

**ARTICLE XIII**  
**PUD, PLANNED UNIT DEVELOPMENT DISTRICT**  
(Ord. 06-05-01, Eff. 7/04/05)

**SECTION 13A.1 STATEMENT OF PURPOSE**

This Planned Unit Development (PUD) is established under the Planned Unit Development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) for the purpose of:

- (a) Provide for mixed use development with mixture of compatible uses integrated into a cohesive plan for a site. PUD's may include a mixture of residential and non-residential uses. Residential components are also intended to meet the purposes stated in section 503 for open space cluster developments.
- (b) Providing for the development of limited industrial, commercial and office uses that will have limited adverse impact on surrounding land uses and natural features or serve as a transition between existing commercial or industrial uses to other lower intensity land uses.
- (c) Protect significant natural features that the property owner and Township wish to preserve, such as flood plains, wetlands and woodlands.
- (d) Permit flexibility in the regulation of land development to encourage innovation in land use, preserve significant natural features and safeguard the site, and surrounding area. The PUD standards are not intended to circumvent standards and requirements of the Zoning Ordinance, but to facilitate the achievement of the stated purposes set forth herein.
- (e) Coordinated development on commercial or industrial sites in a manner that ensures the efficient provision of transportation facilities, public services, and utilities and minimizes adverse traffic impacts.
- (f) Ensure compatibility of design and function between neighboring properties.
- (g) Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- (h) Encourage development that is consistent with the goals stated within the Township's Master Plan.

**SECTION 13A.2 QUALIFYING CONDITIONS**

The following provisions shall apply to all PUD's:

- (a) The PUD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- (b) A PUD zoning classification may be initiated only by a petition and shall meet the requirements of Section 4.1, *Amendments*, in addition to the provisions herein.
- (c) The site shall provide at least one of the following:
  - 1. Have significant natural features which will be preserved through development under the PUD standards, as determined by the Planning Commission;

2. Provide mitigation to offset infrastructure or transportation impacts not possible under conventional zoning;
  3. Provide a complementary mixture of uses; or,
  4. Redevelop an existing site that is blighted or contains nonconforming situations where creative design can address unique site constraints and allow for redevelopment that is more compatible with surrounding uses.
- (d) The proposed type and density of use shall not result in an unreasonable increase in the use of roads, public services and public facilities, or improvements to public infrastructure is proposed to meet the projected demands of the PUD.
  - (e) The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.
  - (f) The PUD shall not have an adverse impact on future development as proposed in the Township Master Plan.
  - (g) The proposed development shall be consistent with the intent and spirit of this Ordinance.

### **SECTION 13A.3 USES PERMITTED**

The applicant and the Township Board shall establish a list of permitted uses for a PUD, based upon the recommendation of the Planning Commission. The Planning Commission shall make a finding that uses permitted shall be of a nature and design to have minimal external impacts to surrounding land uses and natural features. Such list of permitted uses shall be documented in the PUD agreement required under section 13.A.5(d) below. The types of PUD's, based upon the uses proposed shall be as follows:

- (a) Mixed-use PUD may include a mixture of residential, commercial, office, recreational & open space uses shall be permitted based upon the zoning/ land use designation of each PUD component. Where the pre-PUD zoning is residential, a minimum of 75% of the PUD land area shall be occupied by residential or open space and non-residential uses may occupy no more than 25% of the land area. The residential components of the PUD shall comply with the requirements of Article 15A, in addition to the requirements of this Article.
- (b) Nonresidential PUD's shall be permitted where the pre-PUD zoning is commercial, or industrial or where the Master Plan designates a site as commercial or industrial. A mixture of office, commercial light industrial & open space uses shall be permitted, subject to the limitations herein.

### **SECTION 13A.4 DESIGN STANDARDS**

#### **(a) Site Design Standards.**

1. The PUD shall utilize quality architecture to ensure buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend

harmoniously with surrounding land uses and maintain a positive image for the Township. Elevation drawings shall be reviewed by the Planning Commission as a part of final site plan review. For any side of a building facing a public road or adjoining zoning district that permits residential, at least fifty percent (50%) of the facade shall be constructed of, or covered with brick, glass, glass block, EIFS, decorative concrete block (fluted, scored or split face), stone or vinyl siding.

2. Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the Township, surrounding development, and natural features of the area.
- (b) **Residential Uses.** All mixed-use PUD's containing residential uses shall also comply with the requirements of Article XV.A, in addition to the requirements of this section. Residential density shall be determined in accordance with section 15.A.03, based upon the pre-PUD zoning district. The open space requirements of section 15.A.05 shall be calculated based upon the area of the site allocated to residential, recreational, and open space and shall not apply to areas dedicated to a commercial, office or industrial use.
- (c) **Dimensional Standards.** All regulations of the pre-PUD district applicable to setbacks, parking and loading, general provisions, and other requirements shall be met, subject to paragraph (d) below.
- (d) **Deviations from the Applicable Zoning Regulations.** To encourage flexibility and creativity consistent with the intent of the PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A table shall be provided on the PUD concept plan and in the PUD agreement that specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations or general provisions that would otherwise be applicable. The PUD agreement shall specify the reasons for the deviation and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviation is being sought. Only those deviations consistent with the stated purpose of this district shall be allowed.
- (e) **Buffer Zones.**
1. All non-residential uses shall provide a minimum 20-foot wide greenbelt along the road frontage landscaped with a minimum of one (1) deciduous tree for every 40 feet of greenbelt length. Residential uses shall conform to the greenbelt requirements of section 15A.07.
  2. Where the proposed nature of uses or structures are of a significantly larger scale, greater intensity or different character than surrounding land uses, the Township may require a 50-foot wide buffer area along one or more lot lines consisting of natural woodlands or a landscaped greenbelt containing a minimum of two (2) evergreen trees and one (1) deciduous tree for every 30 feet of buffer length.

3. All outdoor storage shall be within the rear or side yard and shall be screened by a wall or wood fence. Such outdoor storage screening wall shall be setback a minimum of 50 feet from any lot line and shall be surrounded by a landscape buffer consisting of a minimum of two (2) evergreen trees and one (1) deciduous tree for every 30 feet of buffer length.

(f) **Environmental Protection Standards.**

1. The development shall be designed so as to preserve natural features. The limits of tree clearing and grading shall be clearly shown on the PUD concept plan. If animal or plant habitats of significant value exist on the site, the Township may require that the PUD concept plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
2. A minimum 50-foot wide undisturbed open space setback shall be maintained from the edge of any river, stream, wetland or 100-year flood plain and any flood plain shall remain undisturbed.
3. An environmental impact study shall accompany the PUD concept plan and specifically address the anticipated impact of a proposed use on the natural features, economic climate, social environment, public infrastructure and public services in the Township. The environmental impact study shall describe the environmental characteristics of the site prior to development and the impact of the proposed development on the existing site conditions, including topography, soils, woodlands, wildlife habitat, drainage, groundwater recharge, wetlands, surface water flows, rivers, streams, creeks and ponds, flood stages, water temperature, stream bank erosion, water pollution and water quality for fish. The environmental impact study shall also describe the compatibility of the proposed PUD with current and planned adjacent development, including conformance with the Master Plan, traffic, lighting, air pollutants, noise and aesthetic impacts. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided.

- (g) **Traffic Circulation, Operations and Access.** The PUD shall provide safe, convenient, un-congested and well-defined circulation to and within the PUD. Roads accessing the site shall be sufficient to accommodate the amount of traffic and type of truck traffic generated by the proposed PUD. The Township may require the preparation of a traffic impact study documenting the impact of the proposed PUD on the road system.

**SECTION 13A.5 APPLICATION AND REVIEW PROCEDURE**

A PUD zoning classification shall follow the public hearing procedures and requirements for rezoning under Section 4.1 Amendments in addition to the following:

- (a) **Application.** The submission shall include application requirements of Section 4.1, current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, completed application form, application fee, conceptual PUD site plan and draft PUD agreement.

