

CHAPTER 14B

"M-PUD" - MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT

(Ord. No. 08-05; 12/2/08) (Ord. No 09-01; 3/31/09) (Ord. No. 19-02; 2/18/19)
(Ord. No. 22-04; 9/18/22)

SECTION 14B.01 INTENT AND PURPOSE. The purpose of the "M-PUD" Zoning District is to permit a variety of uses to be located on the same site and/or within the same buildings and to enable these uses to function in an integrated fashion as a community or neighborhood without the separation that is usually required by traditional zoning development standards. The M-PUD zoning district is not intended to be developed with a single type of land use. Uses shall be integrated in such a manner that they are compatible in form and function.

The M-PUD shall be designed to promote interaction among residents and users through the use of pedestrian walkways, by connecting uses on site through building placement and appearance, through preservation of open space, and the provision of public places or spaces for individuals to gather or rest. The M-PUD district is intended to encourage a high-quality built environment which includes distinctive architecture and public gathering spaces, and reflects innovation in the placement and orientation of buildings and other structures. Non-residential uses must be developed concurrently with residential uses in order to ensure a project with a variety of land uses.

SECTION 14B.02 ELIGIBLE PROPERTY AND PROCEDURES

A Mixed Use Planned Unit Development zoning district shall be reviewed pursuant to this Chapter and the procedures of Chapter 22. In order to be eligible for rezoning, an M-PUD shall meet the following minimum qualifying conditions:

- (a) Location: Land proposed for an M-PUD may only be located in an area planned for M-PUDs in the adopted Alpine Township Master Plan.
- (b) Minimum Size: Land proposed for rezoning to M-PUD shall have an area of at least ten acres, unless waived by the Planning Commission and Township Board based on criteria set forth in this chapter.
- (c) Utilities: An M-PUD shall be served by public water and public sanitary sewer services.
- (d) Unified Control: The M-PUD shall be under unified ownership or control such that there is one person, group of persons, or legal entity that would have responsibility for the design, construction, and completion of the M-PUD in compliance with this Chapter.
- (e) Recognizable Benefits: The M-PUD shall result in recognizable and substantial benefits to the users of the M-PUD and to the Township, such as:
 - (1) The provision of commercial, office, and residential uses that accommodate a recognized need, particularly where the need would likely not be met to the Township's satisfaction under conventional zoning.
 - (2) Site design elements that represent creative design, innovative architecture, or other desirable features that would likely not be achieved under conventional zoning standards.

SECTION 14B.03 PERMITTED USES

Land and/or buildings in this district may be used only for the following:

- (a) Single-family detached dwellings
- (b) Two-family dwellings (duplexes). Two-family dwellings shall constitute no more than 15% of the total number of dwelling units in an M-PUD.
- (c) Multi-family dwellings up to eight units per building. Multi-family dwelling units shall constitute at least 20% but not more than 35% of the total number of dwelling units in an M-PUD.

The Township Board, upon recommendation of the Planning Commission, may allow multi-family dwellings to deviate from the aforementioned limitations on units per building and percentage of total dwelling units [but not overall residential density listed in Section 14B.05(d)] in certain circumstances based upon:

- (1) The nature of existing and future land uses adjacent to and near the site
 - (2) The number, type, and size of buildings proposed for the site
 - (3) Location and amount of natural features on the site
 - (4) The location and amount of cultural features on the site
 - (5) Topography of the site
 - (6) Satisfactory evidence supporting the requested deviation such as a market study or similar professional analysis. The focus of the Township's review regarding such studies will be Alpine Township's need for the proposed number of units per building or percentage of total dwelling units. The proposed deviation must further the intent and purpose of this Chapter and be consistent with the Alpine Township Master Plan.
- (d) Dwelling units located above retail, business, office and other permitted commercial uses.
 - (e) Home occupations per Section 2.40 herein.
 - (f) Offices and service uses as permitted by right in the "O-S", Office-Service zoning district.
 - (g) Any use permitted by right in the "C-1" and "C-2" zoning districts, except for self-storage facilities.
 - (h) Golf courses, tennis courts, ball fields, bike paths, walking paths, playgrounds, community buildings, and similar recreational facilities.
 - (i) Other principal uses which are determined by the Township Board upon recommendation of the Planning Commission to be:
 - (1) similar in character and operation to the permitted uses described above;
 - (2) closely complementary to and which enhance the permitted uses described above; and
 - (3) compatible with the intent and purpose of this Chapter and the Alpine Township Master Plan.

