

15.1700 CHAPTER 17
PUD PLANNED UNIT DEVELOPMENT DISTRICT

15.1701 SECTION 17.01 INTENT AND OBJECTIVES

1. This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments (PUDs).
2. All PUDs must be serviced by certain minimum infrastructure features, including paved roads, natural gas, underground electrical service, municipal water, and municipal sanitary sewer.
3. The intent of a PUD is to provide regulation for developments that would result in recognizable and substantial benefits to the ultimate users of a project, and to the community in general where such benefits would be unfeasible or unlikely to be achieved under the requirements of the other districts in this Ordinance.
4. Any Planned Unit Development shall be designed to accomplish one or more of the following objectives:
 - A. To encourage the use of land in accordance with its natural character and adaptability;
 - B. To promote the conservation of natural features and resources;
 - C. To encourage innovation in land use planning and development;
 - D. To promote the enhancement of housing, commercial and industrial employment, traffic circulation, and recreational opportunities for the residents of the Township;
 - E. To promote and ensure greater compatibility of design and better use between neighboring properties;
 - F. To promote more economical and efficient use of the land while providing harmonious variety of housing choices and the integration of necessary commercial and community facilities; and
 - G. To promote the preservation of open space for parks, recreation, or agriculture.

5. The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance, or the planning upon which it has been based. The provisions of this Chapter are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan, this Ordinance, and consistent with sound planning principles.

15.1702 SECTION 17.02 QUALIFICATIONS

1. A PUD shall not be accepted for consideration unless the following requirements are met:
 - A. The minimum size of a PUD shall be five (5) acres of contiguous land, unless the Planning Commission finds that consideration of a PUD on lesser acreage substantially accomplishes the intent of the Master Plan, meets the Intent and Objectives of Section 17.01, or permits an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.
 - B. The proposed development must also demonstrate at least one (1) of the following conditions:
 - 1) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings.
 - 2) The PUD site exhibits significant natural features encompassing more than twenty-five percent (25%) of the land area of the PUD which will be preserved as a result of the PUD plan, such as, but not limited to, dunes, wetlands, forested areas, etc.
 - 3) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical.
 - 4) The proposed design of the PUD includes innovative development concepts that substantially forward the Intent and Objectives of Section 17.01, or permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.

15.1703 SECTION 17.03 APPLICATION PROCEDURE

1. Pre-Application Conference.
 - A. In order to facilitate review of a **PLANNED UNIT DEVELOPMENT** proposal in a timely manner, the applicant shall request an informal pre-application conference with either

Township staff, or a pre-application presentation before the Planning Commission, or both. However, the pre-application presentation shall be made to the Planning Commission when the Planning Commission must determine the actual zoning map designation to be used for the parallel plan pursuant to Section 17.07.3.B.iii. The purpose of such conference/presentation is to exchange information and provide guidance to the applicant that will assist in preparation of application materials.

- B. At least ten (10) days prior to the pre-application conference with Township staff, the applicant shall submit four (4) copies of (at a minimum):
- 1) a sketch plan of the proposed PUD (drawn to scale);
 - 2) a location map of the proposed PUD;
 - 3) the total land area of the project;
 - 4) the approximate number of residential units to be constructed;
 - 5) the **GROSS** and **USEABLE FLOOR AREA** of non-residential uses;
 - 6) areas to be designated as common areas or open spaces; and
 - 7) a project narrative which includes the qualifying factors of the proposed PUD.
- C. At least fifteen (15) days prior to the pre-application presentation before the Planning Commission, the applicant shall submit fourteen (14) copies of the minimum information outlined in Section 17.03.1.B.
- D. There shall be no fee for a pre-application conference or presentation. No formal action will be taken at a pre-application conference or presentation nor will statements made at the pre-application conference or presentation be considered legally binding commitments. (ord. no. 309 eff. February 22, 1999 amend. by ord. no. 427 eff. October 11, 2006)
2. Following the pre-application conference, the applicant may submit a formal application for consideration of a PUD.
3. At a minimum, the PUD application shall include fourteen (14) copies of the following:
- A. A completed application form provided by the Township, and a letter signed by the applicant and owner(s) holding an equitable interest in the property, acknowledging that such property is under

application for a PUD. The fee for the processing of the Planned Unit Development application, as determined by the Township Board, shall be included with the application form.

