

CHAPTER 17

“PUD-3” MEDIUM-DENSITY RESIDENTIAL/ LOW-DENSITY OFFICE PUD DISTRICT

SECTION 17.1 DESCRIPTION AND PURPOSE. The PUD-3 zone is intended to provide locations for higher density residential uses than allowed in PUD-1 zone district. The PUD-3 Zone District will also allow specified residential and office uses within the same project, provided that the mixing of residential and office uses are done in a manner which protects the residential uses from the operational characteristics of the offices. In such mixed-use projects, integration of the two uses in a unified development that offers compatibility of building height and architecture and buffers residents from parking lot lights and vehicle noise and movement will be of paramount importance.

It is specifically not the intent of this zone to permit large-scale projects consisting entirely of office uses. When adequate lot depth does not exist to facilitate residential use by itself or in conjunction with an office use, development projects consisting of appropriately scaled office sites absent of a residential component may be considered. In such instances, joint access and traffic cross flow arrangements between adjacent highway frontage properties will be encouraged as will site and building designs that buffer and compliment adjacent and/or nearby residential uses and lots.

SECTION 17.2 PERMITTED USES. Except as otherwise provided by this Chapter, land in the Medium-Density Residential / Low-Density Office Planned Unit Development zone may be used only for the purposes provided below:

1. Residential uses, as follows:
 - a. Single-family detached dwelling units.
 - b. Two-family attached dwelling units (duplexes).
 - c. Multi-family buildings with a maximum of 12 dwelling units per building.
 - d. Uses, structures, and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.
 - e. A home occupation, subject to the provisions of Section 4.16 of this Ordinance.
2. Office uses, subject to the requirements under Section 17.7, as follows:
 - a. Professional offices of doctors, dentists, lawyers, accountants, realtors, architects, engineers, business or financial consultants or other professionals , and corporate, executive, administrative, or sales offices Including incidental sales of medical or dental aids.
 - b. Banks and other financial institutions. Drive-up windows and automated tellers are permitted provided they are clearly accessory to the indoor banking operations and are physically integrated with the principal building. Freestanding automated teller machines are prohibited.

3. Uses, structures, and buildings which are customarily incidental to the permitted principal uses and which are approved by the Township Board.

SECTION 17.3 USES PERMITTED SUBJECT TO SPECIFIC AUTHORIZATION OF TOWNSHIP BOARD. The following uses are also permitted within the PUD-3 zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with standards provided for PUDs and 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 purposes of the PUD:

1. Churches and other places of religious assembly
2. Retirement housing
3. Group Daycare Homes
4. Child Care Centers
5. Adult Daycare Centers
6. Parks, playgrounds, and similar recreational uses
7. Restaurants, subject to the requirements under Section 17.8.
8. Patio/al fresco dining facilities

SECTION 17.4 YARD, BUILDING, AND AREA REQUIREMENTS FOR ALL USES. The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined for PUD by the Planning Commission and Township Board, based on the application of site-planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

1. Overall design of the project relative to its compatibility with nearby existing or proposed land uses.
2. Number and type of dwelling units
3. Proximity to adjacent existing and future land uses.
4. Preservation of existing vegetation or other natural features on site.
5. Topography of the site.
6. Provision of water, sanitary sewer, and storm sewer.

SECTION 17.5 PERMITTED DENSITY.

1. Based upon the recommendations of the Planning Commission, the Township Board shall determine the density for a PUD in the PUD-3 zoning district. In no

case, however, shall the density of a project exceed 10 dwelling units per acre. In determining the maximum allowable density, the Planning Commission and the Township Board shall be guided by the application of site planning criteria to achieve integration of the project with the characteristics of the project area, and shall consider factors including the impacts of the density of the proposed PUD on existing densities in the area and the intent and purpose of the PUD-3 zoning district.

2. The total number of dwelling units permitted within a PUD shall be computed by multiplying the maximum permitted density (units per acre) by the total acreage of the PUD property, excluding land within public or private road rights-of-way and public easements, flood-plain and wetland areas, and areas permanently inundated by water. The Michigan Department of Environmental Quality shall make the final determination of the Existence of wetlands and floodplain areas on a parcel.

SECTION 17.6 REQUIRED CONDITIONS.

1. Open Space. Each PUD shall provide and maintain open space areas as provided by this section:
 - a. A PUD shall contain open space areas equal to a minimum of 20% of the total area proposed for PUD rezoning.
 - b. The open space shall be maintained by the developer or homeowner's association and shall be set aside for the common use of the home or lot owners within the PUD.
 - c. For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet, unless smaller dimensions are approved by the Planning Commission for linear "no disturb zones" established for the purposes of screening and tree preservation.
 - d. Unless specifically authorized by the Planning Commission and Township Board, lot area calculated in meeting minimum lot or building site area requirements or which support public or private street rights of way, driveways and parking areas will not be included in open space percentage calculations. In addition, unless specifically waived or modified by the Township, the following guidelines shall apply:
 - i. All areas included in the calculation of percentage of open space must be protected by agreement, deed or easement as indicated in the following Subsection e.
 - ii. Side walks, pathways and other active or passive recreational facilities will be considered in the open space calculation where they are an integral part of a larger open space area.
 - iii. Lakes and other areas permanently inundated by water, wetlands and floodplain areas and other areas determined to be non-buildable will be included in the open space percentage calculation.

