

**COMPARISON OF
CURRENT VS. PROPOSED PUD REGULATIONS**

PROCEDURES

CURRENT

1. Applicant submits request for PUD rezoning along with a preliminary site plan.
2. Planning Commission (PC) holds a public hearing as required by law.
3. PC makes recommendation to Board to approve or deny the rezoning & site plan.
4. Twp. Board reviews preliminary site plan and has first reading of PUD Ordinance.
5. At next regular meeting the Board holds a public hearing on the PUD Ordinance and site plan and approves or denies.
- If approved, property is rezoned to the PUD district.
6. Applicant submits a Final PUD site plan for review by the PC. Public hearing is not required.
7. PC makes a recommendation to the Board on the Final PUD site plan.
8. Board holds a public hearing on Final PUD site plan. If approved Board authorizes Twp. Attorney to prepare resolution of approval for next meeting.
9. Board approves resolution.

PROPOSED

1. **STEP 1.** Applicant is required to attend pre-application conference with the Zoning Administrator before making formal submittal. The Township planner and /or engineer may be invited to attend.
2. **STEP 2.** Applicant submits preliminary site plan and the request to rezone to PUD for PC review. Application materials must contain proposed deed restrictions or covenants, open space provisions **and a list of all modifications from the zoning regulations which would otherwise be applicable.**

Applicant has the option to submit a Final PUD site plan instead of a Preliminary PUD at this step.
3. **STEP 3.** PC holds hearing on the site plan and rezoning request and makes recommendations to the applicant to assist in preparing a Final PUD site plan.
4. **STEP 4.** Applicant submits Final PUD site plan and PC holds a public hearing on the plan and rezoning request. The PUD Ordinance is prepared by the planner or attorney for consideration by the PC. The Ordinance sets forth the permitted uses, development standards and conditions. The site plan is part of the PUD Ordinance.
5. PC recommends approval or denial of the rezoning and Final PUD site plan to the Township Board.
6. **STEP 5** Board considers PUD Ordinance and site plan at a first reading.
7. Board holds a public hearing on the PUD Ordinance and Final PUD site plan and approves or denies.
8. If approved property is rezoned to PUD district.

Informational Note: The Proposed language makes a major departure from the current procedures as the land would not be rezoned until the Board approves the final site plan following a recommendation from the Planning Commission.

This puts the Board in a better position to either approve or deny the project based on a final site plan and does not rezone the land until the Board is OK with the entire project and the wording of the PUD Ordinance. Under this proposed language a resolution to approve the final site plan would not be needed as final approval would occur when the Board approves the Ordinance creating the PUD Zone.

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WHERE CAN PUD'S BE LOCATED

CURRENT

Any area in the township may be zoned as a PUD District upon application therefore by the owners of the property in said area.

PROPOSED

A Planned Unit Development zoning district may be approved by the Township Board following a recommendation from the Planning Commission in any location within Allendale Township in accordance with the procedures, regulations and standards of this chapter.

The granting of a PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map. An approval granted under this chapter shall constitute part of the Zoning Ordinance.

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PERMITTED USES

CURRENT

Permitted uses in a P.U.D. district shall include any residential use including attached or unattached single family homes, two-family homes, multiple-family structures and mobile home parks or subdivisions, office or those non-residential uses permitted in residential zones, professional uses, and those C-1 or C-2 uses specifically authorized by the Planning Commission at the time of original approval or subsequent amendment.

PROPOSED

The land uses permitted within a PUD zone shall be as regulated by the zoning which is in place for the parcel or parcels requested for PUD rezoning. For example, if an R-1 zoned parcel is requested for rezoning then only the uses, both permitted and special uses of the R-1 zone would apply to the PUD zone. The existing zoning is considered to be the underlying zone.

However, the Township Board, following a recommendation from the Planning Commission, may permit other land uses not otherwise permitted in the underlying zone but only if the property is **also** developed in conjunction with uses permitted in the underlying zone. The Board may also allow those uses as recommended by the Township Master Plan.

The Board shall base this determination on how well the other land uses which are proposed satisfy the objectives of this chapter and if the operational characteristics, building design and effects of such uses will be compatible with the permitted uses of the underlying zone and nearby existing and proposed land uses and how well the proposed use meets the intent of the Master Plan.

Information Note

Ideally land uses in a PUD should comply with the recommendation of the Master Plan in terms of land use and density. The 2003 Township Plan however does not provide clear recommendations for either of these items and the current PUD language does not reference the Master Plan at all.