- B. A Preliminary (for multiple phase PUDs) or a Final Site Plan, prepared in accordance with Chapter 23 (Site Plan Review) of this Ordinance. In addition to the information required by Chapter 23, the site plan shall include the following, unless waived by Township staff at the pre-application conference:
- 1) A schedule of total land areas devoted to each type of use, usable floor areas, density calculations, number and types of units, and building ground coverage.
 - 2) Open space areas and significant natural features, indicating any proposed uses or improvements for such areas, and landscaping.
 - 3) Architectural sketches showing building heights, external wall finishes, location of building entry ways, lighting elements, and other architectural features.
 - 4) Landscaping planting plan in accordance with the landscaping requirements of this Ordinance.
- C. Legal description illustrating the location and acreage of the subject property.
- D. General description of proposed development, including a timetable of construction and a list of departures from the Zoning Ordinance regulations which will be required.
- E. A parallel plan, if required under Section 17.07, subsection 3.
- F. Preliminary grading plan showing a minimum of five foot (5') contours intervals and delineating whether soil will need to be brought in or removed from the site.
- G. A site analysis sketch plan using such information as USGS maps, aeriels or other sources and may be a free hand pencil drawing that is drawn to scale, a maximum of 1" = 100'. The sketch plan shall contain the following:
- 1) Appropriate topography or some indication of ridge lines and steep slope areas;
 - 2) Location and direction of all water courses and areas subject to potential flooding;
 - 3) Natural features such as protected wetlands, marshes, lakes, ponds, wooded areas and isolated preservable trees;

- 4) Approximate location of existing structures, above ground utilities;
 - 5) Existing zoning and land uses of the site and adjacent areas;
 - 6) Location of property lines, existing easements or right-of-way on or adjacent to the tract showing the width and purpose.
- H. Legal documentation of a single ownership or control in the form of agreements, contracts, covenants, or deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.
- I. A construction schedule detailing the completion of the proposed improvements.
4. The Township staff, Planning Commission, or Township Board may request other information deemed pertinent to the proposed development.
 5. The application shall not be considered complete, and shall not be accepted by the Township unless all of the foregoing information has been received, or unless any required information has been waived by the Township staff.

15.1704 SECTION 17.04 REVIEW PROCEDURES

1. Planning Commission Recommendation.
 - A. A public hearing on the proposed development shall be scheduled by the Planning Commission.
 - B. The public hearing shall be noticed in accordance with the requirements of the Zoning Act. (ord. no. 441 eff. March 23, 2007)
 - C. Within a reasonable time following the public hearing, the Planning Commission shall make a recommendation regarding the PUD to the Township Board for denial, approval, or approval with conditions. The recommendation shall include a report stating the Planning Commission's recommendations, and any conditions relating to an affirmative recommendation.
2. Township Board Action.
 - A. If recommended for approval, the applicant shall be required to submit nine (9) copies of the PUD application materials, as

required by Section 17.03.3. Along with the application, the township staff shall provide to the Township Board the following items:

