

## **CHAPTER 14 PLANNED UNIT DEVELOPMENT - PUD**

### **SECTION 14.01 SCOPE**

Traditional zoning, with its rigid separation of uses into different zones under very restricted placement controls, has now been recognized as being inappropriate to many medium and large scale developments. Planned developments, which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This Chapter provides a controlled degree of flexibility in the placement of structures and lot sizes and types of uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a separate zoning district, in accordance with the following additional regulations.

### **SECTION 14.02 OBJECTIVES**

The PUD Objectives are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as a basis for the evaluation of the proposed PUD. The following Objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of such PUD.

- A. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, shorelines, hills, and similar natural assets.
- B. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- D. To provide more efficient and aesthetic use of open areas.
- E. To encourage innovation in the physical development pattern of the Community by providing a variety of housing arrangements with well designed access and circulation.

### **SECTION 14.03 APPLICATION AND REVIEW**

- A. Process
  - 1. An application for a PUD shall consist of the following minimum requirements:
    - a. An fully completed and signed application form as provided by the Community.
    - b. The application review fee and any other fees required by the Community.
    - c. A legal description of the property to be included in the PUD.

- d. A Preliminary Sketch Plan or Final Development Plan, completed in accordance with the requirements of this Chapter.
  2. A Planned Unit Development approval shall require a rezoning from the existing zone district to the PUD District. The rezoning shall not be considered until approval of a Preliminary Sketch Plan has been accomplished.
  3. Within one (1) year from the Preliminary Sketch Plan approval the applicant shall submit a Final PUD application and a petition for PUD rezoning. Failure to submit the application within this time will void the Preliminary Sketch Plan approval.
  4. The Final PUD application will be submitted and reviewed in accordance with the requirements of this Chapter and the Zoning Act. Approval of the Final PUD will constitute approval of the rezoning.
- B. Preliminary Sketch Plan
  1. An application for a PUD approval will be accompanied by a Preliminary Sketch Plan including maps and written statement, in ten (10) copies, and shall be submitted to the Zoning Administrator.
  2. The application shall be submitted at least thirty (30) days prior to the date of first consideration by the Planning Commission.
  3. The Planning Commission shall review the Preliminary Sketch Plan to determine its conformance with the requirements of this Chapter.
  4. The Preliminary Sketch Plan may be in general, schematic form containing, at a minimum, the following, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
    - a. A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
    - b. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
    - c. Existing and proposed land uses and their approximate location, character, density, and type, including the character and approximate net residential density being proposed.
    - d. Existing topographic character of the site.
    - e. Circulation patterns including roadways, drives, parking areas, and pedestrian ways.
    - f. Public uses including schools, parks, open space, etc.
    - g. Existing flood plains, bodies of water and other unbuildable areas.
    - h. Existing significant natural features.
  5. A written statement shall also be submitted with the Preliminary Sketch Plan containing, at a minimum, the following information:
    - a. An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which it reflects the Objectives for PUDs as stated in this Chapter.
    - b. Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
    - c. A statement of ownership or legal interest of all land within the proposed

- PUD.
- d. A general indication of the expected schedule of development.
  - e. A general indication of the expected public interest to be served by the PUD and conformance of the PUD to the Pentwater Community Master Plan.
  - f. A general statement regarding conformance to the Qualifying Conditions for the PUD as stated in this Chapter.
  - g. An indication of any contemplated private deed restrictions or covenants.
  - h. A description of how the PUD meets the requirements of Section 14.03, B, 4, b.
6. The Planning Commission shall review the Preliminary Sketch Plan and make such recommendations to the applicant that will reasonably cause the Plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed Plan, but shall not be bound by any statements or indications of the general acceptance of the Plan.