Until the 2003 Master Plan is updated to provide more clear direction the proposed PUD language regulates the land use and density in a PUD by tying these to the land use and density permitted by the existing zoning district where a PUD is requested. The proposed language does allow the Board to use the Master Plan as a guide in its land use decisions and also to allow uses not permitted by the underlying zone but only if the additional uses are built with the uses permitted in the underlying zone.

The proposed language provides the Township with better tools to use in approving land uses which are compatible with the existing zoning and existing land uses.

**COMPARISON OF
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WHAT QUALIFIES AS A PUD

CURRENT

The provisions of this Article shall apply only to a tract of land under single ownership or proof of control through option to purchase or easement agreement. These provisions may be waived by the Planning Commission if physical conditions such as poor soils, flood plains, proximity to freeways or major arterials, railroads, topography or similar conditions may preclude or impose practical difficulty to design a traditional development.

PROPOSED

- A. The area proposed for rezoning to PUD shall consist of a **minimum of three contiguous acres** although the Township Board following a recommendation from the Planning Commission may approve a PUD with less acreage if the Board determines that approval of the PUD on a parcel of less than three acres is not a means to circumvent the Zoning Ordinance development standards and procedures which would normally apply to the proposed use and that the PUD will satisfy one or more of the following standards:
- (1) The PUD proposes amenities which are not typically provided by uses allowed on parcels of less than three acres in the underlying zoning district or by similar existing uses in the Township;
 - (2) The PUD will result in a living environment which is more or equally desirable than if the PUD were to be built on a site of three acres or more;
 - (3) The PUD could not be built without some modification of the standards of the underlying zoning district as they apply to the proposed parcel and the proposed use and design of the development are not typical of the uses which would otherwise be allowed in the underlying zone. that a parcel of less than three acres intent of the PUD District will nevertheless be achieved.
- B. The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development and operation as required by this Ordinance.

**COMPARISON OF
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**LANGUAGE ALLOWING THE NORMAL ZONING REQUIREMENTS
TO BE MODIFIED**

CURRENT

PROPOSED

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as Planned Unit Developments (PUD's) for various compatible uses permitted by this ordinance in other districts and for other special uses not so permitted. **In so doing, a degree of flexibility is allowed in use, area, height, bulk, and placement regulations for PUD Developments.** However, it is also the intent of a PUD District to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD Zoning District.

Approval of the preliminary development plan by the Planning Commission may be conditioned upon suggested changes in the plan which are in accord with the spirit, purpose and intent of this section and the ordinances of the Charter Township of Allendale.

Informational Note

The current language is vague and only implies that the Board and Planning Commission have clear authority to modify the normal zoning ordinance requirements pertaining to setbacks, height, landscaping lot size, etc.

Modification of Zone Requirements The lot area, lot width, building height, setback and yard requirements, general provisions, signs landscaping and screening requirements, lighting and parking regulations contained in this Ordinance for the underlying zone shall be met except that the Township Board following a recommendation from the Planning Commission may increase, decrease or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the objectives of this Chapter. Other criteria which shall be used in making these determinations shall include the following:

- (1) Whether the modifications requested will result in a project which better satisfies the intent and objectives of this chapter.
- (2) The modification shall be compatible with adjacent existing and future land uses and shall not significantly adversely affect the use and enjoyment of nearby property.
- (3) The modification will result in the preservation of existing vegetation or other natural features on site.
- (4) The modification is necessary due to topography, natural features or other unusual aspects of the site.
- (5) The modification will improve or not impede emergency vehicle and personnel access.
- (6) The modification will improve or not impede adequate pedestrian circulation.
- (7) The modification shall not result in traffic or other safety hazards; shall not result in visual blight, distraction, or clutter, and shall not otherwise result in a detriment to the public health, safety or general welfare.

B. Private Roads Private roads within a PUD shall conform to the private road requirements of this Ordinance. The Planning Commission and Board however, may modify the requirements for private roads in accordance with the intent of this Chapter.

C. Utilities A PUD which has an average lot size of less than 15,000 sq. ft. shall be served by either a private or community owned well and septic system approved by the Ottawa County Health Department or by a public water and sanitary sewer system or a combination of these systems

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DENSITY and NUMBER OF DWELLINGS ALLOWED

CURRENT

The total number of dwelling units allowed in a project shall be determined by multiplying the net residential acreage of a project area, by the following densities:

0-2.5 units / net residential acre for a PUD project without public sanitary sewer or public water systems.

2.6-4.9 units/ net residential acre for PUD project with an approved public or community water or sewage system.

5.0-9.9 units/ net residential acre for a PUD project with both a public water and public sanitary sewer systems.

