

CHAPTER 13

PLANNED UNIT DEVELOPMENTS DISTRICTS

PURPOSE AND PROCEDURES

SECTION 13.1 PURPOSE AND INTENT. The Planned Unit Development (PUD) Zoning Districts are intended to permit some degree of flexibility in the use, area, height, bulk, and placement requirements for PUD developments, But it is intended as well that each PUD district afford reasonable protection to uses within and near the PUD district.

All zoning decisions made pursuant to this chapter shall give due consideration to the maintenance of reasonable conditions for PUDs concerning density of land uses, effects on nearby and adjacent lands, general appearance and character of the surrounding area, reasonable compatibility with nearby land uses, effects on surrounding property values, water supply and sanitary-sewage disposal, storm water management, groundwater quality, ease of providing public safety services, traffic congestion, pedestrian safety, blighting influences, and other considerations pertaining to the effects or possible effects of a PUD.

It is the intent of this chapter to provide for the consideration and approval of PUDs for the following general purposes:

1. To encourage innovation and creativity in land use planning and development.
2. To promote and enhance housing and recreational opportunities for the public.
3. To encourage the use of lands in ways which are most in accord with their character and adaptability.
4. To promote and encourage the conservation and preservation of natural resources and natural features.
5. To encourage the efficient use of land by facilitating economic and suitable arrangements for buildings, streets, utilities, and other land use features.
6. To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.
7. To provide for and promote coordinated, flexible, and comprehensive planning and development of lands within the Township for the benefit of property owners and to serve the public interest.

SECTION 13.2 PUD ZONING DISTRICT AUTHORIZATION - RATIFICATION AND INCORPORATION OF EXISTING PUD PROJECTS. A PUD zoning district may be approved in any location within Grand Rapids Charter Township by the Township Board in accordance with the procedures of this Ordinance. The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

All existing planned unit development projects granted rezoning and which were in full effect prior to the effective date of the comprehensive new zoning ordinance are approved, ratified and incorporated unchanged as parts of the comprehensive new zoning ordinance.

SECTION 13.3 PRE-APPLICATION CONFERENCE. Prior to the submission of an application for a PUD rezoning, the Planning Commission may require a conference with the applicant to discuss the project, review procedures, and inform the applicant of Township plans for the area near the proposed PUD in order that the applicant may accomplish his or her objectives for the use of the land consistent with the intent and purposes for a PUD in the Township.

SECTION 13.4 APPLICATION.

1. Application. An application for a PUD rezoning, along with an application fee (as set by resolution of the Township Board), shall be submitted to the Township Planner. The application shall contain the following information:
 - a. The applicant's name, address, and phone number.
 - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a purchase agreement).
 - c. The name and address of all persons, firms, or corporations having a legal or equitable interest in the property.
 - d. The address of the property.
 - e. Legal description or permanent parcel number of the property.
 - f. Project description.
 - g. Size of the property in acres.
 - h. Signature of the applicant and owner of the property.

2. Narrative. A narrative shall also be provided by the applicant describing the following:
 - a. Overall objectives of the proposed PUD.
 - b. Gross residential densities and percent of proposed PUD area to be covered by buildings and parking facilities.
 - c. Acres allocated to each proposed use.
 - d. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services.
 - e. Method providing storm drainage.
 - f. Method and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas.
 - g. School district.
 - h. Environmentally sensitive areas.
 - i. Phases, if any, in which the project is to be constructed.
 - j. Expected commencement date of construction and length of time for construction of proposed project and for each phase thereof.

3. Preliminary Development Plan. The Preliminary Development Plan shall contain the following information, unless specifically waived by the Planning Commission:
 - a. Date, north arrow, and scale which shall not be less than 1" = 100'.
 - b. Locational sketch of site in relation to surrounding area.
 - c. Legal description of property.