- 1) Copies of the Planning Commission's report.
 - 2) Summaries of comments received at the public hearing.
 - 3) Minutes of all proceedings.
- B. The application materials submitted by the applicant shall be revised to include any changes recommended by the Planning Commission.
- C. A public hearing on the proposed development shall be scheduled by the Township Board, and the hearing shall be noticed in accordance with the requirements of the Zoning Act. (ord. no. 441 eff. March 23, 2007)
- D. Within a reasonable time following the public hearing, the Township Board shall deny, approve, or approve with conditions, the application. The Township Board may require the applicant to execute a development agreement, which shall be a contract between the Township Board and the applicant setting forth the terms and conditions of any PUD approval granted by the Township Board.
3. A Planned Unit Development shall not be approved unless the Township Board, after recommendation of the Planning Commission, finds that the following are met:
- A. Site plan review standards of Section 23.06,7, A-O;
 - B. The Intent and Objectives and Qualifications for a PUD as outlined in this Chapter;
 - C. The General PUD Design Considerations of Section 17.05;
 - D. The proposed design and uses are generally consistent with the Goals and Objectives of the Grand Haven Charter Township Master Land Use Plan.
4. The Township Board may impose reasonable conditions in conjunction with the approval of a PUD to ensure that the foregoing standards and requirements are satisfied. Conditions imposed shall also be designed to protect natural resources, the health, safety, and welfare of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the

community as a whole; and be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

5. Phased PUDs:

- A. An applicant of a PUD which is planned to be completed in multiple phases may submit a Preliminary Site Plan for the entire PUD. The Planning Commission may base its recommendation and the Township Board may grant PUD approval based on the Preliminary Site Plan.
- B. No phase of the PUD shall be approved until a final site plan has been submitted for that phase in accordance with the requirements of this Article. The Final Site Plan for any single phase shall comply with the general design and layout of the Preliminary PUD plan.
- C. The project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the occupants of the surrounding area.

6. Effect of Approval.

- A. Approval of a PUD proposal, as a Preliminary Plan in the case of a multiple phase PUD, or as a Final Site Plan in the case of a single phase PUD, shall constitute an amendment to the Zoning Ordinance and Zoning Map to designate the subject property as PUD, Planned Unit Development.
- B. If the PUD is to be developed in phases, a Final Site Plan for the initial phase of the PUD shall be submitted within one (1) year of the approval of the Preliminary Site Plan and rezoning by the Township Board.
- C. All improvements to a use of the site shall be in conformity with the approved PUD site plan and any conditions imposed.

7. Expiration of Approval.

- A. Approval of the PUD shall expire and be of no effect unless substantial construction has commenced within one (1) year of the date of approval of the Final Site Plan of the PUD or any phase thereof. An extension for a specific period may be granted by the

Township Board upon good cause shown, only if such request is made in writing to the Township Board prior to the expiration date. The Township Board, prior to making a determination, shall forward the request to the Planning Commission, and ask for a recommendation. If a recommendation from the Planning Commission is not offered within twenty-one (21) days after being referred to the Planning Commission, the Township Board may act without input from the Planning Commission on the applicant's request for an extension. (ord. no. 309 eff. Feb. 22, 1999; amend. by ord. no. 369 eff. Dec. 21, 2002)

- B. In the event an approved PUD has expired, the Township Board may rezone the property in accordance with the provisions of Section 27.08 (Initiation of Amendments).
- C. In the case of a PUD proposed to be completed in phases, the expiration of approval shall only be effective for each phase after approval of the Final Site Plan for that phase. The rezoning shall include the entire proposed PUD.
- D. If construction of a Planned Unit Development falls more than two (2) years behind the approved building schedule, the Township shall send notification in writing to the developer which explains that the Township Board will consider revocation of the PUD. Sixty (60) days after the notification, the Township Board may either initiate action to revoke the Planned Unit Development or extend such schedule upon good cause shown, only if such a request is made in writing to the Township Board.

15.1705 SECTION 17.05 GENERAL PUD DESIGN CONSIDERATIONS

- 1. Infrastructure:
 - A. Storm sewers, drains, and/or retention and detention areas or natural water areas shall be located so as to properly accommodate stormwater on the site and prevent runoff to adjacent properties. The design of storm water management systems and drainage facilities shall be consistent with the groundwater protection strategies of the Township.
 - B. The proposed use(s) shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, school facilities, park and recreational facilities, and other public services.