- e. Prior to approval of a final development plan, the applicant shall provide to the Planning Commission an open space agreement or restrictive covenants, as determined appropriate and sufficient by the Commission. The agreement (or covenants) shall include a legal description of the PUD area, a legal description of the area to be set aside as common open space and a plan for permanent maintenance of the open space. Upon approval of the final development plan, the applicant shall record the open space agreement with the Kent County Register of Deeds. The agreement shall be binding upon the applicant-developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area. In the case of a PUD site condominium, the open space agreement may be included in the Master Deed.
2. Unit Size. Except as provided by Section 17.6(2)(d), each dwelling unit located within a PUD shall contain the following minimum amount of floor area:
- a. Single family detached dwelling:
 - i. Single story dwelling unit, with basement - 1040 sq. ft. on first floor.
 - ii. Two story dwelling unit - 720 sq. ft. on first floor, but not less than 1040 total sq. ft. for each dwelling unit.
 - iii. All other single-family detached dwelling units - 1700 sq. ft. total sq. ft. for each dwelling unit.
 - b. Two-family dwelling - 860 sq. ft. for one unit, but not less than 1,910 total sq. ft. for both dwelling units.
 - c. Multi-family dwelling:
 - i. One bedroom – 750 sq. ft for each dwelling unit.
 - ii. Two or more bedrooms – 860 sq. ft for each dwelling unit.
 - d. The Planning Commission may recommend approval of, and the Township Board may in its discretion approve, a PUD which provides for less than the otherwise required minimum amount of floor area for dwelling units as specified by Sections 17.6(2)(a), (b) and (c), if the applicant demonstrates to the satisfaction of the Planning Commission and the Township Board that providing less than the required floor area:
 - i. Is necessary to meet the unique needs of the PUD due to the nature, size, density, location or design of the development, or the unique needs of the intended residents or occupants of the dwelling units in the development;
 - ii. Will be consistent with other applicable local, state or federal laws regarding minimum dwelling unit floor area requirements; and

- iii. Will not have adverse effects on the residents, occupants, or other users of the PUD, on the use or enjoyment of adjacent property, or otherwise result in a detriment to the public health, safety or welfare.
- 3. Parking. All parking within a PUD shall be provided off-street. Except as otherwise approved under Section 14.17 of this Ordinance, there shall be a minimum of 2 off-street parking spaces for each dwelling unit. At least one of the parking spaces for each dwelling unit shall be within 200 feet of that unit and at least one of the parking spaces for each dwelling unit shall be in a carport or garage within the PUD.
- 4. Yard Areas. Yard areas shall be landscaped according to the provisions of Chapter 29 or used for off-street parking and for loading and unloading in accordance with the purposes of the PUD.

SECTION 17.7 REQUIRED CONDITIONS FOR OFFICE USES. Office uses located within a PUD shall be subject to the following requirements and limitations:

- 1. The area devoted to permitted office uses (building and pavement) shall not exceed 50% of the total buildable site area requested for PUD rezoning, unless a greater percentage is approved by the Township Board upon the recommendation of the Planning Commission. In determining whether to approve use of more than 50% of the total buildable site area for office uses, the following criteria shall be considered:
 - a. The location of the site in relation to other existing or proposed office and residential uses in the vicinity.
 - b. The demand for offices uses in the vicinity of the proposed site (the Planning Commission or Township Board may require a market study for this criterion).
 - c. The size and shape of the site.
- 2. All permitted office uses shall be conducted entirely within a completely enclosed building.
- 3. Except as otherwise approved under Section 14.17 of this Ordinance, off-street parking and off-street loading and unloading space shall be provided as required by this Ordinance.

SECTION 17.8 REQUIRED CONDITIONS FOR RESTAURANT USES. Restaurant uses located within a PUD shall be subject to the following criteria, requirements and limitations:

1. In determining whether to permit a restaurant as part of a PUD and, if so, the maximum permitted size of the restaurant, the following criteria shall be considered:
 - a. The number and proximity of other restaurant uses in the general vicinity and their nature;
 - b. The number of workers and residents within the PUD and those in the nearby areas that are likely to frequent the facility.
 - c. The relative impact the restaurant will have on vehicle trips in and out of the site and on traffic on nearby roadways.
2. In addition to the criteria in Section 17.8(1), to be permitted in a PUD, a proposed restaurant may be required to meet the following standards:
 - a. The restaurant will provide food or beverages only for consumption on the premises or for take out but shall not have a drive-in, drive-through or drive-up facility;
 - b. The restaurant is designed for and will primarily serve those living or working within the PUD and other nearby commercial and residential developments;
 - c. The restaurant is designed and will be located so that it is visually and functionally an integral part of the PUD and/or other nearby commercial and residential developments by way of pedestrian and secondary vehicle access linkages; and
 - d. The restaurant is consistent with the purposes and intent of a PUD as provided by this Ordinance.
3. Except as otherwise approved under Section 14.17, off-street parking and off-street loading and unloading shall be provided as required by this Ordinance.