- (j) Accessory uses, structures, and buildings which are customarily associated with the uses specified above may be permitted in accordance with Section 2.01 of this Ordinance. However, the provisions of Section 2.01 may be modified by the Planning Commission if such modifications are consistent with the intent and purpose of this Chapter.
- (k) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14B.04 USES PERMITTED SUBJECT TO SPECIFIC AUTHORIZATION OF THE TOWNSHIP BOARD

The following uses are also permitted within the M-PUD zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purpose of the PUD:

- (a) Housing for senior citizens including assisted living facilities, nursing homes and continuing care communities which may include independent living housing, and adult foster care congregate facilities.

The Planning Commission and/or Township Board may require the applicant to supply satisfactory evidence demonstrating the need for any proposed dwelling units per building or number of dwelling units per acre through the submission of a professional market analysis or other similar professional study. Need will be determined by the Township Board upon recommendation of the Planning Commission.

- (b) Churches, synagogues, or similar houses of worship.
- (c) Any use permitted as a special use within the “C-1” Commercial zoning district and veterinary clinics, and establishments which have a drive-through window.
- (d) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14B.05 SITE DEVELOPMENT REQUIREMENTS

Except as otherwise provided in this Chapter, development plans for the use of land within an M-PUD zoning district shall comply with the requirements provided in this Section as well as any other applicable provisions of the Zoning Ordinance.

- (a) Design Objectives: All uses and buildings within the M-PUD shall be designed and arranged to achieve the following objectives:
 - (1) Pedestrian access shall be provided between uses so that residents and users are not dependent on motor vehicles to travel to and from other uses within the M-PUD. This may consist of sidewalks or improved pathways.
 - (2) Uses and buildings shall not create a significant negative impact on nearby residents or owners or create a visual or operational nuisance but shall instead complement

- each other in appearance and function through the use of landscaping, building size and orientation, and use of on-site natural features such as trees or topography.
- (3) Uses shall not be segregated but located so that different uses or groups of different uses are integrated together within the same building or are close to or next to each other and are integrated through pedestrian and vehicular connections, complementary building style and orientation, and landscaping arrangement.
 - (4) Buildings and uses shall be planned and located so as to minimize the alteration of existing natural features and to thoughtfully integrate these features into the overall design of the M-PUD.
 - (5) Buildings are encouraged to contain more than one use, such as residential uses located above commercial or office uses.
- (b) Site Amenities: An M-PUD shall be developed such that at least three (3) of the following site amenities are located within the development:
- (1) Public places located throughout the development, including gathering spaces, pedestrian furniture, courtyards, plazas, pocket parks, and other usable landscaped areas. This may include lawns, parks, playgrounds and other places and features that promote or encourage walking, congregating, and social interaction on the part of customers, tenants, property owners, visitors and others.
 - (2) Sidewalks and other pedestrian ways utilizing brick, ornamental paving and other non-concrete materials, along with sidewalk planters and/or outdoor seating areas.
 - (3) Public art, unique or iconic design features, and other outdoor features of an artistic nature designed to withstand adverse weather conditions.
 - (4) Awnings, balconies and other less-conventional exterior building features, or for residential uses, functional porches, at least six feet in depth, attached to the front of buildings.
 - (5) Significant use of sustainable building and site design features such as: stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
 - (6) Significant preservation of large contiguous stands of mature trees, woodlands, slopes, or other sensitive natural areas or resources.
 - (7) Similar significant amenities as determined by the Township Board, upon the recommendation of the Planning Commission.

(c) Mixed Land Use Requirements:

- (1) A M-PUD shall include both residential and non-residential uses to a meaningful extent such that there is a reasonably even distribution of land uses, and there is not a substantial disparity between the amounts of land devoted to one type of land use over another.
- (2) A M-PUD shall include a meaningful mix of dwelling unit types including single-family, two-family, and multi-family dwellings, such that there is more than a minimal amount of land devoted to each dwelling unit type. If senior housing or an adult foster care congregate facility is proposed within an M-PUD, at least two other dwelling unit types, such as multi-family dwellings and single-family detached dwellings, shall also be included.
- (3) The commercial, office, and residential elements of the M-PUD shall be constructed generally concurrently, upon such schedule or within such phases as may be approved by the Township Board, upon the recommendation of the Planning Commission.

