

CHAPTER XXII
PUD - PLANNED UNIT DEVELOPMENT DISTRICT
(Ord. No. 00-02; Effective 5-19-00)
(Ord. No. 04-03; 5/7/04)

SECTION 22.01 PURPOSE. This chapter sets forth procedures and approval standards to rezone land in Alpine Township to a Planned Unit Development District.

Planned Unit Development Districts are intended to permit a degree of flexibility from the development standards normally found in non-PUD Districts. Because of this, a review by both the Planning Commission and Township Board is necessary to ensure compliance with the objectives and standards of this Ordinance.

It is the purpose of this Chapter to provide for the review and approval of Planned Unit Developments to achieve the following objectives:

- (a) To provide desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- (b) To encourage the provision of open space and the development of recreational and other support facilities in a generally central location within reasonable distance of all living units.
- (c) To encourage developers to use a more creative and imaginative approach in the development of residential, commercial, and industrial uses or a combination of such uses.
- (d) To allow phased construction with the knowledge that subsequent phases will be constructed as originally planned and approved by the Township.
- (e) To promote flexibility in design and location of structures.
- (f) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities.
- (g) To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
- (h) To ensure a quality of construction commensurate with other developments within the Township.

- (i) To allow for improved vehicular and pedestrian traffic management and regional stormwater system design.

SECTION 22.02 AUTHORIZATION

A PUD zoning district may be approved by the Township Board in locations specified in the various PUD Chapters of this Ordinance. The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

SECTION 22.03 PROCEDURES

- (a) **Pre-application Conference.** Before submitting an application for a PUD, an applicant shall meet with the Planning Commission or Township Planning Director, Zoning Administrator, or Engineer to submit information regarding a proposed PUD and to confer with the Planning Commission, or staff, about the proposed application and the PUD.
- (b) **Application for PUD Approval.** An application for PUD rezoning shall be in accordance with the application procedures for site plan review as required by Chapter 18 of this Ordinance and the requirements for rezoning as contained in Chapter 24 herein.
- (c) **Review of Preliminary Development Plan.** An applicant shall submit a Preliminary PUD site plan in accordance with the requirements for a preliminary site plan contained in Chapter 18 herein unless certain items are specifically waived by the Planning Commission. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD based on the following considerations:
 - (1) The requirements of this Ordinance.
 - (2) Whether the preliminary site plan conforms to the goals, objectives, and standards of the relevant zoning district.
 - (3) The setback and placement of buildings and structures.
 - (4) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
 - (5) Off-street parking and loading areas where required.

- (6) Screening and landscaping, including type, size dimensions and location of plantings.
- (7) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
- (8) Open spaces and recreational areas where required.
- (9) Drainage courses, flood plains, lakes, ponds, streams, and wetlands.
- (10) The number, type and appearance of proposed buildings or dwellings.
- (11) Impact and adverse effects upon nearby lands, the surrounding area and the Township.
- (12) Location of regional stormwater control structures.
- (13) Location of driveways, parking lot connections, and service drives in compliance with the Alpine Township M-37 Access Management Plan.
- (14) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.

(d) **Public Hearing on Preliminary Development Plan**. The Planning Commission shall hold a public hearing on the Preliminary Development Plan and the application for rezoning in accordance with the requirements for rezoning of lands within Alpine Township, as set forth in State of Michigan Law. (Ord. 04-03; 5/7/04)

(e) **Environmental Impact Assessment** The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed PUD will have upon or with respect to the following matters.

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.
- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.

- (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
- (5) General appearance and character of the area; historic structures and places; archaeological sites and artifacts.
- (6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions.
- (7) Traffic impact study.
- (8) A community impact analysis.
- (9) An economic feasibility study for the principal uses of the proposed PUD.
- (10) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

(f) **Final Development Plan.**

- (1) Following review of the preliminary development plan by the Planning Commission, the applicant shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 18 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.
- (2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD plus the following:
 - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - (ii) A plan for the protection of designated preservation areas or features during and after construction.

- (iii) Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the completion date of each phase.
 - (iv) Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.
- (g) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. Notice for the public hearing shall be in accordance with the requirements for a rezoning of lands within the Township, as set forth by law.
- (h) **Consideration of Final Development Plan by Planning Commission.** After public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The applicant shall revise the site plan in accordance with the recommendations of the Planning Commission before the plan is submitted to the Township Board. If the plan is not revised, the applicant shall submit the plan and provide reasons to the Board for the failure to comply with the recommendations of the Planning Commission.
- (i) **Standards for Approval.** In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the standards for Final Site Plan approval in Chapter 18 as well as the following standards as applicable:
- (1) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 - (2) The PUD will not result in a significant increase in the need for public services and facilities, will not result in unsafe traffic movements and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
 - (3) The PUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this chapter.
 - (4) The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.

- (5) The PUD adequately protects all floodplains, wetland, and other bodies of water.
 - (6) Preserves, insofar as practical, significant existing site features such as individual trees or stands of trees, fields or hillsides by designating them as no disturb areas or integrating them into the proposed development.
 - (7) The PUD is designed to ensure compatibility with adjoining land uses.
 - (8) Designs around existing hedgerows and treelines between fields or meadows, and minimize impacts on woodlands.
 - (9) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road right-of-ways.
 - (10) Avoids, where possible, siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
 - (11) The PUD protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding or minimizing development that fronts directly on to existing roadways.
 - (12) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
 - (13) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features such as steep slopes.
- (j) **Final Consideration of PUD by Township Board.** The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether or not the proposed project promotes the intent and purpose of this Ordinance; ensures that the proposed project will be compatible with adjacent uses of land, the natural environments, and the capacities of public services and facilities affected by the proposed project; and ensures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.
- (k) **Conditions of Approval.** The Planning Commission may recommend and the Township Board may impose reasonable conditions upon its approval. Such

conditions may include conditions necessary to ensure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land 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 land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.

- (1) They shall be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

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 property owner. The Township Board shall maintain a record of conditions which are changed.

If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property in accordance with the Township Zoning Act as amended. The Zoning Ordinance amendment shall be forwarded to the Township Clerk for inclusion in the Township Ordinance Book. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law.

Once a rezoning and final development plan are approved, there shall be no development of the property except in concurrence with the terms and conditions of the approved final development plan and this ordinance.

(the following sections are renumbered, per Ord. 03-04, effective 5/7/04)

SECTION 22.04 PERFORMANCE GUARANTEES. The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the final development plan and construction and

placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

SECTION 22.05 AMENDMENTS TO APPROVED PUD.

- (a) An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- (b) Minor Amendments. A minor change may be approved by the Planning Director or their agent who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than 20 feet.
- (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- (4) Changes of building materials to a higher quality.
- (5) Changes in floor plans which do not alter the character of the use.
- (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (7) Changes required or requested by the Township or other public agency for safety reasons.
- (8) Changes which will preserve the natural features of the site without changes to the basic site layout.
- (9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Planning Director to be not material or significant in relation to the entire site and which are not material or significant in relation to the entire site and which the Planning Director determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

- (c) The Planning Director may refer any decision regarding any proposed change to an approved 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 Planning Director may consult with the Chairperson of the Planning Commission.
- (d) Should the Planning Director determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 22.06 TIME LIMITATIONS ON DEVELOPMENT. Each PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

SECTION 22.07 COMPLIANCE. Applicants receiving approval of a Planned Unit Development in accordance with the rules of this chapter shall still comply with all other applicable rules, regulations, ordinances, and laws.