectives of this article; how well the operational characteristics, building design and effects of the other proposed uses are compatible with the permitted uses of the underlying zone and the existing and proposed property uses nearby; and how well the other proposed property uses meet the intent of the Master Plan.

(Ord. 2014-2, Eff.1-25-14)

Sec. 12.05 DEVELOPMENT REQUIREMENTS FOR ALL PUD’S

A. Modification of Zone Requirements

The lot area, lot width, building height, setback and yard requirements, general provisions, signs, landscaping and screening requirements, lighting and parking regulations contained in this Ordinance for the zoning district recommended by the Master Plan shall be met except that the Township Board after receiving a recommendation from the Planning Commission may modify these regulations, in order to achieve the objectives of this Article. In making its recommendation and its decision respectively, the Planning Commission and Township Board shall each consider the following standards:

1. Whether the modification requested will result in a development which better satisfies the intent and objectives of this chapter.
2. The modification will be compatible with adjacent existing and future property uses and will not significantly adversely affect the use and enjoyment of nearby property.
3. The modification will result in the preservation of existing vegetation or other natural features on site.
4. The modification is necessary due to topography, natural features or other unusual aspects of the site.
5. The modification will improve or not impede emergency vehicle and personnel access on the site.
6. The modification will improve or not impede safe pedestrian circulation on the site.
7. The modification will result in safe traffic movement on the site and at ingress and egress points to the site, will not result in visual blight, distraction, or clutter, and will otherwise promote the public health, safety and general welfare.

(Ord. 2014-2, Eff.1-25-14)

B. Private Roads

Private roads within a PUD shall conform to the private road requirements of this Ordinance. The

Planning Commission and Township Board however, may modify the requirements for private roads in accordance with the intent of this Article and if the Planning Commission and Board determine that the standards in Section 12.05.A. above are met.

C. **Utilities**

A PUD which has an average lot size of less than 15,000 sq. ft. shall be served by a private or community owned well and septic system approved by the Ottawa County Health Department, by public water and sanitary sewer system or a combination of these systems. All PUD's shall comply with applicable Township Ordinances which regulate public water and sanitary sewer service as well as all applicable State and Federal requirements. Stormwater management shall comply with the requirements of Allendale Township and other applicable County or State requirements.

Sec. 12.06 DEVELOPMENT REQUIREMENTS FOR PUD'S WITH RESIDENTIAL USES.

For Planned Unit Developments which will devote all or a portion of the site to residential use the following requirements shall apply in addition to the requirements of Section 12.05.

A. **Determination of Number of Dwellings**

The maximum average density for a PUD shall be the density generally

recommended by the Township Master Plan in effect at the time of the application for the PUD approval is submitted to the Township

The allowed number of dwellings for the proposed PUD shall be based on the density recommendations for dwellings or bedrooms as set forth in the following density table. The Planning Commission shall have the discretion to recommend to the Township Board the density and number of dwellings or the number of bedrooms that should be permitted in the PUD based upon the Master Plan category recommended for that area. The Planning Commission shall base its recommendation on the following standards:

1. The impact that the number of occupants allowed by either of the density options will have on nearby existing land uses, roads, public utilities and services.
2. A determination regarding which of the density options and the number of dwellings or bedrooms allowed by that option is most compatible with the future land use recommendations for the nearby area as set forth in the Master Plan.

The Township Board, after receiving a recommendation from the Planning Commission, may choose to allow fewer dwellings or bedrooms than recommended by the Planning Commission if, in the opinion of the Township Board, a reduction in the number of dwellings or bedrooms

recommended would better achieve the intent and standards of this Article. In making this determination the Township Board shall also consider the standards (1) and (2) utilized by the Planning Commission contained in this sub-section.

They type and placement of the dwellings proposed, however, shall be subject to the approval of the Township Board after receiving a recommendation from the Planning Commission. During the review of the PUD site plan.

