

## CHAPTER XIII

### PUD - PLANNED UNIT DEVELOPMENT

**SECTION 13.01 DESCRIPTION AND PURPOSE.** The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal BUILDING on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The PUD - Planned Unit Development is intended to permit and control the development of preplanned areas for various compatible uses allowed by this Ordinance and for other exceptional uses not so provided.

Uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection shall be afforded to uses adjacent to a PUD.

Under this Chapter, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area. (Entire Chapter Restated, Amendment Ordinance No. 112, 11-08-00)

**SECTION 13.02 OBJECTIVES.** The following objectives shall be met by any PUD application in order to realize the inherent advantages of coordinated, flexible, comprehensive and long-range planning and development.

- A. The PUD shall provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as reasonably possible, including but not limited to open space, stands of trees, brooks, ponds, floodplain, hills and similar natural assets.
- B. The PUD shall encourage the provision of open space and the development of recreational and/or other support facilities in a generally accessible location within reasonable distance of all DWELLING units.
- C. The PUD shall encourage developers to use a more creative and imaginative approach in the development of areas.
- D. The PUD shall encourage underground utilities which can be more efficiently designed when master planning a larger area.
- E. The PUD shall allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
- F. The PUD shall promote flexibility in design and permit planned diversification in the location of STRUCTURES.
- G. The PUD shall promote a reasonable balance between the efficient use of land to facilitate an economic arrangement of BUILDINGS, circulation systems, land use and utilities, and the preservation of a rural atmosphere with OPEN SPACES and reasonable distances between BUILDINGS.
- H. The PUD shall encourage the combination and coordination of architectural styles, BUILDING forms, and BUILDING relationships within the development.
- I. The PUD shall insure a quality of construction commensurate with other developments within the Township.

**SECTION 13.03 REQUIRED OPEN SPACE.**

- A. As of approximately the date this Section is added to this Ordinance, the mean average area of lots in the R-1 District which are less than five acres and therefore not able to be divided is 3.3 acres, the median average of these lots in the R-1 District is 3.07 acres, and the mode average of these lots in the R-1 District is 2.5 acres. The mean average of 3.3 acres, 3.07 acres and 2.5 acres is 2.96 acres, which exceeds the required area of 2.5 acres in the R-1 District by over eighteen (18%) percent. Therefore, for any PUD in the R-1 District, at least fifteen (15%) percent of the total area of the project must be set aside as open space.
- B. In the R-2 District, at least seven hundred fifty (750) square feet of open space per DWELLING unit shall be preserved in the PUD.
- C. In the R-3 District, at least three hundred (300) square feet of open space per DWELLING unit shall be preserved in the PUD.

**SECTION 13.04 MAXIMUM DENSITY.** In calculating these MAXIMUM DENSITIES described below, required open space and any area used for roads, streets, alleys and right-of-way easements shall not be included in the calculations. (Amended Ordinance No.116; 11-26-01 Amended Ordinance No.136 03-09-05)

- A. In the R-1 District, the MAXIMUM DENSITY for a PUD shall be four tenths (0.4) of a DWELLING unit per acre, unless governed by subsection B below.

- B. In the R-1 District, if the property is designated for Low Density Residential (LDR) use by the Township's Future Land Use Map in the Township's Master Plan, as amended, the MAXIMUM DENSITY for a PUD shall be eight tenths (0.8) of a DWELLING unit per acre.
- C. In the R-2 District, the MAXIMUM DENSITY for a PUD shall be three and five tenths (3.5) DWELLING units per acre.
- D. In the R-3 District, the MAXIMUM DENSITY for a PUD shall be five (5) DWELLING units per acre.