Informational Note

The best way to regulate density is to base it on the recommendation of the Master Plan. However, the 2003 Master Plan only recommends a density for areas planned for the AG & RE (1 unit per acre) and Low Density Residential (LDR) development (2-4 dwelling units per acre). For all other future land use categories illustrated on the Future Land Use Map however the Plan does not specify the density.

Uncertainty therefore exists for both the developer and the Planning Commission in deciding on the proper density which should be allowed when PUD requests are put forth for these areas. We are thus left to somehow determine the appropriate residential density in the Mixed Use, University Village and Town Center planned areas.

The PUD regulations allow between 5-9.9 units per acre with water and sewer but just because these utilities are available does not mean this many units should be allowed.

In the absence of clear direction from the Master Plan we should rely on the following factors to establish the density for these areas:

- The density allowed by the existing zoning district.
- The presence of public water & sanitary sewer;
- Existing land uses near the proposed PUD zone;
- Creating compatibility between different land uses through good site design.

The following PROPOSED language applies these principles.

PROPOSED

Determination of Number of Dwellings. An area which is requested for rezoning to PUD shall only be developed in accordance with the density allowed by the underlying zone as determined by the minimum lot size required by the underlying zoning district for the area proposed for PUD rezoning **OR** the density generally recommended by the Township Master Plan.

Residential Density Table Based Upon Underlying Zoning

<u>Zoning Category</u>	<u>Maximum Average Density</u>
Agricultural and Residential Estate	1 dwelling unit per acre
R-1 Low Density Residential	2.9 dwelling units /acre
R-2 Medium Density Residential	<p style="text-align: center;"><i><u>For single family detached dwellings</u></i></p> <ul style="list-style-type: none"> • 4.36 d. u. /acre with public sanitary sewer. • 2.9 d. u. /acre w/o sanitary sewer <p style="text-align: center;"><i><u>For two family dwellings</u></i></p> <ul style="list-style-type: none"> • 3.63 d. u. /acre with public sanitary sewer. • 1.45 d. u. /acre w/o sanitary sewer
R-3 Low Density Multiple Family	<p style="text-align: center;"><i><u>For two family dwellings</u></i></p> <ul style="list-style-type: none"> • 3.63 d. u. /acre with public sanitary sewer. • 1.45 d. u. /acre w/o sanitary sewer <p style="text-align: center;"><i><u>For Multiple Family Dwellings</u></i></p> <ul style="list-style-type: none"> • 6.7 d.u./acre public water & sewer required.
R-4 Medium Density Multiple Family	<p style="text-align: center;"><i><u>For two family dwellings</u></i></p> <ul style="list-style-type: none"> • 3.63 d. u. /acre with public sanitary sewer. • 1.45 d. u. /acre w/o sanitary sewer <p style="text-align: center;"><i><u>For Multiple Family Dwellings</u></i></p> <ul style="list-style-type: none"> ▪ 12 d.u./acre public water & sewer required

Residential Density Table Based On Master Plan Category

<u>Master Plan Category</u>	<u>Maximum Average Density</u>
AG & RE	1 dwelling unit per acre
LDR, Low Density Residential	4 dwelling units /acre

Formula to Determine Number of Dwellings.

The number of dwellings which may be constructed within a PUD shall be determined as follows:

- (1) Determine gross site area which is the entire area of all property within the legal description of the PUD. The gross site area shall include the road right of way if it is included in the legal description, but shall exclude the road right of way if it is not included in the legal description.
- (2) Subtract all of the existing public and private road rights of way which may be included in the legal description.
- (3) Subtract one – half of wetlands, floodplains, lakes, creeks, ponds and similar bodies of water and slopes over 20 %.
- (4) Subtract any property devoted to any existing non-residential use(s) to be included in the PUD. Such property to be subtracted shall include the sum of the area occupied by the building, the off street parking area, driveways serving the use, required building setbacks and other property area or accessory uses associated with the existing use. The minimum area to be subtracted shall be the minimum lot size required for the zoning district in which the existing use is located.
- (5) Do not subtract acreage of existing utility easements and proposed non- residential uses such as commercial, institutional, recreational or similar uses.
- (6) The resulting acreage is the **Net Development Acreage** (also referred to as Net Site Area) which is then multiplied by the Maximum Average Density from the Density Tables to determine the number of dwelling units permitted. {For example, the Net Development Acreage for an LDR area would be multiplied by four du/acre. For land planned for Mixed Use the density would be determined by the underlying zoning district.}.

<u>Sample Computation to Determine Number of Dwelling Units</u>	
Gross Site Acreage:	50 acres (site has public water & sewer
Existing road right of way:	- 3 acres
Wetlands & pond: (10 acres x 50%)	<u>- 5 acres</u>
Net Development Acreage:	42 acres
Maximum Ave. Density	<u>x 4 du/acre (LDR density-from density table)</u>
Total Dwellings Allowed	168 dwellings

Additional Dwellings- Additional dwellings above what is allowed by Section 6.B above may be permitted at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD.

