

CHAPTER 11
RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Section 11.1 Description and Purpose. This chapter provides enabling authority and standards for the submission, review, and approval of applications to rezone property in the Township for planned unit developments. It is the intent of this section to authorize the consideration and use of planned unit development regulations for the following purposes:

- (a) To encourage the use of land in accordance with its character, features and adaptability.
- (b) To promote the conservation of natural features and fragile lands and the preservation of important natural resources.
- (c) To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Township.
- (d) To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, streets, off-street parking areas, land use amenities and other elements of residential land developments.

Section 11.2 Nature and Features of a Planned Unit Development.

- (a) A planned unit development (PUD) consists of an area of the Township to be planned, developed, operated, and maintained as a single entity and containing permitted residential land uses, together with streets, open space, recreational areas and other elements and amenities, designed and constructed as a project or entity, designed, constructed and used only in conformance with an approved PUD plan.
- (b) A PUD is approved only by an amendment to the zoning map, by means of an accompanying ordinance specifying all of the terms and conditions of approval of the PUD. Approval of a PUD under the terms of this chapter and by means of a Township ordinance is a part of the zoning ordinance.
- (c) Violation of any provision of a PUD ordinance is a violation of the Township zoning ordinance.

Section 11.3 Qualifying Conditions for PUD Rezoning.

- (a) Lands proposed for PUD rezoning must be under single ownership or subject to common control. All parties in interest shall join in the application for rezoning.
- (b) Lands proposed for PUD rezoning must consist of at least five contiguous acres.
- (c) Lands proposed for rezoning must be located within the R-R Rural Residential and Agricultural District. If not zoned in the R-R District at the time of application, the applicant shall first apply for the rezoning of the lands to the R-R District; such

rezoning shall be at the discretion of the Planning Commission and the Township Board.

- (d) The residential land uses proposed for a PUD must be in accord with the future land use map of the Township Master Plan with respect to the lands involved.
- (e) A proposed PUD must result in a recognizable and substantial benefit to the ultimate users of the PUD and to the Township in general. Such benefit may include, but is not limited to, the preservation of important natural features and wildlife areas; innovation in design and configuration of the PUD; the providing of open space, undeveloped areas; the providing of housing for residents or potential residents of the Township and other benefits.

Section 11.4 Application and Review Procedures.

(a) Application.

- (1) An applicant for a PUD rezoning shall complete and submit a Township-provided application form, shall pay the application fee, and shall deposit such amount in a zoning escrow account to cover Township expenses in the matter, in accordance with the Township's zoning escrow policy.
- (2) An applicant for a PUD rezoning shall submit a site plan of the PUD. The site plan shall fully conform to the information and other submittals required for site plans, as stated in Chapter 13 of this ordinance and, in addition, shall include the following:
 - (i) A narrative describing the PUD, including its various land use features and uses.
 - (ii) A summary of the land use provisions and/or restrictions which the applicant expects to include in any restrictive covenants or, if the PUD will be a condominium or a site condominium, then a summary of the anticipated land use provisions and restrictions to be set forth in the master deed.
 - (iii) Wetlands, ponds, streams or other bodies of water.
 - (iv) Wooded areas; ridges; drainage swales.
 - (v) Areas with existing slopes exceeding 12%
 - (vi) Proposed building envelopes and areas for drain fields.
 - (vii) Methods and systems for disposal of sanitary sewage and providing of water supply.
 - (viii) Areas to be left in a natural state; areas proposed for open space or passive uses.

- (ix) General soil types on the property, based on the U.S. Soil Conservation Survey of the county.
- (3) The application shall include such other information concerning the property and the proposed PUD as may be requested by the Planning Commission, on preliminary review of the application.
- (b) **Option Pre-Application Conference.** Before submitting an application for a PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed PUD, and to confer with Planning Commission members about the proposed application and the expected elements of the PUD.
- (c) **Preliminary Development Plan.**
 - (1) With the application, the applicant shall submit a preliminary development plan for the PUD.
 - (2) At a public meeting, the Planning Commission shall review the application and the preliminary development plan and make recommendations to the applicant concerning the PUD, together with any recommended changes or modifications thereof. In the discretion of the Planning Commission, such review of the preliminary plan may be accomplished in part by a committee of the Planning Commission members.
 - (3) In its discretion, the Planning Commission may convene an advisory public hearing to receive public comments concerning the preliminary development plan. Notice of the advisory hearing may be given in the manner and to the extent determined by the Commission; such notice need not necessarily be as extensive as is required for the official public hearing on the preliminary plan.
 - (4) After the Planning Commission has received any additional information required on the part of the applicant, and after the Commission has completed its review of the application and the plan, the Commission shall hold a public hearing on the proposed PUD rezoning and the preliminary plan. Notice of the public hearing shall be given by publication and by U.S. Mail in the manner and to the extent required by law and this ordinance for the rezoning of lands.
 - (5) After the public hearing, either at the same meeting or at a subsequent meeting, the Planning Commission shall recommend to the Township Board approval of the PUD, denial of the PUD or approval of the PUD with conditions. In making its recommendation, the Planning Commission shall determine that the proposed PUD complies with the qualifying conditions for PUD approval and the following standards:
 - (i) Approval of the PUD would result in a recognizable and substantial benefit to the users of the PUD and to the Township in general.