Residential Density Table Based upon the Township Master Plan

<u>Master Plan Category</u>	<u>Maximum Average Density</u>
Agricultural and Residential Estate	1 dwelling unit per acre
Low Density Residential (LDR)	2.9 dwelling units/acre
Moderate Density Residential (MOD)	<p><u>For single family detached dwellings</u></p> <ul style="list-style-type: none"> ▪ 4.35 d.u./acre with public sanitary sewer ▪ 2.9 d.u./acre w/o sanitary sewer
Medium Density Residential (MDR)	<p><u>For two family dwellings</u></p> <ul style="list-style-type: none"> ▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit Public sanitary sewer & water required <p><u>For Multiple Family Dwellings</u></p> <ul style="list-style-type: none"> ▪ 20 bedrooms/acre Public sanitary sewer & water required.
High Density Residential (HDR)	<p><u>For two family dwellings</u></p> <ul style="list-style-type: none"> ▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit ▪ Public sanitary sewer & water required <p><u>For multiple family dwellings</u></p> <ul style="list-style-type: none"> ▪ 36 bedrooms per acre Public water & sewer required

B. Formula to Determine Number of Dwellings.

Subject to the additional dwellings or bedrooms authorized by Section 12.06.D. below, the number of dwelling

units permitted within a PUD shall be determined as follows:

1. Determine gross site area which is the entire area of all property within the legal description of the PUD.

The gross site area shall include the road right of way if it is included in the legal description, but shall exclude the road right of way if it is not included in the legal description.

2. Subtract all existing public and private road rights of way included in the legal description.
3. Subtract one-half of the area of all wetlands, floodplains, lakes, creeks, ponds and any other similar bodies of water and slopes with a grade of over 20% percent.
4. Subtract any property devoted to any existing non-residential use(s) to be included in the PUD. Such property to be subtracted shall include the sum of the area occupied by the building, the off street parking area, driveways serving the use, required building setbacks and other property area or accessory uses associated with the existing

use. The minimum area to be subtracted shall be the minimum lot size required for the zoning district in which the existing use is located.

5. Do not subtract the area of any existing utility easements and proposed non-residential uses such as commercial, institutional, recreational or similar uses.
6. The resulting acreage is the Net Development Acreage (also referred to as Net Site Area) which is then multiplied by the Maximum Average Density from the Density Tables to determine the number of dwelling units or bedrooms permitted. (for example, the Net Development Acreage for an LDR area would be multiplied by 2.9 dwelling units per acre to determine the maximum average density while for an HDR area the net development acreage would be multiplied by 36 bedrooms per acre.

<u>Sample Computation to Determine # of Bedrooms</u>	
<u>Gross Site Acreage:</u>	50 acres (site has public water & sewer)
<u>Existing road right of way:</u>	-3 acres
<u>Wetlands & pond: (10 acres x 50%)</u>	-5 acres
<u>Net Development Acreage:</u>	42 acres
<u>Maximum Ave. Density</u>	x 36 bedrooms/acre (HDR density)
<u>(From density table)</u>	
<u>Total Dwellings/Bedrooms Allowed</u>	<u>1512 bedrooms</u>

7. If the property requested for PUD rezoning or has more than one Master Plan land use recommendation the number of dwelling units or bedrooms allowed for each zone or Master Plan area shall be computed separately using the above formula to determine the total number of dwellings or bedrooms allowed for the entire proposed PUD site. The placement of the dwellings shall be

subject to the approval of the Township Board following a recommendation from the Planning Commission during review of the PUD site plan.

C. Wetland Determination

The determination of the existence and the extent of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Natural Resources or by an analysis performed by a professional biologist, ecologist, environmental engineer professional person deemed acceptable to the Planning Commission.

D. Additional Dwellings

Additional dwellings and bedrooms above what is allowed by Section 12.06.B. above may be permitted at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD.

(Ord. 2013-19, eff.11-9-13)

Examples of amenities which could be added to a PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

1. Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, man-made lake, and community building or similar recreation facilities.
2. Additional landscaping to preserve or enhance the view along the roadway.
3. Enhancement of existing wetlands, subject to applicable regulations.
4. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Allendale Township residents.
5. Provision of additional open space off the PUD site but within the Township which would be of benefit to Allendale Township by adding property for recreational opportunities, adding property to existing Township owned property or allowing for the preservation of property along the Grand River or other natural area.

If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the Maximum Average Density permitted in the Density Table by the Gross Site acreage of the site instead of the Net Development Acreage. In no case shall the number of dwelling units

exceed what is permitted by this subsection.

(Ord. 2014-2, Eff.1-25-14)

E. Minimum Required Open Space Requirements for Residential PUD’s with Single and Two Family Dwellings.

For a Planned Unit Development which will devote all or a portion of the site to single family detached dwellings and/or two family dwellings Dedicated Open Space shall be provided according to the following requirements. Dedicated Open Space which is not contiguous to the proposed PUD property shall not be considered as Dedicated Open Space except as may be permitted by Section 12.06.D.

1. A mixed use PUD (one that include both residential and non-residential uses) shall provide and maintain a minimum of 20 percent of that portion of the PUD site acreage devoted to residential use (including any property occupied by commercial and office buildings with residential uses) as preserved Dedicated Open Space in accordance with the standards of this Article.