- d. Size of parcel.
 - e. All lot or property lines with dimensions.
 - f. Location of all buildings within 100 feet of the property lines.
 - g. Location of all existing and proposed structures on the site.
 - h. Delineation of dwelling-unit density for residential developments; lot coverage (percentage) for all other types of developments.
 - i. Location and dimensions of all existing and proposed streets, sidewalks or other pedestrian walkways, driveways, parking areas, including total number of spaces and typical dimensions.
 - j. Size, location, and uses of all areas devoted to open space.
 - k. Existing vegetation and proposed landscaped areas and buffer strips.
 - l. All wetland areas or bodies of water.
 - m. Existing topographical contours at a minimum of 2-foot intervals.
 - n. Delineation of areas of cutting and filling.
4. Upon receipt of the application, application fee, narrative, and preliminary development plan, the Township Planner shall forward a copy of the application and plan to each member of the Planning Commission, the Township Engineer, Township Fire Chief, and others as deemed appropriate by the Planning Commission to allow for proper review of the proposed PUD.

SECTION 13.5 DEVELOPMENTAL IMPACT STATEMENT.

1. The Planning Commission may require the applicant to prepare and submit a developmental impact statement, describing in detail the effect and impact on the environment, whether adverse or otherwise, that the proposed development and land use will have, or may have, upon or with respect to the following matters:
 - a. The property included in the PUD and the surrounding and neighboring lands, including topographical contours and soil conditions.
 - b. Environmental factors such as: streams, rivers, wetlands, and the quality of surface and ground waters.
 - c. Traffic congestion.
 - d. Local school systems.
 - e. Population in the surrounding area and the Township.
 - f. Additional costs to governmental units and school districts.
 - g. Aesthetic qualities and blighting influences, if any, upon surrounding properties.
 - h. Noise, vibration, dust and dirt, litter, gas smoke, odor, light, and glare.
 - i. Public safety services.
 - j. Drainage.
 - k. Surrounding property values.
 - l. Sanitation, including water supply and sewage disposal.
 - m. General appearance and character of the area.
 - n. Historical structures and places.
 - o. Archaeological sites and artifacts.
 - p. Wildlife and trees and forests.
 - q. Such other matters as the Planning Commission may request to be included.

2. The developmental impact statement shall, if requested by the Planning Commission, include statements and comments from the following public

agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, County Planning Commission, Department of Natural Resources, Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

SECTION 13.6 PHASING. A development may be phased as delineated on the preliminary development plan, subject to the following requirements:

1. If the development is sufficiently large so as to not practically allow full site plan review for each building site, the Planning Commission may allow, at its discretion, a preliminary development plan with only overall layout design elements illustrated. Overall design elements include but are not limited to vehicular and pedestrian access and circulation, general building size, general parking requirements and layout, proposed grading, open spaces, utilities, and storm water management facilities. Final site plans will then be reviewed and approved by the full Planning Commission or the Site Plan Review Committee, as determined by the Planning Commission, at time of their review and recommendation on the final development plan.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces.
3. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved preliminary development plan.

SECTION 13.7 ADVISORY PUBLIC HEARING. In its discretion, the Planning Commission may convene an advisory public hearing to receive comments concerning the preliminary development plan. If the Planning Commission decides to hold an advisory public hearing, public notice of the hearing shall be given not less than 5 or more than 15 days before the date of the hearing in the manner as provided by Section 16b(2) of the Township Zoning Act (PA 1943, No. 184, as amended).

SECTION 13.8 PLANNING COMMISSION RECOMMENDATION. After reviewing the preliminary development plan, the Planning Commission shall transmit its recommendations to the applicant, along with any suggested changes or modifications in the preliminary development plan and proposed project. The Planning Commission shall also forward a copy of its recommendations and suggestions to the Township Board, along with a synopsis of the public comments, if any, made at the advisory public hearing.

SECTION 13.9 SUBMISSION OF FINAL DEVELOPMENT PLAN AND REQUEST FOR REZONING.

1. After receiving the recommendations and suggestions of the Planning Commission on the preliminary development plan, the applicant shall submit not less than 11 sets of a final development plan to the Township Planner. The Township Planner shall forward a set of the plans to each member of the Planning Commission, the Township Engineer, Township Fire Chief, and others

as deemed appropriate by Planning Commission to allow for proper review of the proposed PUD.

