

Chapter 22 - PLANNED UNIT DEVELOPMENT (revised 11-25-2002)

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Sec. 22.1 *INTENT.*

The use of land and the construction and use of buildings and other structures as Planned Unit Developments in Georgetown Township may be established as distinct zoning districts when approved by the Township Board in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; to provide for enhanced site and building architectural features; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits flexibility to the conventional requirements found in other Zoning Districts.

Sec. 22.2 *QUALIFYING CONDITIONS..*

Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. **Acreage Requirement:** The PUD site shall be not less than ten (10) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. The Planning Commission and Township Board may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. In addition, the Planning Commission and Township Board may use the same intent section of the Zoning Ordinance when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to prove why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.

- B. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission.
- C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.
- D. **Master Plan:** The proposed uses of the PUD shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan. (revised 12/14/09)
- E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a stand alone ordinance covering certain sidewalk requirements)
- F. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.
- G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.
- H. **Open Space Requirements:**
1. The PUD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)
 2. Such open space to be considered usable shall not include required yards (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).
 3. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed

restriction, open space easement, or similar legal instrument acceptable to the Township; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

Sec. 22.3 *PERMITTED USES..*

Any use permitted by right or special land use in any District may be approved within a PUD.

Sec. 22.4 *PREAPPLICATION CONFERENCE.*

- A. A pre-application conference will be held with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use(s) for the entire site.
- C. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 22.2, and whether the general concept appears to be substantially consistent with the Township's Master Plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

Sec. 22.5 *PUD APPLICATION.*

A. Preliminary Plan Application Requirements

Following the pre-application conference, applicants seeking approval of a PUD District shall submit a complete application for review to the Zoning Administrator. When the Zoning Administrator determines the application to be complete, the PUD application will be sent to the Planning Commission for a workshop session, followed at a later date by a Planning Commission public hearing. Such application shall include the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):

- 1. A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:
 - a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.

- b. The name and address of the firm responsible for the preparation of the site plan.
 - c. The name and address of the property owner(s) and petitioner(s).
 - d. Legal description of the PUD site.
 - e. The size (in acres) of the PUD site.
 - f. Property lines and proposed setbacks, shown and dimensioned.
 - g. A location sketch.
 - h. The location of all existing structures, driveways, and parking areas within 100' of the PUD site's boundaries.
 - i. The location and dimensions of all existing structures on the PUD site.
 - j. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are not necessary until final approval.
 - k. The location and dimension of proposed lots or ownership divisions.
 - l. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
 - m. The existing zoning and use of all properties abutting and including the PUD site.
 - n. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.
 - o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.
 - p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.
 - q. Existing topographic contours at a maximum of five (5) foot intervals. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each building receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).
 - r. Location, type and size of areas to be dedicated for common open space.
 - s. Anticipated trash receptacle locations and method of screening.
 - t. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, including traffic calming concepts, driving surface widths as required by the Ottawa County Road Commission's standards.
 - u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways.
 - v. Proposed lighting concepts/styles and general location areas.
 - w. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. - gateways, fence/wall concepts, art work, etc.).
 - x. Proposed setbacks, lot widths, lot areas and building/structure heights.
 - y. Proposed uses to be included in the PUD project.
 - z. Floodplain areas. (Revised 6-27-2005)
2. **Fee:** Payment of a PUD fee, as established by the Township Board.
3. **Narrative Statement:** A narrative statement describing:
- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.
 - b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.
 - c. Phases of development and approximate time frames for each phase,

- d. including anticipated start and completion dates of construction. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

Sec. 22.6 *PLANNING COMMISSION RECOMMENDATIONS.*

- A. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the PUD.
- B. Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the standards of Section 22.10; and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning request.
- C. In its recommendation to the Township Board, the Planning Commission shall include the reasons for such recommendation.

Sec. 22.7 *TOWNSHIP BOARD ACTION.*

- A. After receiving the recommendation of the Planning Commission, the Township Board shall hold a public hearing and review the application, including the preliminary development plan, the record of the Planning Commission proceedings and the recommendation. (revised 11/8/2010)
- B. The Township Board shall make its findings based on the standards approval of Section 22.10 as to approval, approval with conditions, or denial.
- C. An approval with conditions shall not be considered final (which means the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the Township Board.

Sec. 22.8 *FINAL DEVELOPMENT PLAN APPLICATION.*

- A. **Final Development Plan Approval Time Period – Single Phase:** Within twelve (12) months of the Township Board’s approval of the PUD preliminary plan and PUD rezoning, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the applicant fails to submit a request within twelve (12) months as stated above, then the preliminary site plan (not the PUD rezoning) shall be determined to be invalid.
- B. **Final Development Plan Approval Time Period – Dual or Multi Phased:** If the project includes phases, then the applicant must submit a request within twelve (12) months of the Township Board’s approval of the preliminary plan and PUD rezoning for

final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary site plan incorporating all phases not already approved for final site plan shall be determined to be invalid.

- C. **Approval Time Extension:** Upon request to the Township Board and in accordance with Section 22.13, A, 1 and 2, the time frames may be extended for a reasonable period of time.
- D. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
1. A completed application form, supplied by the Zoning Administrator.
 2. Payment of a fee, as established by the Township Board.
 3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
 4. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
 - a. The location and dimensions of all proposed structures and buildings on the PUD site.
 - b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included.
 - c. The location of all proposed signs and lighting, including the sizes and types.
 - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.).
 - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc.
 - f. Existing and proposed topographic contours at a maximum of three (3) foot intervals.
 - g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units.
 - h. Proposed open space areas, including recreational amenities (playgrounds, etc.).
 - i. Floodplain areas. (Revised 6-27-2005)

5. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

Sec. 22.9 *PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.*

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.
- B. Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
- C. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.
- D. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- E. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.
- F. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking

regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.

Sec. 22.10 *STANDARDS FOR APPROVAL (both preliminary and final).*

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 22.2.
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)

Sec. 22.11 *PUD AGREEMENT..*

- A. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

Sec. 22.12 *CHANGES TO AN APPROVED PUD.*

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. **Notify Zoning Administrator:** The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. **Minor Change Determination:** Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the Georgetown Township, Ottawa County, and other State or Federal regulatory agency in order to conform to other laws or regulations.
- D. **Major Change Determination:** A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan.

Sec. 22.13 *TIME LIMIT FOR APPROVED PUD DISTRICT.*

Each development shall be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Township Board may grant two extensions, each one (1) extension of up to an additional twelve (12) month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that(revised 10/27/08):
 - 1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.

- B. Should neither of the provisions of Section 22.13 A. be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.
- C. Should the PUD district become null and void, the Township Board has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). If the property is not rezoned, then the subject property remains zoned as a PUD, but the preliminary or final PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to resubmit plans for preliminary and final PUD site plan approvals as stated in this Chapter, but would not require PUD rezoning action from the Board, unless the proposed PUD project includes different land uses than previous approved (i.e.- commercial versus residential).

Sec. 22.14 *OPTION FOR DEVELOPMENTS WITH MULTIPLE USES AND PHASES.*

At the discretion of the applicant and/or Township Board, there shall be an option available to include in the PUD Agreement the process phasing multiple uses and multiple phases into the overall development.