

CHAPTER 11 RESIDENTIAL PLANNED UNIT DEVELOPMENT

Section 11.01. Description and Purpose. This chapter is intended to allow for a variation in lot size and orientation to make allowances for natural features such as slopes, wetlands, lakes and streams. This chapter is also intended to provide a mechanism for density bonuses to encourage creative and innovative design which preserves natural features or the appearance of open and rural character.

Section 11.02. Authorization. A Planned Unit Development ("PUD") shall be approved by amendment to the zoning map, with an accompanying ordinance specifying the terms and conditions of approval of the PUD. Approval under this chapter, including all aspects of the final plan and conditions imposed shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. Violation of any provision of a planned unit development ordinance shall in all respects be considered a violation of the Zoning Ordinance.

Section 11.03. Eligibility for PUD Rezoning.

- (a) Lands for which a PUD application is made must be under single ownership or under common control, and all parties in interest shall join in the application. The Township may require proof of such ownership or joint control.
- (b) The lands proposed for PUD rezoning must contain a minimum of five contiguous acres.
- (c) The lands must be located, at the time of application, within the R-R Rural Residential, the R-1 Single Family Residential, the LR Lake Residential, the R-2 Two-Family and Multiple Family Residential, or the R-3 Mobile Home Park District. (The zoning district at the time of application is referred to as the "underlying district" in this chapter.)

Section 11.04. Review Procedures.

- (a) **Optional Preapplication 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 the Planning Commission about the proposed application and the PUD.
- (b) **Preliminary Development Plan.**
 - (1) An applicant for PUD rezoning shall submit a site plan of the development which contains the information required for site plans according to Chapter 17 of this Ordinance, and which contains the following additional information:
 - (i) A narrative describing the PUD.
 - (ii) Proposed restrictive covenants for the development.
 - (iii) Wooded areas, wetlands, ponds, streams or other bodies of water.

- (iv) Proposed building envelopes and areas for drainfields and set aside drainfields.
 - (v) Description of means proposed to dispose of sanitary sewage and supply potable water.
 - (vi) Areas proposed to be left in a natural state, and areas proposed for open space uses.
- (2) If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary to determine and consider the environmental impact of the development, impact on services to be provided by governmental units and school districts and traffic. The Planning Commission may, in addition, request that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, and other governmental units regarding impacts on matters within their jurisdiction.
- (c) **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended change or modification thereof. The recommendations shall be based upon consideration of the requirements of this Ordinance and, in particular, the requirements of this chapter.
 - (d) **Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given by one publication and by mail to all persons to whom any real property is assessed within 300 feet of the lands included in the PUD, not less than seven days prior to the date of the advisory public hearing. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.
 - (e) **Final Development Plan.** After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit a final development plan to the Township, which contains the information required for a preliminary development plan, and which addresses other matters requested by the Planning Commission. Copies of the final development plan and an application for PUD rezoning, shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the PUD, any proposed phasing of the PUD, and the projected time for completion of each phase.
 - (f) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning. Notice of the hearing shall be given in the manner required by the Township Rural Zoning Act.
 - (g) **Recommendation by Planning Commission.** After public hearing, the Planning Commission shall make recommendations to the Township Board regarding the final

development plan. The Planning Commission may recommend in favor of rezoning the lands in accordance with the final development plan; it may recommend against rezoning of the lands in accordance with the final development plan; or it may recommend such rezoning only if certain changes or modifications in the PUD are made or if certain specific conditions are imposed.

- (h) Consideration by Township Board.
- (1) The Planning Commission shall forward the final development plan of the PUD to the Township Board, together with its report and recommendations thereon.
 - (2) The Township Board shall review the final PUD development plan, the record of the Planning Commission proceedings and the recommendations submitted by the Planning Commission.
 - (3) The Township Board shall convene a public hearing on the PUD final development plan and the proposed ordinance to rezone the land to the PUD district.
 - (4) 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.
 - (5) In making a decision on the PUD final development plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD final development plan:
 - (i) Comply with the requirements for the preliminary development plan of the PUD as stated in Section 11.04(b) and the requirements for the final development plan of the PUD as stated in Section 11.04(e);
 - (ii) Comply with the conditions for eligibility for PUD rezoning as stated in Section 11.03;
 - (iii) Comply with the other standards, conditions and requirements for PUDs as stated in this chapter;
 - (iv) Promote the intent and purposes of this Ordinance;
 - (v) 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 PUD; and
 - (vi) Ensure that the proposed PUD will be consistent with the public health, safety, and welfare needs of the Township.
 - (6) After the public hearing and after its review and consideration of the PUD final development plan and the proposed PUD ordinance, the Township Board

shall approve, approve with conditions or deny the PUD final development plan and the PUD ordinance. The PUD ordinance, if adopted, shall be an amendment in the zoning map.