- (b) **Conceptual PUD Site Plan.** The petition for rezoning to PUD shall be accompanied by a conceptual PUD site plan that contains the following information:
1. The applicant's name and address.
  2. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan.
  3. Date of preparation and any revisions.
  4. Property lines, dimensions, legal description and size of property in acres.
  5. Small location sketch of the subject site and area within one-half mile.
  6. Zoning and current land use of applicant's property and all abutting properties and of properties across any road.
  7. Lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines.
  8. Location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
  9. Natural features, including topography, existing drainage patterns, surface water bodies, flood plain areas, wetlands and the limits of major stands of trees.
  10. Conceptual layout of proposed land use, acreage allotted to each use, building footprints, roadways, parking areas, driveways.
  11. Residential dwelling unit types and densities.
  12. General location of open space and landscape buffers.
  13. A preliminary layout of storm water drainage, detention pond location, water supply and wastewater disposal systems and utilities.
- (c) The environmental impact study required under section 13.A.4 (f) 3 above.
- (d) **PUD Agreement.** The PUD agreement shall be entered into by both the applicant and the Township Board. Such agreement shall upon approval be recorded with the County Register of Deeds and shall include the following:
1. Set forth the list of uses that will be permitted in the PUD.
  2. Set forth the conditions upon which the approval is based, with reference to the PUD concept plan and a description of all deviations from Township regulations which have been requested and approved.
  3. Assure that open space, woodlands, wetlands and flood plains will be preserved as shown on the site plan, and that woodland preservation areas

impacted during construction shall be replaced on a caliper for caliper basis.

4. Assure all site improvements will be made including landscape buffers and prescribe the means, timing and maintenance for such improvements.
  5. Assure the construction, improvement and maintenance of all roads and necessary utilities to mitigate the impacts of the PUD project through construction by the developer, bonds or other satisfactory means.
  6. Address any other concerns of the Township regarding construction, maintenance and protection of natural resources and surrounding land uses.
- (e) **Public Hearing.** The Planning Commission shall review the rezoning request, the conceptual PUD site plan and draft PUD agreement, conduct a public hearing in accordance with Section 4.1, and make a recommendation to the Township Board and County Plan Commission based upon the approval standards of section 13. A.6 below.
- (f) **Approval.** Following receipt of a recommendation from the Township Planning Commissions, the Township Board shall either approve or deny the rezoning request, the conceptual PUD site plan and PUD agreement. Conditions may be attached to the approval of the conceptual PUD site plan and PUD agreement to insure that public services and facilities will be capable of accommodating increased demand, and traffic, protect the natural environment, insure compatibility with adjacent land uses and protect the social, and economic well-being of the community.
- (g) **Final PUD Site Plan(s).** Following the PUD rezoning, approval of the PUD concept plan and recording of the signed PUD agreement the applicant shall submit final site plans meeting the requirements of Article 16, *Site Plan Review*. All final site plans shall be in accordance with the approved PUD concept plan and PUD agreement. Where a subdivision is proposed, tentative and final preliminary plats shall be submitted for review by the Planning Commission and approval by the Township Board in accordance with the Land Division Act, (Public Act 288 of 1967, as amended). Subdivision plats shall not be approved unless they are in accordance with the approved PUD concept plan and PUD agreement.
- (h) **Amendments and Deviations from Approved PUD Concept Plan.** Any modification to the approved PUD concept plan or PUD agreement shall require approval by the Township Board, based upon a recommendation by the Planning Commission.

#### **SECTION 13A.6 APPROVAL STANDARDS**

Approval of the PUD site plan and PUD agreement shall only be granted where all of the following standards have been met:

- (a) The PUD meets the qualifying conditions and the design standards of this Article.
- (b) The uses proposed shall have a beneficial effect, in terms of public health, safety and welfare on present and future potential surrounding land uses. The uses proposed

will not adversely affect the public utility and transportation system, surrounding properties, or the environment.

- (c) The PUD is generally consistent with the vision statements, goals, objectives and future land use map of the Township Master Plan.
- (d) Judicious effort has been used to preserve significant natural features, surface water, groundwater and the integrity of the land.
- (e) The PUD is consistent with, and promotes the stated purpose of this Article and the Zoning Ordinance.
- (f) If a mixed-use PUD includes residential uses, then all requirements of Article XV.A shall be complied with, in addition to the requirements of this Article.