C. Final PUD

1. Within one (1) year from the Preliminary Sketch Plan review the applicant shall submit a final PUD application and a petition for PUD rezoning.
2. The application shall be submitted to the Zoning Administrator on a form supplied by the Community at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The PUD application shall contain, at a minimum, the following, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. An application fee as established by the Legislative Body.
  - b. A final site plan as specified in Chapter 16 for the entire PUD or for one or more phases of the PUD.
  - c. A development schedule indicating the approximate date for commencement of construction.
  - d. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.
4. Planning Commission Review
  - a. Upon receipt of an application for a Final PUD the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the Zoning Act.
  - b. Following the public hearing, the Planning Commission shall consider the application and submit a recommendation to the Legislative Body. The Planning Commission shall consider the following In formulating its recommendation:
    - (1) Conformance of the PUD request with the Pentwater Community Master Plan.
    - (2) The overall objectives of PUD as stated in Section 14.02.

- (3) The qualifying conditions and permitted uses for the PUD.
- (4) The site plan review standards of Chapter 16.
- (5) Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.

D. Legislative Body Decision

1. After receiving the recommendation of the Planning Commission, the Legislative Body shall review the application for the Final PUD rezoning and the Planning Commission recommendation. The Legislative Body shall then, make its findings as to denial or approval of the rezoning in accordance with the proposed PUD plan, using the standards noted in B, 4, b of this Section.
2. An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD. No building permits may be issued until such final approval is granted and the written acceptance has been received.
3. After final approval, the following requirements shall also be met, if applicable:
  - a. Where the provisions of Act 591, Michigan Public Acts of 1996, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 591 and all other local procedures or regulations pertaining to planning approval.
  - b. The Legislative Body shall cause to have legal documents or contracts prepared which involve Pentwater Township or the Village of Pentwater and are required as a result of the conditions contained in the final approval. All contracts shall be executed and recorded in the office of the Oceana County Register of Deeds.
4. The Zoning Administrator shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final Site Plan and the approved schedule of improvements.

E. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. Approval of the final PUD shall be completed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.

F. Changes to an Approved PUD

1. If changes to an approved Planned Unit Development are desired the holder of an approved PUD plan shall notify the Zoning Administrator of the desired change.
2. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include those as described in Section 16.07, B.
3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be reviewed in the same manner as the original PUD application.

**SECTION 14.04 PERMITTED USES**

- A. The following uses of land and structures may be permitted within a PUD.
1. Single-family detached dwellings.
  2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
  3. Multiple family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
  4. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding those with drive through facilities), and similar uses open only to members and their guests.
  5. Any "Permitted Use" within the C-1 District, provided that:
    - a. The total site of the PUD is at least twenty (20) contiguous acres;
    - b. The gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD;
    - c. All such uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.;
    - d. All provisions of Section 10.04, D are met.
    - e. Such uses shall not materially alter the residential character of the neighborhood and/or the PUD;
    - f. All merchandise for display, sale or lease shall be entirely within an enclosed building(s); and
    - g. Buildings designed for nonresidential uses are constructed according to the following schedule:
      - (1) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
      - (2) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
    - h. No commercial uses shall be established without the construction and occupancy of at least twenty (20) residential dwelling units.
  6. Accessory buildings, structures, and uses for Permitted Uses, as regulated by Section 3.08.

**SECTION 14.05 DEVELOPMENT REQUIREMENTS**

- A. Density: Except as may otherwise be permitted by this Ordinance, the maximum permitted density for any residential development within a PUD shall not exceed the average gross density established in the Pentwater Community Master Plan for that area. The total permitted density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zone district.

- B. Open Space: Any open space provided in the PUD shall meet the following considerations and requirements:
1. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
  2. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Community of the future maintenance thereof.
  3. Open space may be established to separate use areas within the PUD, where significant natural features may be preserved, and/or be used for passive or active recreation.
  4. All land set aside as open space shall be deed restricted to ensure that the open space is preserved in perpetuity. Land set aside for agriculture uses may, at the discretion of the property owner(s), be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development, unless an amendment to the PUD is applied for and approved.
  5. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space, unless other acceptable arrangements are made and accepted by the Legislative Body.
- C. The following minimum lot and yard requirements shall be met for all properties within the PUD:

