

**CHAPTER 9
PLANNED UNIT DEVELOPMENTS**

SECTION 9.01 DESCRIPTION AND PURPOSE.

- A. The purpose of a planned unit development (PUD) is to permit greater flexibility in development than is generally possible under standard district regulations. It is further intended to promote the preservation of significant natural features, the efficient use of land, a harmonious variety of housing choices, and the integration of open space, and necessary commercial and community facilities.
- B. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning, except as otherwise noted.

SECTION 9.02 QUALIFYING CONDITIONS.

- A. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
- B. The property which is the subject of a PUD application must be a minimum of five contiguous acres in total area and may be located within any district.
- C. To be considered as a PUD the proposed development must fulfill at least one of the following conditions:
 - 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings;
 - 2. The PUD site exhibits significant natural features, as defined by Section 1.19, which will be preserved as a result of the PUD plan. (4-2-97)
 - 3. The PUD is designed to preserve in perpetuity at least 40 percent of the total area of the site in active agriculture or open space, which otherwise would have been included as building lots. (4-2-97)

SECTION 9.03 REVIEW PROCEDURES.

A. Sketch Plan Approval.

1. To be considered as a PUD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this chapter.
2. Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least 45 days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 9.06.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Ten copies of a sketch plan meeting the requirements of Section 11.04.B.
4. In addition, unless the Zoning Administrator, with the concurrence of the Planning Commission, determines that it is not necessary, all applicants shall submit a “parallel plan” which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without any variance or use of any cluster development option. The parallel plan shall include at least the following information:
 - a. Date, north arrow, and scale, (not more than one inch to 100 feet).
 - b. Location and dimensions of streets and driveways, and computation of total area included in rights-of-way.
 - c. Lot layout, dimensioned to show lot area and width.

- d. Location of all public or private utilities and improvements that would be necessary to serve a development and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water detention or retention basins, community sewage treatment systems, and community water supply systems.
 - e. The location of all septic tanks and drainfield areas, and replacement areas, and water well locations. The applicant shall submit proof that the proposed septic tank, drainfield and water well location for each lot will be approved, or has been approved, by the Kent County Health Department.
 - f. The parallel plan shall illustrate and dimension all areas having slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, flood plains, and other similar features which limit or prevent construction of buildings or roads. Such areas shall be assumed to be unusable for roads, driveways, or residential buildings, unless the applicant proves to the satisfaction of the Planning Commission that these areas could be developed lawfully, practically and cost effectively.
 - g. Each lot shown on the parallel plan shall meet the minimum requirements for the zoning district in which it is located, including satisfaction of minimum lot width and area, without variance. The applicant shall demonstrate that there is sufficient buildable area on the property that a building with a footprint at least equal to a one-story home meeting the minimum requirements for floor area could be constructed, in full compliance with all setback requirements under the zoning ordinances, and that a septic system and well, and replacement areas (if applicable), could be installed and safely used for that unit.
 - h. The parallel plan shall include roads which meet the standards for public roads, unless the applicant meets the burden of demonstrating that the parallel plan will meet the standards for approval of a special land use for private roads. The applicant shall demonstrate that the layout of rights-of-way provide for a practical, workable, and cost efficient provision for utilities, including storm water management and other facilities necessary to serve the development. **[Section 9.03.A.4 amended 12/3/03]**
5. The Planning Commission shall conduct a public hearing prior to considering the proposed sketch plan. Notices of the public hearing shall be given as provided in Section 15.09 of this Ordinance. **[Section 9.03.A.5 amended 8/2/06]**

6. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the sketch plan. The Township Board shall conduct a public hearing prior to considering approval of the sketch plan. Notices of the public hearing shall be given as provided in Section 15.09 of this ordinance. The Township Board shall review the sketch plan in accordance with the requirements of this ordinance and deny, approve, or approve with conditions the sketch plan. **[Section 9.03.A.6 amended 9/2/15]**

B. Final Site Plan Approval.

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least 45 days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 9.06.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Ten copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 11.05.A.1-4. (10-19-93)
5. Failure to submit a final site plan for approval within the one year period shall void the previous sketch plan approval and a new application shall be

required to be submitted and approved in accordance with these provisions.

