

CHAPTER 13

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 13.01 PURPOSE AND INTENT

The Planned Unit Development (PUD) District is intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use. The provisions of this Chapter provide enabling authority and standards for the submission, review, and approval of applications for rezoning to a Planned Unit Development District.

SECTION 13.02 PUD QUALIFICATIONS

An applicant must demonstrate all of the following qualifications as a condition to being considered for review as a planned unit development:

- A. Approval of the PUD will result in one (1) or more of the following:
 - 1. A recognizable and material benefit to the ultimate users of the project and to the township, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - 3. A non-conforming use, to a material extent, is rendered more conforming, or less offensive, to the District in which it is situated.
- B. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- C. The proposed PUD shall have a minimum of five (5) contiguous acres.

SECTION 13.03 PROCEDURE FOR APPLICATION AND REVIEW

- A. The PUD approval shall require a rezoning to the PUD District upon receipt of a recommendation of the Planning Commission and approval of the Township Board.

- B. Pre-application Conference - Prior to the submission of an application for a PUD, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Zoning Administrator deems appropriate. The applicant shall present at the conference, a sketch plan of the proposed PUD, as well as the following information:
1. Total number of acres in the project;
 2. A statement of the number of residential units, if any;
 3. Number and type of nonresidential uses,
 4. Number of acres to be occupied by each type of use;
 5. Known deviations from Ordinance regulations to be sought;
 6. Number of acres to be preserved as open or recreational space; and,
 7. All known natural resources and natural features to be preserved.
- C. Preliminary Plan
1. Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed PUD. A narrative report shall accompany the site plan providing a description of the project and explaining the manner in which the criteria set forth in this Chapter have been met. The preliminary site plan for a PUD shall contain at a minimum the following information:
 - a. Evidence of ownership, location and description of site dimensions and areas.
 - b. General topography; soil information.
 - c. Scale, north arrow, date of plan.
 - d. Existing zoning of site; existing land use and zoning or adjacent parcels; location of existing buildings, drives, and streets on the site and within five hundred (500) feet of the site.
 - e. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
 - f. Location, size, and uses of open space.
 - g. General description of the method and organization that will maintain common areas and facilities.
 - h. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - i. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
 - j. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
 - k. General location, function, surface width, and right-of-way of proposed public and private streets.
 - l. General location of proposed parking areas and approximate number of spaces to be provided in each area.
 - m. Location and area of each development phase.

2. Notice

The Planning Commission shall hold a public hearing upon any application for PUD approval, notice of which shall be given in accordance with the requirements of Article 19, Section 19.06.01 of this ordinance.

3. Planning Commission Action. The Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:

- a. Approval. Upon finding that the preliminary plan meets the criteria set forth in this Chapter, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall only confer upon the applicant the right to proceed to preparation of the final plan. Approval of The preliminary plan by the Planning Commission shall not bind the Township Board to approval of the final plan or the rezoning.
- b. Tabling. Upon finding that the preliminary plan does not meet the criteria set forth in this Chapter, but could meet the criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.
- c. Denial. Upon finding that the preliminary plan does not meet the criteria set forth in this Chapter, the Planning Commission shall deny preliminary approval.

4. Final Plan

- a. Within six (6) months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.
- b. Information Required: A final site plan and application for a PUD rezoning shall contain the following information:
 - i. A final site plan meeting all requirements of Chapter 15, Site Plan Review, of this Ordinance.
 - ii. A separately delineated specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this Chapter.
 - iii. A specific schedule of the intended development and construction details, including phasing and timing.
 - iv. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signs, the mechanisms designed to reduce noise, utilities, and visual screening features.

- v. Specification of the exterior building materials with respect to the structures proposed in the project.
 - vi. Signatures of all parties having an interest in the property.
- c. Planning Commission Recommendation and Township Board Action
- i. The final plan shall constitute an application to rezone the property to the PUD District, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the County, and the Township Board, as provided by law, using the procedures and requirements necessary for the rezoning of property.
 - ii. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
 - iii. The Township Board, upon recommendation of the Planning Commission, shall ensure that all applicable regulations of the Zoning Ordinance, the applicable provisions of the Master Plan, and other Township standards or policies are met.
 - iv. When approved, the PUD, with all conditions imposed, if any, shall constitute the rezoning of land to the PUD District and act as the land use authorization for the property, and all improvements and uses shall conform to that approval.
 - v. Notice of adoption of the rezoning, including the final PUD plan and conditions, shall be recorded at the office of the Jackson County Register of Deeds, in addition to the requirements of the Zoning Act.
- d. In addition to the requirements of Chapter 15, Site Plan Review, the Planning and Commission and Township Board shall find prior to approving the final site plan and rezoning that the PUD application complies with the following standards:
- i. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, street and utilities.
 - ii. The proposed development shall be consistent with the public health, safety and welfare of township residents.
 - iii. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - iv. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

- v. The proposed development shall be consistent with the Goals and Policies of the Grass Lake Charter Township Master Plan.

D. Conditions

1. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities will be sufficient to serve the proposed land use, protecting the natural environment, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
2. Conditions imposed shall be designed to protect public health, safety, and welfare reasonably related to the purposes affected by the PUD; necessary to meet the intent and purpose of this Ordinance, and; related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved PUD.

