

CHAPTER 22

PUD - PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES

(Ord. No. 00-02; 5/19/00) (Ord. No. 04-03; 5/7/04) (Ord. No. 19-02; 2/18/19)

SECTION 22.01 PURPOSE AND INTENT

The purpose of this chapter is to set forth procedures and approval standards to rezone land in Alpine Township to a Planned Unit Development District designation.

Planned Unit Development Districts are intended to permit a degree of flexibility from conventional zoning regulations found in non-PUD Districts. Because of this, a thorough 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 intent of this Chapter is to provide a process and standards 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 storm water system design.

SECTION 22.02 PRE-APPLICATION CONFERENCE

Before submitting an application for a PUD, an applicant shall meet with the Township Planning Director, Zoning Administrator, Engineer, or others as deemed necessary by the Township. The purpose of this meeting is to allow the applicant to submit information regarding a proposed PUD to the Township and to discuss whether the proposed PUD generally complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to applicable requirements of this Ordinance.

- (a) As a part of the required pre-application conference, the applicant shall submit a preliminary development plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- (b) Formal action shall not be taken at a pre-application conference. Statements made at the pre-application conference by Township staff shall not be considered binding commitments or an approval of the preliminary development plan.

SECTION 22.03 PRELIMINARY DEVELOPMENT PLAN - PLANNING COMMISSION REVIEW

- (a) **Required Information.** Following the pre-application conference, the applicant shall submit a completed application form for PUD rezoning, any required application fees and escrow funds, and eleven (11) copies and a PDF of the preliminary development plan to the Planning Director at least thirty (30) days prior the next Planning Commission meeting.

Preliminary Development Plan. The preliminary development plan shall be professionally prepared by a licensed civil engineer and shall be drawn to a scale of not less than one (1) inch = 100 feet. The preliminary development plan shall contain, at a minimum, the following information:

- (1) Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal
- (2) Name and address of the property owner or petitioner
- (3) Scale, north arrow and date
- (4) Acreage, gross and net
- (5) Zoning of adjacent properties
- (6) Legal description of the property
- (7) Boundary survey lines and setbacks

- (8) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the Planning Director
- (9) Location, width, and purpose of all existing easements and lease areas, including cross-access
- (10) Abutting street right(s)-of-way and width
- (11) Topography with contour intervals of no more than two (2) feet
- (12) Natural features such as wooded areas, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, ponds, rivers, creeks, County drains, and other significant site features, including the area of such features
- (13) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure
- (14) Size and location of existing utilities and status, where applicable
- (15) Layout of proposed buildings, structures, driveways, cross vehicular access, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements
- (16) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use
- (17) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage
- (18) Layout and typical dimensions of building envelopes, proposed parcels, and lots
- (19) Parking, stacking, and loading calculations, if applicable
- (20) Phasing plan, if applicable
- (21) Preliminary plan for provision of public water and public sanitary sewer services
- (22) Preliminary grading plan
- (23) Preliminary storm water plan
- (24) Building type concepts, including building elevations and footprints, prepared by a licensed architect or landscape architect)

Narrative Statement. In addition to the foregoing, the applicant shall also submit the following written items:

- (1) A narrative, which shall describe the proposed PUD, the proposed timeframe (or phasing, if applicable) of development, the PUD zoning district in which it will be located, the overall residential density of the project (if applicable), and

documentation indicating how the purpose and intent of Section 22.01 and the approval standards of Section 22.05 are satisfied.

- (2) A table detailing any requested deviations identified in the preliminary development plan, compared to the requirements of the existing zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.

Impact Assessments. The Township Planning Director and/or the Planning Commission may require additional information from the applicant to assist in the determination of PUD qualification including, but not limited to, market studies, community fiscal impact analysis (emergency services, schools, storm water drainage, water supply, sewage disposal, historic resources and property values), traffic impact studies, economic feasibility studies of the principal uses of the PUD, and environmental impact assessments.