- C. Utility services within the proposed PUD shall be underground, including but not limited to electricity, gas lines, telephone, cable television, and public water and sanitary sewer.
- D. The road system in a PUD shall be designed to limit destruction of existing natural vegetation, and decrease the possibility of erosion.
- E. Vehicular circulation, traffic, and parking areas shall be planned and located to minimize effects on the occupants and users of the PUD and to minimize hazards to adjacent properties and roadways.
- F. Parking requirements for each use shall be determined in accordance with Chapter 24 (Parking, Loading Space, and Signs).
- G. Street lighting shall be installed in the same manner as required under the Grand Haven Charter Township Subdivision Control Ordinance.

2. Building and Grounds:

- A. The proposed buildings within the PUD, including consideration for bulk, placement, architecture, and type of materials shall be compatible with like buildings within the PUD as well as generally compatible with buildings in the general vicinity.
 - 1) Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
 - 2) Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
 - 3) Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.
 - 4) Walls which can be viewed from public streets shall be designed using architectural features, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and landscaping abutting the building for at least fifty percent (50%) of the wall length. Other

walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.

- 5) On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
 - 6) The predominant building materials should be those characteristic of Grand Haven Township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
 - 7) Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.
- B. Landscaping, natural features, open space, and other site amenities shall be located so as to be convenient to the occupants or visitors to the PUD.
- C. The PUD shall be reasonably compatible with the natural environment of the subject premises and adjacent premises.
- D. The PUD shall not unduly interfere with the provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
- E. Exterior lighting shall be regulated in accordance with Section 20.A in this Ordinance.
- F. No outside storage of materials shall be permitted unless screened as outlined in Section 20.11 (Screening Requirements).
- G. Signs in a Commercial, Industrial, or Mixed-Use PUD shall be regulated by Chapter 24 (Parking, Loading Space, and Signs), unless specific modifications are made by the Township Board, after recommendation from the Planning Commission.

3. General Considerations:

- A. The proposed PUD shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
 - B. The proposed development shall be in compliance with all applicable Federal, State, County, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before construction is commenced.
4. Access Provisions:
- A. A maximum of one (1) driveway or street opening per existing public street frontage shall be permitted for the PUD. Additional driveways may be permitted provided that such drive is constructed and permitted to share access with other uses within the PUD, or an adjoining principal use or existing lot.
 - B. The Planning Commission may permit additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveways.
 - C. Parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two (2) intersecting streets. For the purposes of this paragraph, lesser traveled shall mean the street having the lowest daily traffic volume, or as may be determined by the Planning Commission where traffic count information is not available or was counted more than two (2) years prior to the date of the application submission.
5. Open Space Requirements:
- A. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Adequate access will be determined to exist if a minimum of 25% of the open space is not abutted by building sites but, rather, is open to the residents of the development so that they can walk into the open space area.
 - B. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

- C. Designated open space shall consist of contiguous land area which is restricted to non-developmental uses. The following land within the boundaries of a PUD shall not be included as meeting the requirements for open space:
- 1) Any area which is used for roads, streets, alleys, right-of-way easements, etc.
 - 2) Any area devoted to a building lot, accessory use or building, vehicle parking, and any approved land improvement.
 - 3) Any area less than fifty (50) feet in width, unless specifically permitted by the Planning Commission.
- D. Any significant natural features of the land shall be included within the designated open spaces. Examples include: dunes, wetlands, woodlands, steep slopes, etc.
- E. Minor structures or buildings which are accessory to the designated open space may be erected in accordance with the requirements of Section 20.03 (Accessory Buildings and Structures).
- F. Designated open space shall be under common ownership or control, so a single entity has proprietary responsibility. Documentation of ownership or control shall be provided to the Township.
- G. Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state and outline:
- 1) that the open space is protected from all forms of development except as shown on the approved site plan;
 - 2) that the open space shall not be changed to another use without the consent of the Township;
 - 3) the proposed allowable use of the designated open space;
 - 4) that the designated open space is maintained by the parties who have an ownership interest in the open space;
 - 5) the scheduled maintenance of the open space; and,
 - 6) that the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.