The Township Board, after receiving a recommendation from the Planning Commission, may approve a lesser amount of Dedicated Open Space if it is clear that the proposed PUD substantially meets the intent of the Dedicated Open Space requirement as set forth in Section 12.06.E.4.

2. Uses listed in Section 23.06 being multi-family, townhouses and mobile home developments designed for 25 or more dwellings, shall comply with the open space and other requirements set forth in Section 23.06

For purposes of this Section Dedicated Open Space shall mean that portion of a PUD which is permanently preserved in an undeveloped state through an open space preservation agreement as required herein.

3. Areas Not Counted as Open Space.
 - a. The area within all public or private road rights-of-ways.
 - b. Golf course.
 - c. The area within a platted lot, site condominium unit, or metes and bounds parcel occupied or to be occupied by a dwelling unit, a non-residential building or any similar principal building.
 - d. Off street parking area.
 - e. Detention and retention ponds created to serve the development unless such ponds are proposed as an amenity in which case 50% of the area of the pond may count toward open space.
 - f. 50% of the area of wetlands, creeks, streams, existing and proposed ponds (detention and retention as noted above in (e) or lakes or other bodies of water.

- g. 50% of the area of floodplains and 50% percent of areas of slopes with a grade of more than 20%.

4. Standards for Open Space

The following standards shall apply to the Dedicated Open Space required by this Section:

- a. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.
- b. The open space may include a recreational trail, picnic area, children's play area, community building, a building used to house equipment for maintaining the Dedicated Open Space or other use which, as determined by the Planning Commission, is substantially similar to these uses. These uses, however, shall not utilize more than 50% of the Dedicated Open Space.
- c. Dedicated Open Space areas encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- d. The Dedicated Open Space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonable

accessible to the residents of the open space development. Safe and convenient pedestrian access points to the Dedicated Open Space from the interior of the site shall be provided.

- e. If the property contains a lake, stream or other body of water, the Planning Commission may require that a portion of the Dedicated Open Space abut the body of water.
- f. Grading in Dedicated Open Space areas shall be kept to a minimum.

5. Methods to Preserve Dedicated Open Space.

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all Dedicated Open Space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the property uses continue as approved in the PUD plan, unless an amendment is approved by the Township Board.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction,

covenants that run perpetually with the property or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The legal instrument shall:

- a. Indicate the proposed permitted use(s) of the Dedicated Open Space.
- b. Identify the parties who have an ownership interest in the Dedicated Open Space. The owners of property which is within the PUD by virtue of an association or other similar entity shall all times maintain an ownership interest in the Dedicated Open Space.
- c. Require that the open space be maintained and controlled by parties who have an ownership interest in the Dedicated Open Space.
- d. Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

F. Dedicated Open Space Requirements for Non-Residential Uses

A PUD which proposes non-residential uses (such as commercial) shall provide Dedicated Open Space, as defined in

Section 12.06.E, for the commercial portion in the form of civic space such as a central green for sitting, viewing or small outdoor events, or provide objects or areas of interest such as a fountain or plaza, or provide rain gardens or other bio-retention areas for the purpose of storm water detention which shall also function as a visual amenity.

Open space areas shall be designed and arranged to contribute to the attractiveness and function of the proposed development and shall, insofar as reasonably possible, be interspersed throughout the site.

At least on Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall contain at least 3000 sq. ft. or be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Planning Commission, satisfies the intent of this sub-section.

G. Private Road Connections to Adjacent Property

A private road may be required to be extended to the adjacent property line by the Township Board after receiving a recommendation from the Planning Commission. Such recommendation shall be based on both of the following criteria:

1. The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between adjoining properties. In making this determination the Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or make it very difficult to extend the private road and if the adjacent property is already developed so as to prevent the extension of the private road.
2. The road extension would not result in future traffic from off-site creating unsafe situations for the residents or owners of the proposed development.

If such a connection is required the applicant shall, at the applicant's sole cost and expense,

- a. construct the road to the adjacent property line at the time that the private road is built OR
- b. illustrate the location of the future road on the approved PUD site plan and record an agreement to construct the road connection as shown on the plan when the adjacent property develops and the Planning Commission determines the necessity of the road connection.

At the applicant's sole cost and expense, the applicant shall also grant and record an access easement to allow adjoining properties to utilize the future road for uninterrupted movement of vehicles and pedestrians.