E. Phasing and Commencement of Construction

1. Phasing - Where a project is proposed for construction in phases, each phase, upon completion, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
2. For PUDs with both residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission. Uses within each phase shall meet the requirements of Section 13.04 c.3.d.
3. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final site plan approval of the PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by this Chapter. If construction is not commenced within this time, the approval of a final site plan shall expire and be null and void. The Township Board may grant an extension of the approval for a specified period upon good cause shown, if the request is made in writing to the Township Board prior to the expiration of the initial period.
4. In the event a final site plan has expired, the Township Board, based on a recommendation from the Planning Commission, may rezone the property in any reasonable manner, or, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in accordance with the requirements of this Ordinance.

SECTION 13.04 PUD DESIGN REQUIREMENTS

- A. Any use authorized in any District of this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- B. Residential Design Requirements
 - 1. Residential uses shall be permitted within the densities permitted by the Residential District in which the property is situated immediately prior to rezoning to PUD under this Chapter. Land area under water, public street rights-of-way, and private street easements shall not be included in the gross density calculation.
 - 2. The Township Board, in its sole discretion, may consider a Residential Density Bonus based upon the following considerations and a demonstration by the applicant that the proposed PUD project is consistent with the Master Plan and will result in a material benefit to the township, adjacent land uses, and/or the ultimate users of the project, where that benefit would otherwise be unlikely to be achieved without the application of the PUD regulations. In no case shall the Residential Density Bonus exceed fifty percent (50%).

Residential Density Bonus		
Facility/Open Space Provided		Density Bonus
Open Space Percentage (open space proposed to be included for the purposes of bonus density shall meet the Open Space Requirements of this Section, including minimum dimensions)	50%	Up to 10%
	55%	Up to 20%
	60%	Up to 30%
Providing walking trails/pathways through the entire PUD		Up to 10%
Providing active recreation areas (ball field, tennis court, tot lot, swimming pool, etc.) at a ratio of at least one facility per 25 dwelling units.		Up to 20%
Providing innovative design features, such as traditional neighborhood development, traffic calming measures, and other similar features.		Up to 30%

- C. Non-Residential Design Requirements
 - 1. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
 - 2. The non-residential uses, including parking and vehicular traffic ways, shall be properly integrated with any residential uses within the PUD.

3. In PUDs containing predominately residential uses, the gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed ten percent (10%) of the gross site area of the PUD; or the total area zoned HC or GC immediately prior to rezoning to PUD under this Chapter, whichever is less. These areas shall meet the following requirements:
 - a. Uses shall be integrated into the design of the project with similar architectural and site elements, such as signs, landscaping, etc.;
 - b. The presence of the uses shall not materially alter the residential character of the neighborhood and/or the PUD;
 - c. *All merchandise for display, sale or lease shall be entirely within an enclosed building(s); unless otherwise allowed during the site plan approval process.
 - d. Buildings designed for commercial uses shall be constructed according to the following schedule:
 - i. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - ii. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

***Amendment September 2015**

D. General Design and Development Requirements

1. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is first listed as a Permitted Use or Special Land Use. In all cases, the strictest provisions shall apply.
2. Deviations from specific regulations may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives of this Chapter.
3. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features.
4. There shall be a perimeter setback and berming, as found to be necessary by the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the PUD includes nonresidential uses adjacent to residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Township Board. The setback distance need not be uniform at all points on the perimeter of the development.

5. Thoroughfare, drainage, and utility design shall meet or exceed the applicable requirements in connection with each of the respective types of uses served.
6. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township Board.
7. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares, as found necessary by the Township Board.
8. Signs, lighting, landscaping, building materials for the exterior of all structures, and other features of the PUD, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the township, surrounding development or developments, and natural features of the area.
9. Where non-residential uses adjoin Residential Districts or uses, noise reduction and visual screening methods such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Township Board, in its discretion, shall review and approve the design and location of these methods.
10. Open Space. Any open space provided in the PUD shall meet the following considerations and requirements:
 - a. The PUD shall have a minimum of thirty percent (30%) open space.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units or used to separate residential and non-residential land uses.
 - e. All open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

SECTION 13.05 CHANGES TO AN APPROVED PUD (section added by Amendment 2015)

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

- A. **Notify Zoning Administrator.** The holder of an approved PUD final development plan shall notify the zoning administrator of any desired change to the approved PUD.
- B. **Minor Change Determination.** 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. The Zoning Administrator, at his/her sole discretion, may refer minor changes to the Planning Commission for review or may request a Planning Commission determination regarding whether a proposed change is a minor or major change. Minor changes shall include the following:
1. Reduction of the size or lot coverage of any building
 2. Reduction in the size of any sign
 3. Movement of buildings and/or signs by no more than ten feet
 4. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent
 5. An addition to a building, of up to ten percent of the total floor area, but not more than 2,000 square feet which do not alter the character of the building use.
 6. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design
 7. Movement of or alterations to proposed storm water management facilities, such as detention or retention ponds related to a reduction in the lot coverage of a building or buildings, provided such movement or alteration is first reviewed and approved by the township engineer
 8. Changes required or requested by the Township Board or Planning Commission or other county, state, or federal regulatory agency in order to conform to other laws or regulations
 9. Other changes of a minor nature determined by the Zoning Administrator to be not material or significant in relation to the entire PUD or its permitted land uses
- C. **Major Change Determination.** A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application in accordance with **Section 13.03.**

SECTION 13.06 APPEALS (section added by Amendment 2015)

The Zoning Board of Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Zoning Board of Appeals have authority to grant variances for or with respect to a PUD or any part thereof.