If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the Maximum Average Density permitted in the Density Table by the Gross Site Acreage of the site instead of the Net Development Acreage. In no case shall the number of dwelling units exceed what is permitted by this subsection.

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OPEN SPACE REQUIREMENTS

CURRENT

Article 12 PUD regulations do not contain any specific or minimum requirements for open space.

Instead the PUD regulations require that a Final PUD site plan be prepared in accordance with the requirements of Section 23.06 which only requires open space and recreational amenities for multi-family, townhouses and mobile home park developments which have 25 or more dwelling units.

A minimum of 35% of the net site area must be devoted to open space and recreational amenities. The required open space area excludes all required setback areas, all public street or private road easements, all unbuildable natural areas and all wet storm water storage areas. An area equal to a minimum of eight percent (8%) of the required thirty-five percent (35%) open space area shall be devoted to recreation facilities, in accordance with certain standards listed in the Ordinance.

Informational Note

The proposed PUD regulations keep this requirement.

PROPOSED

Informational Note The following proposed language requires open space for PUD's with single and two family dwellings and also for PUD's which have all or a portion of the site devoted to commercial uses.

A PUD shall provide and maintain a minimum of 20% of the gross site acreage as preserved Dedicated Open Space in accordance with the standards of this Article. If the PUD site is to have both residential and non-residential uses then 20% of that portion of the site devoted to residential use shall be preserved as Dedicated Open Space. This 20% shall include any land occupied by commercial and office buildings with residential uses on the upper stories.

For purposes of this Section Dedicated Open Space shall mean that portion of a PUD which is permanently preserved in an undeveloped state through an open space preservation agreement as required herein.

Areas Not Counted as Open Space.

- a. The area within all public or private road rights-of-way
- b. Golf course.
- c. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a dwelling unit, a non-residential building or any similar principal building.
- d. Off street parking area.
- e. Detention and retention ponds created to serve the project unless such ponds are proposed as an amenity in which case 50% of the area of the pond may count toward open space.
- f. 50 percent of the area of wetlands, creeks, streams, existing and proposed ponds (detention and retention as noted above in (e)) or lakes or other bodies of water.
- g. 50% of the area of floodplains and 50% of areas of slopes of more than 20%.

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved.

Dedicated Open Space Requirements for Non-Residential Uses. At least one Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall contain at least 3000 sq. ft. or be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Planning Commission, satisfies the intent of this section.

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APPROVAL STANDARDS

CURRENT

The existing PUD regulations do not contain any specific discretionary standards for approval.

PROPOSED

**STANDARDS FOR APPROVAL (for both Planning
Commission and Board final review)**

- A PUD shall be approved only if it complies with each of the following standards as applicable:
- A. The proposed PUD complies with all qualifying conditions of this PUD Chapter.
 - B. The uses to be conducted within the proposed PUD are substantially consistent with the Allendale Township Master Plan OR based on the design of the PUD and the conditions imposed, the proposed uses are appropriate for the proposed location and are not likely to affect the recommendations of the Master Plan for the larger area where the PUD is to be located..
 - C. The proposed PUD is compatible with surrounding uses of land and the natural environment,
 - D. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
 - E. The proposed project is consistent with the spirit and intent of the PUD District, as described in this Section and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
 - F. Preserves and maintains mature woodlands, fields, pastures, meadows and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
 - G. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
 - H. The project can be adequately served by public utilities such as police and fire protection or public or on-site community water or sanitary sewer.
 - I. If the PUD is to be completed in phases, the PUD shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all the features necessary to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area.

**COMPARISON OF
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TIME LIMIT FOR APPROVED PUD DISTRICT

CURRENT

If a final development plan has not been submitted by the developer within one year after approval of the preliminary development plan, the Planning Commission shall request a report from the developer regarding the status of the project.

If construction has not begun and been diligently carried out towards implementing the P.U.D. project within three years after preliminary approval, the Planning Commission may initiate a zone change amendment to restore the zoning to its previous classification. In initiating such change, the Planning Commission shall follow all of the procedures established for zoning amendments in Article 29.

PROPOSED

TIME LIMIT FOR APPROVED PUD DISTRICT

Each development shall be under construction within 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 12 month extensions if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:

(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 A be fulfilled, or an extension has expired without construction underway, the Final PUD approval(s) shall be void.

Should the PUD district become void, then the Township Board shall rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s) in accordance with the requirements for rezoning of this Ordinance.