- (b) **Planning Commission Review and Public Hearing.** The Planning Commission shall hold a public hearing and review the preliminary development plan at a regular or special meeting. Notice of the public hearing shall be provided in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
 - (1) Following the public hearing, the Planning Commission shall review the preliminary development plan with consideration of public hearing comments, technical reviews from Township staff and consultants, correspondence from applicable review agencies, and compliance with the standards of this Chapter and other applicable Chapters of this Ordinance, and all other applicable standards and requirements.
 - (2) Within a reasonable time after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary development plan and PUD rezoning to the Township Board. The Planning Commission shall document its findings in writing to support its recommendation.
 - (3) In order to recommend approval of the preliminary development plan and PUD rezoning, the Planning Commission shall find that the standards of Section 22.05 are satisfied.

SECTION 22.04 PRELIMINARY DEVELOPMENT PLAN -TOWNSHIP BOARD REVIEW

- (a) Following receipt of a recommendation from the Planning Commission on the preliminary development plan and PUD rezoning, the Township Board shall hold a public hearing at a regular or special meeting. Notice of the public hearing shall be provided in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
- (b) Following the public hearing, the Township Board shall review the application with consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from Township staff and consultants, correspondence from applicable review agencies, compliance with the requirements of this Chapter, and compliance with other applicable local, state, or federal laws.
- (c) Within a reasonable time, the Township Board shall approve, approve with conditions, or deny the preliminary development plan and PUD Rezoning. The Township Board's decision shall be documented in writing with findings stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
- (d) In order to approve the preliminary development plan and PUD rezoning, the Township Board must affirm that the standards of Section 22.05 are satisfied.
- (e) The Township Board is authorized to approve only those site development requirement deviations from the existing zoning district as outlined in each of the specific PUD zoning districts.
- (f) In accordance with the Michigan Zoning Enabling Act, as amended, the Township Board may place reasonable conditions on the approval of a PUD. Conditions attached to the approval shall be incorporated into the PUD rezoning ordinance and shall meet 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, and be necessary to ensure compliance with those standards.
 - (4) Any deviations from the existing zoning district shall be expressly identified in the PUD rezoning ordinance.

- (g) **Effect of PUD Rezoning.** The approval of a preliminary development plan and PUD rezoning application, including all conditions imposed, shall constitute an amendment of the Zoning Ordinance and the Zoning Map. Such rezoning shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 22.05 STANDARDS FOR PRELIMINARY DEVELOPMENT PLAN AND PUD REZONING APPROVAL

In order to approve a preliminary development plan and PUD rezoning, the Planning Commission must find, and the Township Board must affirm, that all of the following standards are met:

- (a) 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 under conventional zoning.
- (b) The PUD will not result in a significant increase in the need for current or anticipated 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.
- (c) The PUD will be compatible with the Alpine Township Master Plan and shall be consistent with the intent and purpose of this chapter and other applicable chapters of this Ordinance.
- (d) The PUD is designed to ensure compatibility with adjoining land uses.
- (e) 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.
- (f) The PUD preserves, insofar as practical, individual trees or stands of trees, fields, hillsides, wetlands, floodplains, other bodies of water, scenic views, steep slopes, and similarly significant existing natural features.
- (g) The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- (h) The proposed PUD and uses within the PUD shall meet all applicable local, state, and federal statutes and regulations.
- (i) The proposed PUD shall satisfy the general standards for site plans pursuant to Section 18.06(a).