2. Upon submission of the final development plan, the applicant for a PUD rezoning shall also submit to the Township Planner an application for rezoning to an appropriate PUD zone district, as provided by the Township Zoning Act (PA 1943, NO. 184, as amended). The request for rezoning shall be governed by the procedures and requirements applicable to re-zonings for PUDs under this Ordinance and the Township Zoning Act (including without limitation, Section 16c(5) of the Act).

SECTION 13.10 FINAL DEVELOPMENT PLAN. The final development plan shall include all of the information required for submission of the preliminary development plan and all additional information which was requested by the Planning Commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. In addition, the final plan submittal shall include the following:

1. A survey of the property requested for rezoning, prepared and sealed by a professional surveyor.
2. A site plan based on the survey which shows the size and location of proposed buildings, streets, drives, parking lots, water and sanitary sewer lines, storm sewer lines, all storm water management facilities, landscaping, proposed grading, and other proposed site improvements.
3. Architectural drawings and specific statements as to the type and style of construction and materials to be used in proposed buildings along with the height and area of each building.
4. Projected time for completion of entire project.
5. Proposed phasing, if any, and the projected time for completion of each phase.
6. Any other information required by the Planning Commission to assist in its evaluation of the proposed project and the effects of the project on the surrounding properties.

SECTION 13.11 PUBLIC HEARING ON THE FINAL DEVELOPMENT PLAN. The Planning Commission shall hold a public hearing on the final development plan and the request for rezoning. The hearing shall comply with the procedures and requirements applicable to rezoning for PUDs under this Ordinance and the Township Zoning Act (including, without limitation, Section 16c(5) of the Act).

SECTION 13.12 FINAL PLANNING COMMISSION RECOMMENDATIONS.

1. If the Planning Commission finds, after public hearing, that the final development plan and rezoning request meet all of the applicable standards and requirements

of this Ordinance, it shall recommend approval of the PUD and rezoning to the Township Board.

2. If the Planning Commission finds that the plan and rezoning request do not meet all of the applicable standards and requirements of this Ordinance, but determines that it is appropriate under the circumstances to recommend approval subject to certain specified conditions or contingencies, the Planning Commission shall advise the Township Board of its findings and the conditions or contingencies which it has determined should be imposed if the request to rezone the property is approved.
3. If the Planning Commission finds, after public hearing, that the final development plan and rezoning request do not meet all of the applicable standards and requirements of this Ordinance, it may recommend denial of the PUD and rezoning to the Township Board.

SECTION 13.13 STANDARDS FOR APPROVAL. In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

1. Granting the PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
2. The PUD will not result in a significant increase in the need for public services and facilities 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 PUD as approved.
3. The PUD will be compatible with the Comprehensive Land Use Plan of the Township and consistent with the intent and purposes of this chapter.
4. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
5. The PUD is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.

SECTION 13.14 FINAL APPROVAL.

1. The Township Board shall review the final development plan and recommendations submitted by the Planning Commission, and, thereafter, may approve, approve with conditions, or deny, the request. In making its decision, the Board shall determine:
 - a. whether the final development plan complies with the standards, conditions, and requirements of this chapter;
 - b. whether the PUD promotes the intent and purposes of this chapter;
 - c. whether the PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project: and

- d. whether the PUD will be consistent with the public health, safety, and welfare needs of the Township.
2. Upon a determination that the PUD meets all applicable standards, conditions and requirements, the Township Board may approve, or approve with conditions, the final development plan, and may grant the rezoning request in accordance with the Township Zoning Act. The Board shall prepare a report stating its conclusions on the request for PUD approval, its decision, the basis for its decision, and any conditions relating to an affirmative decision. The final zone change shall be forwarded to the Township Clerk for filing as an official amendment to the Zoning Ordinance.
3. Reasonable conditions may be imposed upon the Township Board's approval of a PUD. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed:
 - a. 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 PUD under consideration, residents and landowners immediately adjacent to the proposed PUD, and the community as a whole;
 - b. Shall be related to the valid exercise of the police power, and purposes which are affected by the proposed PUD; and
 - c. Shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon mutual written consent of the Township Board and the landowner. The Township Board shall maintain a record of conditions which are changed.