(d) Permitted Density for Residential Uses:

- (1) The overall density for single-family (detached), two-family (duplexes) or multi-family residential uses shall not exceed six dwelling units per acre.
- (2) The overall density for senior housing or adult foster care congregate facilities shall not exceed eight dwelling units per acre, unless, based upon the recommendations of the Planning Commission, the Township Board modifies this density requirement using the standards of Section 21.02(h).
- (3) For the purposes of calculating the maximum residential density for items (1) and (2) above, maximum density shall be based on that portion of the site planned exclusively for residential uses, excluding rights-of-way, public easements, floodplains, wetlands (whether regulated or not), and areas inundated by water. However, residential uses may be distributed throughout the site in compliance with this Ordinance (for example: above commercial/office uses).

The determination of the existence of all wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, professional wetland consultant, or similar professional person deemed acceptable to the Planning Commission.

(e) Lot Area, Width, Setbacks, and Frontage:

- (1) The front yard building setback for parcels on M-37 shall be a minimum of 75 feet.
- (2) Except as specified elsewhere in this Ordinance, the lot area, lot width, building setback, yard requirements, street frontage, and street widths applicable within an M-PUD may be modified in order to achieve the objectives of this section.

(f) Building Height, Size, Placement, and Appearance:

- (1) Buildings shall not exceed 40 feet or three stories in height, whichever is less.
- (2) Buildings shall not exceed 40,000 square feet in gross floor area for single-story buildings and 20,000 square feet in gross floor area per floor for multi-story buildings. In certain situations, the Township Board, upon recommendation of the Planning Commission, may allow buildings of greater size if it is consistent with the intent and purpose of this chapter and the Alpine Township Master Plan
- (3) The primary entrance of a building shall be oriented towards the street or planned service drive. Buildings shall not be situated such that the rear of a building faces a street or planned service drive.
- (4) Buildings and structures for non-residential uses shall be designed and constructed to avoid or minimize a massive, box-like appearance, and shall comply with the requirements for building façades found in Section 2.44.
- (5) At least 50% of the street-level building façades of non-residential buildings and structures shall be comprised of transparent glass windows.
- (6) For residential dwelling units, the face of any garage shall not extend beyond the face of the front porch more than eight (8) feet. Front porches at least six (6) feet deep and a maximum of ten (10) feet deep are required for all single-family detached dwellings and are strongly encouraged for two-family and multi-family dwellings. (Ord. 22-04; 9/18/22)

(g) Open Space:

- (1) Open space may include, but is not limited to, areas undisturbed by development or areas improved or constructed for landscape viewing, playing, or gathering, pursuant to Section 14B.05(b)(1) and/or (6). At least 10% percent of the gross site area of the M-PUD shall be open space.

The Township Board, upon the recommendation of the Planning Commission, shall determine the actual amount of open space required, and may require more than the minimum amount of open space based on Geographic Information System analysis, on-site surveying data, the residential component of the proposed development, and compliance with the intent and purpose of this Chapter.

- (2) Open space required in accordance with this subsection shall have a minimum dimension of 50 feet by 100 feet.
- (3) Every attempt shall be made to preserve the following existing features within the required open space:
 - (i) Wetlands, creeks, ponds or other bodies of water.
 - (ii) Woodlands or mature significant trees.
 - (iii) Significant habitat of threatened or endangered species.
 - (iv) Slopes of 20 percent or greater.
 - (v) Historic, cultural, and architectural features.

- (vi) Lands providing scenic views.
- (4) The following areas shall not be considered to be part of the required open space:
 - (i) The area within any public street right-of-way or private road easement.
 - (ii) The area within an easement for overhead utility lines.
 - (iii) The area within a platted lot or site condominium lot.
 - (iv) Parking lots and landscaped islands within parking lots.
 - (v) Required landscaping
 - (vi) Storm water management facilities.
- (5) Open space areas shall be arranged and provided to enhance the view from buildings, to provide privacy for and to be useable by residents and users of the M-PUD, and to preserve natural features as identified by on-site surveying data and Geographic Information System analysis.
- (6) At least one area of open space shall be centrally located within the M-PUD, and shall be maintained as a mowed village green, playground, or active recreational park. It is the intent of this section that the centrally located open space be maintained in a formal sense, so as to promote community and human interaction, visibility, monitoring, usability, and safety of the area.
- (7) The open space required for an M-PUD shall be preserved and maintained according to the requirements of Section 14A.08(f).
- (h) Grading: Development of hillsides can affect the equilibrium of vegetation, surface geology, slopes, soils, and run-off. It can also drastically change the way community or neighborhood character is perceived. For these reasons, the following regulations shall apply:
 - (1) Protection of Steep Slopes: In reviewing proposed grading, the Planning Commission shall consider the following standards:
 - (i) Cut and fill slopes shall be minimized.
 - (ii) Proper grading and elevation relationships to adjacent properties shall be maintained.
 - (iii) The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - (iv) The negative effects of grading shall be minimized thereby preserving the natural character of key site areas.
 - (v) Mass grading of large pads and excessive terracing shall be minimized.
 - (vi) Unstable slopes or slopes subject to erosion shall be protected.
 - (vii) Storm water runoff that could result from major changes in topography shall be minimized.