6. The Planning Commission shall review the final site plan to determine if the final site plan is substantially identical to the sketch plan previously approved and otherwise satisfies all requirements of this Ordinance. The Planning Commission shall deny, approve, or approve with conditions, the final site plan.
7. If the final site plan submitted differs from the preliminary sketch plan with respect to an increase in number of units, decrease in open space, or any other change which is significant, the Planning Commission shall conduct another public hearing (upon notice as provided for the sketch plan), and in this case, shall make a recommendation to the Township Board to deny, approve, or approve with conditions, the final site plan. The Township Board shall review the revised final plan in accordance with the requirements of the ordinance and deny, approve, or approve with conditions, the final site plan. [Section 9.03.A-B.7 amended 12/3/03]
8. Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

SECTION 9.04 PERMITTED USES.

- A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:
 1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than 20 percent 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 30 percent of the total number of residential dwelling units in the total PUD.
 4. Permitted uses in the C General Commercial District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C District.

SECTION 9.05 SITE DEVELOPMENT REQUIREMENTS.

A. Residential Uses.

1. The maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one future land use category the

number of dwelling units shall be calculated on a proportionate basis.
[Section 9.05.A.1 amended 1/3/96]

2. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by subtracting the following from the total site area: (1) lands used or dedicated for public or private easements and road rights-of-way; (2) areas with slope of 20 percent or greater, regulated and unregulated wetlands, and flood plains, unless the applicant can prove by the parallel plan that such areas would not limit the number of building lots or the construction of roads or other facilities in a development which does not use a PUD or cluster development option. [Section 9.05.A.2 amended 12/3/03]
3. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, except as may be provided in Section 9.05.D. [Section 9.05.A.3 amended 1/3/96]
4. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 9.05.C.

B. Non-Residential Uses.

1. All non-residential uses allowed in the PUD, shall occupy no more than 10 percent of the PUD project's developable area.
2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than 20 dwelling units, 72 percent of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than 20 dwelling units, 50 percent of these units shall be constructed prior to the construction of any non-residential use.

C. Open Space.

1. Any open space provided in the PUD shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture 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.
 - f. 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.
 - g. If the PUD is proposed adjacent to land which is determined to be likely to be used for active agriculture, open space shall be arranged to provide a buffer area of at least 50 feet along the property line adjacent to such agricultural use. **[Section 9.05.C.g amended 12/3/03]**

D. Residential Cluster Development Regulations. The PUD may be approved as a residential cluster development in accordance with the following regulations. 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.

1. **Qualifying Conditions.** In addition to the provisions of Section 9.02, residential cluster developments shall also comply with the following:

- a. The minimum development size shall be 40 acres. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the residential cluster development regulations. (4-2-97)
- b. The applicant must 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.

2. **Development Regulations.**

- a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than the following: (4 2 97)

Lot size	25,000 square feet
Front yard	25 feet
Side yard	20 feet total/10 feet minimum
Rear yard	20 feet
Lot coverage	25%
Lot width	110 feet

- b. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PUD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of Section 9.05.C.
- c. The total development density of the residential cluster development shall not exceed one dwelling unit per two acres, based on the density calculation of Section 9.05.A.2. **[Section 9.05.D.2.c amended 1/3/96]**
- d. Minimum floor area and height regulations for dwelling units shall conform to the R-R Rural Residential District requirements.
- e. No two-family, multiple family, or commercial uses shall be permitted as part of the residential cluster development.
- f. **Density Bonuses for Utility Services.** If the provisions of this Ordinance are satisfied, the Township Board may permit an increase in the number of dwelling units if public water or sewer systems, or both, are provided to the development:

- (1) Up to a 25 percent increase in the number of dwelling units may be permitted if all of the dwelling units within the PUD are served by a public water system.
- (2) Up to a 50 percent increase in the number of dwelling units may be permitted if all of the dwelling units within the PUD are served by a public sewer system.
- (3) If both public sewer and water systems are provided to serve all dwelling units within the PUD, the Township Board may permit up to a 100 percent increase in the total number of permitted dwelling units.
- (4) For the purposes of this section, a public water system shall be defined as: (a) a water distribution system owned and operated by the Township of Courtland or other governmental entity; or (b) a privately-owned community water system if a public water system is not available to the PUD, as determined by the Township.
- (5) For purposes of this section, a public sewer system means a sewer owned and operated by the Township of Courtland or other governmental entity. **[Section 9.05.D.2.f amended 7/2/14]**

3. **Review Standards.** The following review standards will be used by the Planning Commission and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:

- a. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
- b. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;
- c. 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;
- d. 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. To this end the Planning Commission and/or Township Board may specify

what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the residential cluster development. Such additional information may also include the following provisions related to the objective of groundwater protection.

