

Article 4

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 4.1 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of buildings and structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; and encourage useful open space, and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township according to the Lake Township Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 4.2 PUD Is A Separate District

A PUD constitutes a separate zoning district and only when determined to be in compliance with the provisions of this Article. The approval of a PUD shall require an amendment of the Official Zoning Map constituting a part of this Ordinance so as to designate the property "PUD," and the PUD shall be subject to the approved PUD application including the approved site plan.

Section 4.3 Minimum Eligibility Criteria

- A.** The following minimum eligibility criteria shall be met in order for PUD approval:
1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
 2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
 3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Lake Township Master Plan.
 4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of Section 4.1.
 5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
 6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

Section 4.4 Use and Design Standards

A. Permitted Uses and Mix of Uses:

1. Scope of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Lake Township Master Plan.
2. Non-Residential Uses in a Residential Development: Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of the PUD provided that the residential component shall be predominant. The determination of the predominance of the residential component shall take into account the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

B. General Site Development Standards and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a more beneficial development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the District that most closely characterizes the dominant character of the PUD development as determined by the Township Board.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 7, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.5 Approval Standards

A. Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and also the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

Section 4.6 Procedure for Review and Approval

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting shall be to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the development being contemplated by the applicant. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference(s), the applicant may present a general sketch plan of the proposed PUD that provides an overview of the proposed project.

B. Preliminary Site Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Zoning Administrator a minimum of twenty (20) copies of a preliminary site plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission, Township Board and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, and County Road Commission. The preliminary site plan shall comply with the requirements of Section 14.3(B)(1) and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.
3. Following the public hearing provided under Article 17 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary site plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Township Board shall consider the applicable requirements of this Article and Ordinance including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative

decision. The effect of Township Board approval of the preliminary PUD application and site plan shall be:

- a. To authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
- b. To authorize a change on the Zoning Map to classify the subject property as "PUD".

C. Final Plan and Permit Issuance

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator a minimum of twenty (20) copies of a final PUD site plan, or phase one of a final site plan, in conformance with Section 14.3(C) and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission, Township Board and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, and County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final PUD site plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.
 - a. An approved final site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Township Board may extend such approval time for multiple periods of no greater than one (1) year per period. No extension shall be granted unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Township Board may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved shall not undermine the public health, safety and welfare including the project's impact on surrounding land uses.

Section 4.7 Phasing of Mixed Uses

A. Residential PUDs: In developments that are to be predominantly residential in character but include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

B. Non-Residential PUDs: In developments that are not to be predominantly residential in character, the Township Board may require a phasing plan to ensure that certain uses or components of the PUD be constructed prior to or concurrently with other uses or components to ensure the intended dominant character of the PUD.