SECTION 22.06 FINAL SITE DEVELOPMENT PLAN REVIEW

- (a) Within 12 months after preliminary development plan and PUD rezoning approval by the Township Board, a minimum of eleven (11) copies and a PDF of the Final Site Development Plan for the entire PUD (or at least the first phase of the PUD) shall be submitted to the Township Planning Director in accordance with Chapter 18, *Site Plan Review* of this Ordinance. At a minimum, the final development plan shall contain the following information:
- (1) Final plans for provision of public water and public sanitary sewer services
 - (2) A final grading plan
 - (3) A final storm water plan
 - (4) Final renderings and elevations of proposed buildings
 - (5) Final photometric plan
 - (6) Final landscape plan
 - (7) Any additional information required by the Township Planning Director or by Chapter 18, *Site Plan Review* of this Ordinance.
- (b) The Planning Commission shall consider the Final Site Development Plan at a regular or special meeting. If the Planning Commission finds that the Final Site Development Plan substantially conforms to the approved preliminary development plan, subject to minor revisions and all conditions attached to its approval, the PUD rezoning ordinance, and the requirements of this Chapter, it shall approve the Final Site Development Plan.
- (c) For land uses within the PUD that require specific authorization of the Township Board (i.e. special land use approval), or for PUDs that contain private roads, plats, condominiums, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and other Township Ordinances as they may apply.
- (d) If a Final Site Development Plan is not submitted within one (1) year, the Planning Commission may, in its discretion, grant a one-time 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 the submission of required materials. Such extension shall be requested by the applicant and must be submitted in writing to the Township at least one month before expiration of the Preliminary Site Development Plan approval.

If a Final Site Development Plan has not been submitted within the above-stated period of time, or within any authorized extension thereof, all development rights

granted by the PUD approval shall be null and void. Further, the Planning Commission and Township Board may in their discretion, initiate proceedings to rezone the land to its previous zoning district, or to another zoning district, as appropriate.

SECTION 22.07 CONCURRENT REVIEW

- (a) At his/her option and risk, an applicant may request that a final site development plan be reviewed concurrently with an application for preliminary development plan review and PUD rezoning.
- (b) If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization of the Township Board (i.e. special land uses), tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 22.06(d) above, concurrently with its preliminary site development plan review and PUD rezoning.
- (c) If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the Township Board's approval of the preliminary site development plan and PUD rezoning pursuant to Section 22.04(c).
- (d) In all cases, no land use authorization shall be given until all required permits and approvals are granted by the Township in accordance with applicable standards.

SECTION 22.08 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. The Township Board, upon recommendation by the Planning Commission, shall 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 22.09 AMENDMENTS TO APPROVED PUD

An approved Final Site Development Plan and any conditions imposed upon a Final Site Development Plan approval shall not be changed except upon the mutual consent of the Township Board and the applicant, except as otherwise noted below.

- (a) **Minor Amendments**. A minor change may be approved by the Planning Director or his/her designee 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
- (b) 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.
- (c) 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 to the preliminary development plan and PUD rezoning shall be required and conducted in the same manner as an original application.

SECTION 22.10 TIME LIMITATIONS ON DEVELOPMENT

Each PUD shall be under construction within one (1) year after the date of approval of the Final Site Development Plan.. If this requirement is not met, the Planning Commission may, in its discretion, grant a one-time 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. Such extension shall be requested by the applicant and must be submitted in writing to the Township at least one month before expiration of the Final Site Development Plan.

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 all development rights granted by the PUD approval shall be null and void. Further, the Planning Commission and Township Board may, in their discretion, initiate proceedings to rezone the land to its previous zoning district, or to another zoning district, as appropriate.

SECTION 22.11 PHASED PROJECTS

- (a) If a PUD is authorized for construction in phases, it shall be designed and constructed such that each phase, when complete, includes all services, facilities, and open space necessary for the full occupancy and use of that phase. Further, each phase shall include all necessary elements to ensure protection of natural features and the health, safety and welfare of the residents and users of the PUD.
- (b) Each phase of a PUD shall be commenced and/or completed within the time period specified in the PUD's approved phasing plan. If construction of a phase is not commenced within the required time period, the provisions for a requested extension and the expiration of the PUD approval set forth in Section 22.10 shall apply.