SECTION 13.15 GENERAL PROVISIONS APPLICABLE TO ALL PUD DISTRICTS. In addition to the standards applicable to specific PUD districts as provided elsewhere in this Ordinance, the following provisions shall apply to all PUD districts:

1. Application Fees. The Township Board shall by resolution establish a fee schedule for PUD applications under this chapter.
2. Performance Guarantees. The Township Board may require an applicant for PUD rezoning to post a performance bond or letter of credit with the Township Clerk to insure that the development will be executed in performance with the final development plan.
3. Occupancy. The Township Board is empowered to require that all required improvements be constructed and completed prior to the issuance of any occupancy permits or occupancy of any buildings. The Board may grant an

occupancy permit or permission to occupy buildings before all required improvements are completed if:

- a. the applicant provides a performance bond or letter of credit, the form and substance of which shall be acceptable to the Township, in an amount equal to the cost of the improvements yet to be completed;
- b. the improvements will be completed within one year from the date the permit is issued; and
- c. the health, safety, and welfare of the residents or occupants of the PUD will not be impaired by the delay in completion of the improvements.

4. Expiration of Plan Approvals and Commencement of Construction.

- a. A final development plan shall expire 6 months after the Planning Commission has held a Public Hearing and made a recommendation to the Township Board unless the first phase of the project, or the entire property in the PUD if development does not occur in phases, is submitted to the Township Board for final approval.
- b. Construction shall commence and proceed meaningfully toward completion within 2 years after the effective date of the PUD rezoning by the Township Board for the first phase of the project, or the entire property in the PUD if development does not occur in phases. If construction is not commenced within the applicable 2-year period, approval of the final development plan shall lapse, any building permits issued for the PUD shall be void and the Planning Commission may initiate proceeding to rezone the subject property. Upon good cause shown, the Township Board may extend the time for one additional year if the applicant requests an extension prior to the expiration of the 2-year period.

5. Construction in Compliance with Final Development Plan. Any building permit issued for construction pursuant to PUD rezoning shall be valid only so long as there is compliance with the final development plan as accepted by the Township Board. Any deviation from that plan shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.

SECTION 13.16 CHANGES TO AN APPROVED PUD.

1. An approved Final Development Plan and any conditions imposed upon final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant, and as otherwise provided by this Section.
2. Except for changes determined to minor changes as provided by Section 13.16(3), changes to an approved Final Development Plan or to any conditions imposed on final PUD approval shall be reviewed and approved, approved with conditions, or denied by the Planning Commission and the Township Board pursuant to the procedures provided by this Chapter for an original request for PUD approval.

3. Minor changes to a Final Development Plan may be approved by the Zoning Administrator without review and approval by the Planning Commission and the Township Board. For purposes of the Section, "minor changes" means changes which meet the following qualifications:
 - a. For residential buildings, a reduction or increase by not more than 5% in the size of structures, provided that there is no increase in the number of dwelling units.
 - b. For non-residential buildings, a reduction or increase by no more than 5% (or 5,000 square feet, whichever is less) in gross floor area.
 - c. A revision in floor plans, if consistent with the character of the use.
 - d. The alteration of vertical elevations by no more than 5%.
 - e. The relocation of building footprints by no more than 5 feet, unless a specific setback or separation distance was imposed as a condition of PUD approval.
 - f. An increase in area of areas designated on the Final Plan as "not to be disturbed."
 - g. The substitution of plant materials included in the Final Development Plan, provided they are substituted by similar types of landscaping on a 1-to-1 or greater basis, as determined by the Zoning Administrator.
 - h. Improvements made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
 - i. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
 - j. A reduction in the size of signs, or an increase in sign setbacks.
 - k. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.
 - l. A change in the name of the PUD or in the names of streets within the PUD.
 - m. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the PUD which are deemed by the Zoning Administrator to be not material or significant in relation to the entire PUD and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for its records.

4. The Zoning Administrator may refer any decision regarding any proposed change to a Final Development Plan to the Planning Commission and Township Board for review and approval [regardless of whether the change may qualify as a minor change under Section 13.16(3)]. In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission and Township Board for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.