6. Transition Areas.

- A. Where the PUD abuts a single family residential district, the Township Planning Commission or Board may require a transition area.
- B. A required transition area may consist of one (1) or more of the following:
 - 1) A row of single-family lots or condominium sites within the PUD similar to the adjacent single family development in terms of density, lot area, lot width, setbacks and building spacing.
 - 2) Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
 - 3) Open or recreation space sufficient in depth to provide adequate separation.
 - 4) Significant changes in topography which provide an effective buffer.
- C. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights.

15.1706 SECTION 17.06 PERMITTED PLANNED UNIT DEVELOPMENTS

A Planned Unit Development may be approved as any of the following:

- 1. Residential PUD (Section 17.07)
- 2. Commercial PUD (Section 17.08)
- 3. Industrial PUD (Section 17.09)
- 4. Mixed-Use PUD (Section 17.10)

15.1707 SECTION 17.07 RESIDENTIAL PUD

- 1. Except as provided in Section 17.07, 3, below, in a Residential PUD District no building or land shall be used and no building or structure shall be erected, except for the following uses:
 - A. Single-family dwellings.
 - B. Two-family dwellings.
 - C. Multiple family dwellings.

- D. Dwellings for one (1) family above garages accessory to single family dwellings.
 - E. Family or group day care homes.
 - F. Family foster care facilities.
 - G. Accessory buildings and uses which are customarily incidental to any of the foregoing residential uses.
 - H. Small Tower-Mounted Wind Energy Turbines and Small **STRUCTURE**-Mounted Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
2. The following uses are permitted in the Residential PUD District when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 19 (Special Land Uses):
- A. Housing for the elderly.
 - B. Golf courses, and other recreational uses such as parks and athletic fields, winter sports areas and similar uses, but excluding campgrounds; whether such recreational use is operated for profit or not, provided however, that no courses for motorized vehicles other than golf carts shall be allowed. Ancillary commercial activities such as pro shops, restaurants without drive-through facilities, and similar uses may also be permitted if it is found such use is clearly subordinate to the main use.
 - C. Churches.
 - D. Public, private or parochial schools.
 - E. Medium Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
3. Base Density for Residential Uses - Parallel Plan:
- A. The maximum base density for residential uses shall be determined through the completion and submission of a parallel plan.
 - B. The parallel plan shall meet the following minimum requirements.
 - 1) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit.

- 2) The parallel plan shall be drawn to comply with the requirements of Chapter 21 of this Ordinance, particularly with respect to access, lot area, lot width, lot coverage, setbacks, dwelling unit sizes, and other provisions of the zoning district that may be applicable to the type of dwelling units to be proposed in the PUD.

- 3) The parallel plan shall comply with the current zoning map designation of the property in the proposed PUD. Alternatively, the parallel plan shall comply with Future Land Use Map designation of the property. If the Future Land Use Map designation is used, the following table shall control:

Future Land Use Plan Designation	Equivalent Zoning Map Designation
Rural Preserve	Rural Preserve District
Rural Residential	Rural Residential District
Low Density Residential	Low Density Residential District
Medium Density Residential	R-1 or R-2 District *
High Density Residential	R-3, R-3.5 or R-4 District *
PUD - Residential	RR, LDR, R-1, R-2, R-3, R-3.5 or R-4 District *
<p>* In these situations, the actual zoning map designation to be used for the parallel plan shall be determined by the Planning Commission. This determination shall be made after the pre-application conference referred to in Section 17.03.1, but before the applicant submits a formal PUD application. In deciding what zoning map designation should be used for the property in the proposed PUD, the Planning Commission shall consider any presentation made by the applicant, as well as the following standards:</p> <ol style="list-style-type: none"> 1. The zoning map designation of the surrounding property and the general area; 2. The current land uses on the surrounding property and in the general area; 3. The trend of the development of the surrounding property and the general area; 4. The sketch plan prepared by the applicant pursuant to Section 17.03.1.B.i of this Ordinance; 5. The objectives for a PUD, as set forth in Section 17.01.4 of this Ordinance. 6. Any density recommendation or guidance presented in the Master Plan for the property in the proposed PUD. 	