FRONT YARD	30 feet
SIDE YARD	Single and Two Family Dwellings - 20 feet total/10 feet minimum
	Multiple Family Dwellings and Non-Residential Buildings - 30 feet
REAR YARD	30 feet
BUILDING HEIGHT	35 feet or 2½ stories
LOT COVERAGE	30%
AVERAGE MINIMUM LOT AREA	Single and Two Family Dwellings - 60,000 square feet (provided that no lot shall be less than 10,000 square feet)
	Multiple Family Dwellings - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
AVERAGE MINIMUM LOT WIDTH	200 feet
MINIMUM FLOOR AREA	Single and Two Family Dwellings - 750 square feet GFA/600 square feet GFA on ground floor
	Multiple Family Dwellings - Same as required for the R-3 District

- D. Signs shall be as permitted in the most restrictive zone district in which the use requiring the sign is permitted, except as may be permitted otherwise as part of the PUD approval process.
- E. Parking requirements shall be as required in Chapter 17.

F. Utilities shall be installed underground, whenever reasonably possible.

**SECTION 14.06 RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS**

A. A PUD may be approved as a residential cluster development in accordance with the requirements of this Section. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.

B. Qualifying Conditions: In addition to the applicable provisions of this Chapter, residential cluster developments shall also comply with the following:

1. The minimum development size shall be twenty (20) acres.
2. The applicant shall demonstrate that the property proposed for such cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed but which is preserved as a result of the residential cluster development.

C. Development Regulations

1. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Legislative Body, after recommendation by the Planning Commission, but in no case shall be less than the following:

Lot size	10,000 square feet
Front yard	25 feet
Side yard	10 feet total/5 feet minimum
Rear yard	20 feet
Lot coverage	25%
Lot width	90 feet

2. Land not proposed for development, but used for the calculation of overall density, shall be labeled on the PUD plan and considered open space. Open space shall be deed restricted or otherwise held as open space in perpetuity and subject to the requirements of this Chapter.
3. The total developed density of the residential cluster development shall not exceed the average gross density established in the Pentwater Community Master Plan for that area, except the Legislative Body may permit the following additional dwelling units subject to the requirements noted:
  - a. A twenty five percent (25%) increase in the number of dwelling units may be permitted if all of the dwelling units within the PUD are served by a community water service system and the PUD does not lie within any existing public water service district.
  - b. A fifty percent (50%) increase in the number of dwelling units may be

- permitted if all of the dwelling units within the PUD are served by a community wastewater disposal system and the PUD does not lie within any existing public sanitary sewer service district.
- c. If both a community wastewater disposal system and a community water service system are provided to serve all dwelling units within the PUD, the Legislative Body may permit up to a one hundred percent (100%) increase in the total number of permitted dwelling units.
  - d. For the purposes of this Section, a *community wastewater disposal system* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the PUD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location. A *community water service system* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the PUD from a central location or water source.
4. Minimum floor area and height regulations for dwelling units shall conform to the R-1 Residential District requirements.
- D. Review Standards: Before a residential cluster development may be approved, the Legislative Body, after recommendation by the Planning Commission, shall find:
1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
  2. That the building locations of the residential cluster development do not unduly impact other single family uses in the vicinity;
  3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
  4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. Approval of the Oceana County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. The Planning Commission and/or Legislative Body may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. To this end, the Planning Commission and/or Legislative Body may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed prior to approval of the PUD. Such additional studies may be required where one (1) or more of the following conditions are present:
    - (a) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PUD is to be placed, or on lots or parcels within a one (1) mile radius of the PUD site;

- (b) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PUD site;
- (c) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PUD site.
- (d) Industrially used or zoned sites within a one (1) mile radius of the PUD site.
- (e) Existing residential development within a one (1) mile radius of the PUD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
- (f) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PUD site.
- (g) Any other condition which the Planning Commission and/or Legislative Body may deem as posing a potential threat to groundwater sources or other sensitive environmental features.

#### **SECTION 14.07      CONDITIONS OF APPROVAL**

- A. As part of an approval to any PUD, the Planning Commission and Legislative Body may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. The conditions imposed shall be included in the Ordinance approving the PUD. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.