Sec. 12.07 PROCEDURES

A. STEP 1 Pre-Application Conference

Before submitting a formal application for a PUD rezoning the applicant shall meet with the Zoning Administrator who may request the attendance of the Township Planner or Township Engineer at this meeting. The applicant may provide a conceptual drawing or other information about the development or property.

The purpose of this meeting is to explain the PUD site plan design and review process to the applicant along with Township site development requirements in order to assist the applicant in preparing a site plan for review by the Planning Commission.

No formal action will be taken at a pre-application conference nor will any statements made at the pre-application conference be considered legally binding commitments.

B. STEP 2 Submit PUD Application

1. Following the pre-application conference, applicants seeking approval of a PUD rezoning shall

submit a complete application for review to the Township offices. Such application shall include the following:

- a. A completed application form.
- b. Payment of a fee, including an escrow amount as established by the Township Board.
- c. A narrative statement describing:
 - (1) The objectives of the PUD and how it relates to the intent of the PUD district, as described in Section 12.01.
 - (2) The relationship of the PUD to the Allendale Township Master Plan.
 - (3) Phases of development and approximate time frame for each phase.
 - (4) Proposed/preliminary deed restrictions, covenant, or similar legal instruments to be used within the PUD.
 - (5) Anticipated start and completion of construction.
 - (6) Location, type, and size of areas to be dedicated for common open space.
 - (7) All modifications from the zoning regulations which would otherwise be applicable to the uses and

structures proposed in the absence of this PUD Article and rezoning.

- 2. The applicant has the option of submitting either a Preliminary or Final PUD site plan with the PUD application.
 - a. A preliminary PUD plan shall contain the information required by Section 24.05 and shall follow Steps 3, 4 & 5.
 - b. A Final PUD site plan shall contain the information required by Section 24.06 and shall follow Steps 4 & 5.
 - c. The Planning Commission may require an environmental impact assessment to be submitted as part of the Preliminary or Final PUD site plan review.

C. Step 3 Preliminary PUD Site Plan Review

- 1. The Township Planning Commission may schedule a public hearing on the PUD rezoning request and the Preliminary PUD site plan in accordance with the requirements of Section 29.01 herein.
- 2. The Planning Commission shall review the Preliminary PUD site plan at the public hearing if one is held or at a regular meeting and make a recommendation to the applicant to assist in preparing a Final PUD site plan. The Final

PUD site plan shall then be processed according to STEP 4 below.

D. STEP 4 Final PUD Site Plan Review

1. The applicant for PUD rezoning shall submit a Final Development Plan to the Township offices in accordance with the requirements for Final Site Plan Review as contained in Section 24.06 of this Ordinance. Copies of the Final PUD Site Plan shall be forwarded to the Planning Commission.
2. The Township Planning Commission shall schedule a public hearing for it to consider the PUD rezoning request and the Final PUD Site Plan in accordance with the public hearing requirements of Section 29.01 herein.
3. The Final PUD site plan shall contain all of the information required for Preliminary PUD Site Plan review plus any other information reasonable required by the Planning Commission to ensure proper review of the PUD rezoning request.
4. Preparation of PUD Ordinance. Prior to or following the public hearing on the Final PUD site plan and rezoning a draft PUD ordinance shall be prepared for consideration by the Planning Commission. This ordinance shall set forth the permitted uses, development

standards and conditions for the proposed PUD. The Planning Commission may hold another public hearing to consider the draft PUD ordinance or the Commission may consider it in conjunction with the hearing on the Final PUD Site Plan.

5. The Planning Commission shall review the Final PUD Site Plan and the draft PUD ordinance if it is prepared at the public hearing and may direct the applicant to revise the plan as necessary to address Zoning Ordinance requirements or concerns of the Planning Commission.
6. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning and Final PUD Site Plan and shall base its recommendation on compliance with the standards of Section 12.08 herein.
7. The applicant shall make any revisions to the Final PUD Site Plan as required by the Commission in its recommendation to the Township Board and shall make these revisions before the Final PUD Site Plan and draft PUD Ordinance is transmitted to the Township Board.

E. STEP 5 Township Board Action & Public Hearing

1. After receiving the recommendation of the Planning Commission, the Township Board shall review the application package, the Final PUD Site Plan, the draft PUD ordinance, the record of the Planning Commission proceedings and the Planning Commission’s recommendation. The Township Board shall conduct a public hearing and provide notice in the manner set forth in Section 29.01 of this zoning ordinance.
2. The Township Board shall then make its findings based on the PUD standards for approval in Section 12.08. Upon a determination that a proposed development meets such standards, conditions, and requirements, the Township Board may approve the Final PUD Site Plan and PUD ordinance.
3. The Township Board may impose reasonable conditions upon its approval of the PUD. Such condition may include conditions necessary to ensure that public services and facilities affected by the PUD will be capable of accommodating increased service and facility loads caused by the property use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of property in a socially and economically desirable manner.
4. The conditions imposed with respect to the approval of a PUD shall be

recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the landowner.