- C. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section, shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, and required driveways, streets, or other means of permitted access. Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas, but may be included in the lot area calculations. (ord. no. 389 eff. Feb. 20, 2004)

4. Density Bonus - Single Family Developments

- A. In order to preserve the maximum amount of open space, the regulation of single-family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All single-family residential PUDs shall contain a minimum of twenty-five percent (25%) open space.
- B. The density bonus shall be based on an aggregate of one (1) or more of the following elements, provided the total density bonus shall not exceed a maximum of thirty percent (30%):
 - 1) A high level of clustered development with common open space meeting the requirements of Section 17.05.5, but excluding any environmentally sensitive area which cannot be developed at all or cannot be developed without approval from a State or other regulatory agency (e.g., floodplains, critical dunes, wetlands, etc.), and also excluding storm detention and retention areas, may qualify for density bonuses in accordance with the following:
 - a) Twenty-five percent (25%) of open space: ten percent (10%) density bonus;
 - b) Thirty percent (30%) of open space: fifteen percent (15%) density bonus;
 - c) Thirty-five percent (35%) of open space: twenty percent (20%) density bonus;
 - d) Forty percent (40%) of open space: twenty-five percent (25%) density bonus.

- 2) If the PUD limits include a minimum setback of any building envelope of at least one hundred (100) feet from any public street right-of-way not constructed as part of the PUD, the PUD may qualify for up to a five percent (5%) density bonus. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance roads.
- 3) Providing active recreational facilities such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse may qualify for up to a five percent (5%) density bonus. (amend. by ord. no. 498 eff. August 21, 2011)

5. Density Bonus - Multi-Family Developments

- A. In order to preserve the maximum amount of open space, the regulation of multi-family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All multi-family residential PUDs shall contain a minimum of twenty percent (20%) open space.
- B. The density bonus shall be based on an aggregate of one (1) or more of the following elements, provided the total density bonus shall not exceed a maximum of twenty-five percent (25%):
 - 1) A high level of clustered development with common open space meeting the requirements of Section 17.05.5, but excluding any environmentally sensitive area which cannot be developed at all or cannot be developed without approval from a State or other regulatory agency (e.g., floodplains, critical dunes, wetlands, etc.), and also excluding storm detention and retention areas, may qualify for density bonuses in accordance with the following:
 - a) Twenty percent (20%) of open space: eight percent (8%) density bonus.
 - b) Twenty-five percent (25%) of open space: twelve percent (12%) density bonus.
 - c) Thirty percent (30%) of open space: sixteen (16%) density bonus.

- d) Thirty-five percent (35%) of open space: twenty percent (20%) density bonus.
 - e) Forty percent (40%) or more of open space: twenty-five percent (25%) density bonus. (amend. by ord. no. 498 eff. August 21, 2011)
- 2) Inclusion of an integrated mixture of housing types, such as detached housing with attached housing or accessory single family dwellings (see Section 17.07, 1, C) may qualify for up to a five percent (5%) density bonus.
 - 3) If the PUD limits include a minimum setback of any building envelope of at least two hundred (200) feet from any public street right-of-way not constructed as part of the PUD, the PUD may qualify for up to a five percent (5%) density bonus. No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance roads.
 - 4) Providing active recreational facilities such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse may qualify for up to a five percent (5%) density bonus.
6. Large Scale Developments as PUDs.
- A. In the RR, LDR, R-1 and R-2 Districts, unless the subdivision (as defined in subsection B) has been approved by the Township as a PUD, no subdivision shall be established or created; and no lot, site condominium unit or parcel of land in a subdivision shall be sold, conveyed, transferred or otherwise established; and no building permit or zoning approval permit shall be issued for any land in a subdivision.
 - B. For purposes of this section, a “subdivision” means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, or developed as a site condominium or recorded plat, for the purpose of sale, transfer or building construction, into or including eight (8) or more lots, parcels of land, site condominium units or any other interests in land, or any combination thereof, whether