- (ii) The PUD, including the density of dwellings and other buildings, would not result in a material increase in the need for public services and facilities, nor place a material burden on the subject land or adjacent or nearby lands.
 - (iii) The uses in the PUD would be compatible with those specified in the future land use map of the Township Master Plan, as to the land involved.
 - (iv) The PUD would not materially change the essential character of the surrounding area.
 - (v) If the PUD is proposed to be developed in phases, the proposed phasing plan would be feasible, and each of the proposed phases would be capable of existing independently with previously constructed phases as to the providing of all required services, facilities, open space and amenities.
- (6) After a recommendation by the Planning Commission on the preliminary plan, as to either approval or approval with conditions, the applicant shall prepare a final development plan of the PUD. The final development plan shall include all of the additional requirements, changes, deletions, and modifications required by the Planning Commission in its approval of the preliminary plan; provided, however, that if the applicant determines not to include all of such requirements and the like made by the Planning Commission in its recommendation, then the applicant shall submit in writing the reasons for such noncompliance.
- (7) The applicant shall then prepare a final development plan for the PUD and submit the same for consideration by the Township Board. The final development plan shall include the applicant's written justification for not including any of the requirements and/or conditions imposed by the Planning Commission, if such is the case.
- (d) **Final Development Plan.**
- (1) Upon receiving the final development plan, including, if such is the case, the applicant's written justification for not including any of the requirements and/or conditions imposed by the Planning Commission, the Township Board shall then review the final development plan and the recommendation of the Planning Commission.
 - (2) The Township Board shall convene a public hearing on the PUD plan and the proposed ordinance to rezone the land to the PUD District.
 - (3) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at

least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.

- (4) Following the public hearing, the Township Board shall approve, deny, or approve with conditions the PUD plan and the ordinance rezoning the land to the PUD District.
- (5) In making a decision on the PUD plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD plan:
 - (i) Comply with the requirements for the preliminary development plan as stated in Section 11.4(c)(5) and the minimum standards stated in Section 11.7.
 - (ii) Promote the intent and purposes of this Ordinance.
 - (iii) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the proposed development.
 - (iv) Ensure that the proposed PUD will be consistent with the public health, safety and welfare needs of the Township.
- (6) In approving the PUD plan and the application for PUD rezoning, the Township Board may impose reasonable conditions upon such approval, to conserve natural resources and energy, to ensure reasonable compatibility with adjacent land uses and to promote the use of the land in a socially and economically desirable manner. Conditions imposed shall comply with all of the following requirements:
 - (i) Such conditions shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.
 - (ii) Such conditions shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed development.
 - (iii) Such conditions shall be necessary to meet the intended purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

- (iv) Such conditions shall be included in the PUD Ordinance, and shall remain unchanged, unless amended by the Township.

Section 11.5 Alternative (Clustered Housing) Planned Unit Development

- (a) Under the terms of this section, an applicant may prepare and submit a PUD application and PUD plan for approval of a clustered housing planned unit development, for the purpose of an approved PUD development having residential lots which do not comply with the minimum requirements of the underlying district.
- (b) The requirements of this chapter with respect to PUD application, PUD plan and the procedures for approval of a PUD shall likewise apply in the case of a proposed clustered housing PUD.
- (c) The required conditions for approval of a clustered housing planned unit development are all of the following:
 - (1) The overall density of the PUD is equal to the density as provided in the underlying district, not including (i) areas lying below the ordinary high water mark of lakes and streams, (ii) areas within the rights-of-way of public and private roads, and (iii) easements, other than easements to provide utility service to individual units.
 - (2) The design of the PUD has benefit in preserving natural features and rural character.
 - (3) PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and the Township, which would not be achieved by compliance with the requirements of the underlying zone by each lot or unit in the development.
 - (4) The PUD promotes the general intent of the design standards of Section 11.7 hereof.