(viii) Steep slopes shall be re-vegetated using innovative and low maintenance techniques.

(ix) Large tracts shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.

(2) Disturbance of Wetlands, Streams, and Steep Slopes: Grading or removal of vegetative cover on wetlands, streams or steep slopes is not permitted unless it is necessary for the reasonable use of the property or for road or utility construction, trails, pathways, or storm water management facilities.

If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development, and shall be in compliance with Michigan Department of Environmental Quality regulations. In these cases, the Township may require planting of areas where grading or removal of vegetative cover has taken place.

(i) Utilities: The M-PUD development shall be served by public water and public sanitary sewer. Except for necessary above-ground appurtenances, all utilities serving the M-PUD development including electric, natural gas, telephone, cable television, internet access and other utility services shall be installed and maintained underground.

(j) Vehicular and Pedestrian Circulation:

(1) Private Roads. Private roads may be permitted within an M-PUD zoning district, including in the non-residential portions of the development, when specifically approved by the Township Board, upon recommendation of the Planning Commission.

(2) Sidewalks. Sidewalks shall be required within an M-PUD in compliance with the requirements of Section 2.45 and adopted Township sidewalk policies. In addition, the Township Board, upon the recommendation of the Planning Commission, may require additional sidewalks or pathways within an M-PUD in order to improve pedestrian access to buildings and open spaces and to protect pedestrian safety throughout the development.

(3) Transit. Transit stops, both for possible future public transportation and current school bus needs, shall be provided for within the overall M-PUD design.

(4) Interconnections. All roadways (private and public), sidewalks, paths, and trails shall be designed to be continued into adjacent developments or vacant adjacent lands to allow for a more coordinated and efficient vehicular and pedestrian circulation system. If adjacent developments are not yet constructed, the aforementioned items shall be stubbed to appropriate locations on the M-PUD's property lines. Such appropriate locations shall be determined by the Planning Commission during site plan review, based upon data received from the Township Engineer, the Kent County Road Commission, on-site surveying data, and Geographic Information System analysis.

(5) Street Lights. Street lights are required in an M-PUD.

(k) Parking and Loading Requirements:

- (1) Off-street motor vehicle parking and loading areas shall be designed, located and constructed in accordance with Chapter 19, of this Ordinance; provided, however, that such off-street parking and off-street loading requirements may be modified in the approval of an M-PUD, if it would more fully achieve the objectives of the M-PUD.
 - (2) Location of Parking. Parking lots, whenever reasonably possible, shall be located behind or along the side of buildings. A maximum of one row of parking shall be permitted between the building and the street right-of-way for non-residential uses. On-street parking is encouraged.
 - (3) Residential Mixed Use Parking. At least 75 percent of the parking spaces provided for residential units located above non-residential uses shall be provided and maintained in areas designated for the residential units and shall not be available for employee or business customer use.
 - (4) Bicycle Parking. At a minimum, one bicycle parking space shall be provided for every 20 motor vehicle spaces of the first 200 motor vehicle spaces required for non-residential uses. Based upon the M-PUD's number of dwelling units, intensity of uses and proximity to biking facilities, the Township may require a greater number of bicycle parking spaces. Bicycle parking shall be provided within a convenient distance of building entrances. Bicycle parking spaces shall consist of a securely fixed structure that supports the bicycle without damage to wheels or frame and allows the frame and both wheels to be locked to the structure.
- (l) Landscaping. A landscaping plan prepared by a registered landscape architect shall be submitted with an M-PUD application. The plan shall identify proposed trees, shrubs, ground covers and other landscaping elements. The plan shall identify where plantings will be located as well as planting/construction/phasing details. Where existing natural growth will be preserved, the plan must detail methods to protect existing vegetation during and after construction.
- (m) Dumpsters. Dumpsters shall be screened by an enclosure on all four sides by the construction of 6-foot walls matching or complementing the building exteriors and effective landscaping. Dumpsters shall be kept within the designated enclosures.
- (n) Signs. Signs in an M-PUD zoning district shall comply with the regulations contained in Chapter 20, Signs, of this Ordinance except that pole signs are specifically prohibited. Drawings illustrating sign design, size location and lighting shall be submitted by the applicant as part of the M-PUD rezoning application review.