in whole or in part. For purposes of this section, “subdivision” also includes any lands, if eight (8) or more lots, parcels of land, site condominium units or other units or interests are offered as part of a common promotional plan for sale or conveyance, or where the subdivision is being developed or is offered for sale, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.

- C. If lots or parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a subdivision, if the total number of lots, parcels of land, site condominium units or other interests is eight (8) or more.
- D. For purposes of this section, “contiguous” land means any additional land adjacent to or adjoining the subdivided land included in any subdivision.
- E. If one (1) or more lots or parcels of land are created, divided or split from or out of another lot or parcel of land, and if any of such resulting or remainder lots or parcels are further divided, split or used to create site condominium units, or if any of such actions is proposed, within seven (7) years after the recording of the first land division or land split, then each parcel, lot or unit shall be considered a subdivision for purposes of this section. Accordingly, each parcel, lot or unit shall be subject to PUD approval, if eight (8) or more parcels, lots or units are created or developed from or out of the resulting and remainder lots or parcels. (amend. by ord. no. 498 eff. August 21, 2011)

15.1708 SECTION 17.08 COMMERCIAL PUD

- 1. The minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
- 2. Except as provided in Section 17.08, 3, below, in a Commercial PUD District, no building or land shall be used and no building or structure shall be erected, except for the following uses:
 - A. Retail Businesses where no treatment or manufacturing is required.

- B. Personal service establishments which perform services on the premises
 - 1) small appliance, television, radio, or watch repair shops,
 - 2) tailor shops,
 - 3) beauty salons or barber shops,
 - 4) photographic studios, and
 - 5) self-service laundries and pick-up dry cleaners.
 - C. Banks, building and loan associations, and other lending institutions.
 - D. Office buildings.
 - E. Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
 - F. Accessory buildings and uses customarily incidental to the foregoing uses.
 - G. Small Tower-Mounted Wind Energy Turbines and Small **STRUCTURE**-Mounted Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
3. The following uses are permitted in the Commercial PUD District when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 19 (Special Land Uses):
- A. Gas stations.
 - B. Restaurants with drive-through facilities.
 - C. Motor vehicle sales establishments.
 - D. Medium Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
4. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 17.05.

15.1709 SECTION 17.09 INDUSTRIAL PUD

- 1. The minimum area required for a parcel to be considered as an Industrial PUD shall be no less than twenty (20) contiguous acres.

2. Except as provided in Section 17.09, below, in an Industrial PUD District, no building or land shall be used and no building or structure shall be erected, except for the following uses:
 - A. Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.
 - B. Research and development facilities, including production activities which shall be limited to fifty percent (50%) of the floor area of the building.
 - C. Warehousing, including refrigerated and general storage.
 - D. Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
 - E. Accessory buildings and uses customarily incidental to the foregoing uses.
 - F. Related essential public services ancillary to the Industrial PUD.
 - G. Small Tower-Mounted Wind Energy Turbines and Small **STRUCTURE**-Mounted Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
3. The following uses are permitted in the Industrial PUD District when the PUD approval includes a consideration of the standards and relevant specific requirements imposed by Chapter 19 (Special Land Uses):
 - A. Storage yard for machinery, trucks, or equipment.
 - B. Motor freight, truck, and warehousing business.
 - C. Medium Wind Energy Turbines. (ord. no. 467 eff. May 8, 2009)
4. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 17.05.