Section 11.6 Clustered Housing/Bonus Density Planned Unit Development

- (a) Under the terms of this section, an applicant may submit, and the Township may approve, in accordance with the PUD procedures of this chapter, a PUD that would permit clustered housing as provided in Section 11.5, but which would also permit an increase in the overall building density in the PUD, in excess of that which would be permitted in the underlying district.
- (b) For PUDs which include five or more building sites, the Township may approve the creation of one additional dwelling site for the first five dwellings plus one additional dwelling for each 10 dwellings in excess of five. By way of example, up to one additional dwelling for a qualifying development with 1-15 units, two additional dwellings for developments with 16-25 dwellings, etc.

- (c) To qualify for the density bonus provided in this section, the PUD must comply with all of the following standards:
- (1) The lands proposed for PUD rezoning must contain significant natural features or must be important in maintaining the rural character of the Township.
 - (2) The PUD must be designed to have the minimal impact possible on the natural features to the site and the surrounding area.
 - (3) Efforts to design the project to be compatible to the site must have resulted in additional development costs.
 - (4) The project must substantially comply with all applicable design standards of Section 11.7 hereof.

Section 11.7 Minimum Design Standards for Planned Unit Developments. The following development requirements shall apply to all residential planned unit developments:

- (a) Unless otherwise provided in the ordinance for rezoning lands to PUD, the regulations applicable within the underlying district shall apply. As conditions of rezoning, the Township may provide different regulations, which regulations may vary among different lots in the development.
- (b) All building sites within the PUD shall be provided access by interior public or private streets, unless otherwise permitted within the terms of the PUD ordinance.
- (c) Areas in which natural vegetation and terrain is left undisturbed shall be provided along public roads and adjacent property lines of sufficient width to screen buildings from adjacent roadways and properties.
- (d) Dwellings shall be located toward the interior of the PUD, or shall be located behind existing natural features, insofar as reasonably feasible, so as to screen dwellings from public roads or adjacent properties.
- (e) Building envelopes shall not be located on top of prominent hilltops, ridges or steep slopes, or in proximity to wetlands or other sensitive areas.
- (f) The entrance or entrances to the development shall be no wider than necessary to accommodate any necessary acceleration lanes and provide adequate sight distance. Boulevards, landscaping, planters, fences and other amenities designed to call attention to PUD shall be permitted only if approved in the PUD plan.
- (g) A single, attractively constructed unlighted sign of not more than 20 square feet, identifying the name of the development, may be located near each entrance to the development. An additional sign of up to 20 square feet advertising the availability of lots in the PUD for sale may be located at or near the entrances to the PUD for a period of not to exceed two years.

- (h) The location of roads, drainage structures and building sites, driveway locations, drain fields and drain field locations shall be designed to minimize the clearing of desirable vegetation and the alteration of existing slopes and drainage patterns.
- (i) The PUD shall be designed so as to minimize additional runoff from roads, roofs, driveways and other improvements.
- (j) Streets shall be located away from areas of steep slopes.
- (k) If the streets within the PUD are to be private streets, they shall comply with the requirements of this Ordinance pertaining to private streets; provided, however, that the Township Board may, following consultation with the Township Fire Chief and other public safety officials as appropriate, allow a reduction in the minimum right-of-way and roadbed width requirements for all or a portion of the road to minimize removal of vegetation or alteration of natural slopes. The Township Board may require that portions of streets with reduced widths be one way only.
- (l) Provision shall be made, by restrictive covenant, master deed or other appropriate legal means, so that areas of the PUD designated as open space and considered in determining overall density of the project shall remain as such. Areas counted as open space for one development shall not be counted as open space for a different development.
- (m) Areas proposed for open space may be put to use as agricultural uses (not including animal husbandry), commercial stables, golf courses or other facilities for outdoor recreational activities. In the event a non-agricultural open space use is to be made available for use by persons other than the occupants of the development and their guests, only one-half of the area of the open space used may be included in the calculation of overall density.
- (n) Provisions for shared driveways by individual dwellings shall be made as appropriate to minimize removal of vegetation or alteration of existing slopes.
- (o) Adequate provision shall be made for disposal of sanitary sewage and provision of potable water.
- (p) In addition to no disturbance zones in the perimeter of the development, provision shall be made for preservation of existing desirable vegetation within building sites, except as necessary for construction of buildings, drainfields, and driveways, and restrictions shall be imposed to prevent unnecessarily large manicured lawns and gardens.
- (q) Building sites shall be designed, to the maximum extent possible, to minimize additional runoff from improvements into lakes, streams and wetlands.