Sec. 12.08 STANDARDS FOR APPROVAL (for both Planning Commission and Board final review)

A PUD shall be approved only if it complies with each of the following standards as applicable.

- A. The PUD complies with all qualifying conditions of this PUD ordinance.
- B. The uses to be conducted within the PUD are substantially consistent with the Allendale Charter Township Master Plan OR based on the design of the PUD and the conditions imposed, the proposed uses are appropriate for the proposed location and are not likely to affect the recommendations of the Master Plan for the larger area where the PUD is to be located.
- C. The PUD is compatible with surrounding uses of property and the natural environment.
- D. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
- E. The proposed development is consistent with the spirit of the PUD District, as described in this Article and represents an opportunity for improved or innovative development for the

community that could not be achieved through conventional zoning.

- F. The PUD preserves and maintains mature woodlands, fields, pastures, meadows and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- G. The individual lots, buildings, roadways, and open space areas within the PUD are designed to minimize the alteration of environmental site features.
- H. The PUD can be adequately served by public utilities such as police and fire protection or public or on-site community water or sanitary sewer.
- I. If the PUD is to be completed in phases, the PUD shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all the features necessary to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area.

Sec. 12.09 TIME LIMITS FOR APPROVED PUD DISTRICT

Each PUD shall be under construction within 12 months after the date of approval of the PUD Final Site Plan, except as noted in this Article.

- A. The Township Board may grant two 12 month extensions if the applicant applies for such extension prior to the

date of the expiration of the PUD provided that:

- 1. The applicant presents reasonable evidence that the applicant/PUD has encountered unforeseen difficulties beyond the control of the applicant and
 - 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonable related to the PUD have not changed.
- B. Should neither of the provisions of subsection A. be fulfilled, or should an extension expire without construction commencing, the Final PUD approval(s) shall be void.
 - C. Should the PUD be voided, the Township Board shall then rezone the property back to the prior zoning classifications(s) or to rezone it to any other zoning classification(s) in accordance with the requirements for rezoning of this Ordinance.

Sec. 12.10 EXISTING APPROVED PUD'S

Planned Unit Developments that were given either Preliminary or Final PUD Site Plan approval prior to January 23, 2012 and which all or only part of the PUD existed as of the effective date of this Ordinance shall be considered to be conforming uses and shall continue to be regulated by the conditions and the site plan, whether

Preliminary or Final, which were previously approved for the particular PUD.

If the Ordinance or resolution approving such PUD does not contain zoning regulations or development standards which would otherwise normally apply to the land uses proposed in the PUD then the Township Board, following a recommendation, from the Planning Commission, may apply the normal zoning regulations or development standards or may modify them as requested by the applicant in accordance with Section 12.06 herein.

(Ord. 2013-18, Eff. 8-24-13)

A major or minor change to an existing PUD shall be subject to the procedures and requirements as set forth in Section 12.11 except that for a major change, the number of dwelling units and amount of open space shall remain as approved for the Preliminary PUD Site Plan. All other requirements and procedures for this Article as amended by Ordinance No. 2012-1, shall apply to the major change.

If an existing PUD is proposed to be expanded to include additional property outside the boundaries of the existing PUD then such enlargement shall be subjects to all the requirements and procedures of this Article.

Sec. 12.11 CHANGES TO AN APPROVED PUD.

Changes to an approved PUD shall be permitted only under the following circumstances.

A. The holder of an approved PUD Final Site Plan shall notify the Zoning

Administrator of any desired change to the approved PUD.

B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings by no more than 20 feet except that buildings shall not move more than 10 feet toward a PUD boundary or public street.
3. Landscaping or fencing approved in the PUD Final Site Plan that is replaced by similar landscaping or fencing to an equal or greater extent.
4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or significantly alter access locations or design.
5. Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations or for reasons of public safety.

C. A proposed change, other than a minor change as determined by the Zoning Administrator, shall be submitted as an amendment to the PUD and shall be processed in the same manner as an

original PUD application except that the PUD zoning shall remain in plan.

The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD Final Site Plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

(Ord. 2013-18, eff.8-24-13)

(Ord. 2013-19, eff.11-9-13)

(Ord. 2014-2, eff.1-25-14)