15.1710 SECTION 17.10 MIXED-USE PUD

1. A combination of the following uses may be permitted in a Mixed-Use PUD. Any use not specified below is prohibited in a Mixed-Use PUD.
 - A. Any use as outlined in Section 17.07 (Residential PUD).

- B. Any use as outlined in Section 17.08 (Commercial PUD).
 - C. Any use as outlined in Section 17.09 (Industrial PUD).
2. Where a Mixed Use PUD includes residential uses, the land area dedicated to non-residential uses shall not exceed thirty percent (30%) of the total land area in the Mixed-Use PUD.
 3. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 17.05.
 4. Residential densities for Mixed-Use PUDs shall conform to the requirements of Section 17.07. (ord. no. 335 eff. October 6, 2000)

15.1711 SECTION 17.11 PUD AMENDMENTS

1. Minor changes to an approved PUD may be approved by the Zoning Administrator, provided such changes comply with all applicable requirements of this Zoning Ordinance and all other federal, state, county and Township laws and regulations.
 - A. Before approving a minor change to an approved PUD, the Zoning Administrator shall advise the Township Supervisor and the Planning Commission Chair in writing of the proposed minor change.
 - B. If neither the Township Supervisor nor the Planning Commission Chair objects to the proposed minor change within ten (10) days of receiving the written notice, the Zoning Administrator may proceed with granting approval of the minor change.
 - C. If the Township Supervisor, the Planning Commission Chair or both object to the proposed minor change within ten (10) days of receiving the written notice, the Zoning Administrator shall seek a review and determination from the Township Board during a scheduled Board meeting. The Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Board shall be recorded in the Board minutes and shall be considered final.
2. If the Zoning Administrator determines that a proposed amendment is major, his or her decision shall be forwarded in writing to the applicant

and shall be considered final, unless the applicant appeals the decision in writing within twenty-one days to the Township Board. If the applicant appeals the decision of the Zoning Administrator, the applicant shall submit in writing a request to appear before the Township, the Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Board shall be recorded in the Board minutes and shall be considered final.

3. Major changes to an approved **PUD** must be submitted to the Planning Commission and the Township Board for review in the same manner as the original application was submitted and reviewed, except for the rezoning of the property to PUD, Planned Unit Development. The Planning Commission shall also schedule a public hearing, which shall be noticed in conformance with the **ZONING ACT**. When reviewing the proposed change, the Planning Commission and the Township Board must limit the review to the proposed change and may not open the entire site plan for additional amendments or contingencies, unless otherwise specified by this Ordinance. Any contingencies on the approval of the proposed change must be directly related to the proposed change. (ord. no. 309 eff. February 22, 1999 amend. by ord. no. 426 eff. October 9, 2006)
4. The following standards are delineated to help staff determine if a request should be considered a major change(s):
 - A. Does the proposed amendment increase the scope or density to a point that it would impact the basis on which the approval was granted?
 - B. Does the proposed amendment increase a building size by more than two (2%) percent?
 - C. Does the proposed amendment add additional uses and or buildings?
 - D. Does the proposed amendment reduce front yard setbacks?
 - E. Does the proposed amendment shift the arrangement of lot lines or building locations by more than ten (10) feet?
 - F. Does the proposed amendment change the character, function or number of access drives?

- G. Does the proposed amendment create any significant change(s) in the concept of the development?
5. If the Zoning Administrator determines that a request, which would be considered a major change pursuant to the standards of previous section, has unique or extenuating circumstances that affect the request, the Zoning Administrator may seek a decision from the Township Board during a scheduled Board meeting. The Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Board shall be recorded in the Board minutes and shall be considered final.
6. All minor changes to an approved PUD shall be communicated by the zoning administrator to both the full Board and Planning Commission after they are processed. (ord. no. 309 eff. Feb. 22, 1999; amend. by ord. no. 369 eff. Dec. 21, 2002)