- (1) The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Kent County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. (11 5 97)
- (2) The Planning Commission and/or Township Board 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 by the Township prior to approval of the PUD. Such additional studies may be required by the Planning Commission and/or Township Board where one 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 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 mile radius of the PUD site;
 - (c) Existing licensed landfills (active or inactive) within a three mile radius of the PUD site.
 - (d) Industrially used or zoned sites within a one mile radius of the PUD site.
 - (e) If the PUD is proposed to contain more units than demonstrated by the parallel plan, the Township

must make a separate finding that the benefits of the provision of open space, preservation of natural features or land which can be used for agriculture, provision of water and/or sewer utilities, or similar features which promote the purposes of this Ordinance in the Master Plan, are sufficiently significant to justify the additional units which would be permitted by use of the PUD approach.

- (f) Existing residential development within a one 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 acres.
 - (g) Existing agricultural development totaling more than 500 acres within a one mile radius of the PUD site. [Section 9.05.D.3.a-g amended 4/2/97]
[Section 9.05.D.3.e-g amended 12/3/03]
- E. All electric and telephone transmission wires shall be placed underground.
 - F. Parking is required in accordance with Chapter 13.
 - G. Signs are permitted in accordance with the requirements of Chapter 13. The least intensive district in which the use is permitted shall be used in determining sign requirements.

SECTION 9.06 APPROVAL STANDARDS. The Planning Commission shall consider and find that the following have each been satisfied before granting approval of any PUD.

- A. The standards of Section 11.06.
- B. The standards of Section 12.03.A.1.a-d.
- C. The requirements of this chapter.

SECTION 9.07 RECREATIONAL TRAILS. In connection with any development approved under this chapter, the Township may require the dedication of right-of-way for public recreational trails, or may require dedication at a future time on request of the Township, along: (1) the entire frontage of the proposed development along existing public streets; or (2) through the interior of the development, in open space areas or adjacent to internal public or private roadways, or at another location.

- A. **Procedures.** As part of its review of a planned unit development, the Planning Commission shall specifically consider whether a right-of-way for recreational trails along or through the proposed development would achieve the public purposes of promoting bicycle and pedestrian trails throughout the Township, providing a network of non-motorized trails to connect neighborhoods with other

neighborhoods, schools, parks, churches, shopping, services, and other trail systems, and in general providing a safe means of pedestrian use and non-motorized transportation throughout the Township. If the Planning Commission determines that recreational trails are necessary to achieve these public purposes, it shall approve an appropriate location for such trails. In making this determination, the Planning Commission shall consider, in addition to other relevant factors, all of the following:

1. Vehicle traffic likely to be generated by the proposed development.
 2. Pedestrian, bicycle and other non-motorized traffic likely to be generated by the proposed development.
 3. The importance of the required recreational trails to provide a safe means for access to schools, churches, parks, shopping, other trail networks, and other amenities.
 4. The location of the development and the proposed recreational trail to provide connectivity to planned routes for recreational trails.
 5. The cost of construction of the required recreational trails.
 6. The fair market value of any right-of-way or easement required to be dedicated for the recreational trails.
- B. The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developer's position with respect to the need for recreational trails.
- C. Dedication of right-of-way for recreational trails may not be required if the Township specifically determines that the location of the development is such that the standards described in subsection A above do not weigh in favor of construction of recreational trails, or that the location is one at which there is no reasonable likelihood of a recreational trail becoming part of an interconnected trailway system.
- D. The Township Board shall review and consider the Planning Commission's report and recommendation concerning recreational trails and make a final determination based upon the preceding standards of this section, as part of final approval for a planned unit development under this chapter. Based upon the recommendation of the Planning Commission and its own findings, the Township Board shall decide what right-of-way for recreational trails, if any, are to be required for the development. **[Section 9.07 added 8/7/13]**