- (7) The design, development, construction and use of the lands comprising the PUD, and all elements and features thereof, shall comply with the PUD ordinance as adopted by the Township Board.
- (i) **Conditions of Approval.** The Township Board may impose reasonable conditions upon approval to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - (1) 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.
 - (2) Shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed project.
 - (3) 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.

Section 11.05. Cluster Option for Planned Unit Development.

- (a) Planned unit development approval for clustered housing allows the creation of lots which do not meet the minimum standards of the underlying district.
- (b) The conditions for approval of a clustered planned unit development are:
 - (1) The overall density of the project shall be equal to the density as provided in the underlying zoning 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 PUD shall be designed so as to help preserve natural features and the rural character of the land.
 - (3) PUD rezoning shall result in a recognizable and substantial benefit to the ultimate users of the development 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 must comply with the design standards of Section 11.7 hereof.

Section 11.06. Bonus Density for Certain Planned Unit Developments.

- (a) Rezoning under this section can, in addition to allowing clustering as provided in Section 11.5, permit an increase in overall density in excess of that which would be permitted in the underlying district. For projects which include five or more building sites, approval may be given for the creation of one additional building site for the

first five units plus one additional unit for each ten units in excess of five. (Example: Up to one additional site for qualifying developments with five to 15 units, two for developments with 16-25 units, etc.)

- (b) To qualify for a density bonus, the PUD must satisfy 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 11.07 hereof.

Section 11.07. General Design Standards. The following development standards shall apply to Residential Planned Unit Developments:

- (a) Unless otherwise provided in the ordinance for the rezoning of lands to the PUD District, the regulations applicable within the underlying district shall apply. As conditions of rezoning, the Township may provide different regulations; such regulations may vary among different lots in the development.
- (b) Areas in which natural vegetation and terrain are left undisturbed shall be provided along public roads and adjacent property lines, and shall be of sufficient width so as to screen buildings from adjacent roadways and properties.
- (c) Home sites shall be located toward the interior of the development, or shall be located behind existing natural features so as to screen dwellings from public roads or adjacent properties.
- (d) Building envelopes shall not be located on top of prominent hilltops, ridges or steep slopes, or in proximity to wetlands or other environmentally sensitive areas.
- (e) The entrance or entrances to the development shall be no wider than necessary to accommodate any necessary acceleration lanes and provide adequate sight distance. Prominent boulevards, landscaping, planters, fences and other amenities designed to call undue attention to the development shall not be permitted.
- (f) The location of roads, drainage structures and building sites, driveway locations, drainfields and drainfield locations shall be designed to minimize the clearing of desirable vegetation and the alteration of existing slopes and drainage patterns.
- (g) The site shall be designed so as to minimize additional runoff from roads, roofs, driveways and other improvements.
- (h) Roads shall be located away from areas of steep slopes.
- (i) If the roads within the PUD are to be private roads, they shall comply with the requirements of this Ordinance pertaining to private roads; 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 a road, so as to minimize removal of vegetation or alteration of natural slopes.
- (j) There may be a sign identifying the name of the development, located near the main entrance thereof, together with such other sign or signs as may be approved by the Planning Commission and Township Board. All such signs shall comply with applicable provisions of Chapter 18 of this Ordinance.
 - (k) Provision shall be made, by recorded 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.
 - (l) Areas proposed for open space may be used for agricultural purposes (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.
 - (m) Provisions for shared driveways by individual units shall be made where appropriate to minimize removal of vegetation or alteration of existing slopes.
 - (n) Adequate provision shall be made for the disposal of sanitary sewage and the providing of domestic water supply.
 - (o) In addition to no-disturbance zones along the perimeter of the development, provision shall be made for preservation of existing desirable vegetation within building sites, except as necessary for the construction of buildings, drainfields, and driveways.