**SECTION 13.05 OPEN SPACE AND MAXIMUM DENSITY ADJUSTMENTS.** In considering a proposed PUD in the R-1, R-2 or R-3 Zoning Districts, the Planning Commission shall have the discretion to allow an increase in the MAXIMUM DENSITY in return for an increase in the required open space. However, in any event, the MAXIMUM DENSITY may not exceed the following. (Amended Ordinance No.116 11-26-01; Amended Ordinance No.136 03-09-05)

- A. In the R-1 District, the increased MAXIMUM DENSITY for a PUD shall be five tenths (0.5) of a DWELLING unit per acre, unless governed by subsection B below.
- B. In the R-1 District, if the property is designated for Low Density Residential (LDR) use by the Township's Future Land Use Map in the Township's Master Plan, as amended, the increased MAXIMUM DENSITY for a PUD shall be one (1) DWELLING unit per acre.
- C. In the R-2 District, the increased MAXIMUM DENSITY for a PUD shall be four (4) DWELLING units per acre.
- D. In the R-3 District, the increased MAXIMUM DENSITY for a PUD shall be six (6) DWELLING units per acre.

## **SECTION 13.06 OPEN SPACE REQUIREMENTS.**

- A. To the extent reasonably possible, dedicated OPEN SPACE areas shall be continuous and contiguous throughout the PUD with adequate access, through easements or other similar arrangements, so that all properties within the entire PUD may utilize the available OPEN SPACE.
- B. OPEN SPACE areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- C. Designated OPEN SPACE shall consist of contiguous land area which is restricted to non-developmental uses. The following land within the boundaries of a PUD shall not be included as meeting the requirements for OPEN SPACE:
  - 1. Any area which is used for roads, streets, alleys, right-of-way easements, etc.;
  - 2. Any area devoted to a BUILDING lot, accessory use or BUILDING, vehicle PARKING and any approved land development;
  - 3. Any area less than seventy-five (75) feet in width, unless specifically permitted by the Planning Commission; and
  - 4. Fifty (50%) percent of any pond area. Any significant natural features of the land shall be included within the designated open spaces if reasonably feasible. Examples include: dunes, wetlands, woodlands, steep slopes, etc.
- D. Minor STRUCTURES or BUILDINGS which are accessory to the designated OPEN SPACE may be erected in accordance with the

requirements of this Ordinance for ACCESSORY BUILDINGS.

- E. The Township may require that designated OPEN SPACE be under common ownership or control, so a single entity has proprietary responsibility. Documentation of any such common ownership or control shall be provided to the Township.
  
- F. The Township may require that designated OPEN SPACE be set aside by means of a conveyance approved by the Township, and may require the conveyance to contain any or all of the following provisions:
  - 1. The OPEN SPACE is protected from all forms of development except as shown on the approved site plan;
  - 2. The OPEN SPACE shall not be changed to another use without the consent of the Township;
  - 3. The proposed allowable use of the designated OPEN SPACE shall be specified in the PUD approval;
  - 4. The designated OPEN SPACE shall be maintained by the parties who have an ownership interest in the OPEN SPACE;
  - 5. The scheduled maintenance of the OPEN SPACE shall be described and accomplished by the parties with an ownership interest in the OPEN SPACE; and
  - 6. The maintenance of OPEN SPACE may be undertaken by the Township in the event that the OPEN SPACE is inadequately maintained or becomes a nuisance, in which event any costs incurred by the Township for the maintenance shall be assessed against the property owners.

**SECTION 13.07 APPLICATION PROCEDURES.** An application for a Planned Unit Development shall be submitted and acted upon in accordance with the following procedures.

- A. Application - Applications for a Planned Unit Development shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Inspector. The Zoning Inspector will review the application for completeness and then transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. (Amendment Ordinance No. 145, 2-14-07)
  
- B. Required Information - An application for Planned Unit Development shall be accompanied by the following documents and information:
  - 1. A Planned Unit Development application form supplied by the Zoning Inspector which has been completed in full by the applicant;
  
  - 2. A site plan as specified in Chapter XV; and
  
  - 3. A statement of compliance with the criteria required for approval in Section 13.08, and any other criteria imposed by this Ordinance affecting the Planned Unit Development under consideration.
  
- C. Public Hearing - Upon receipt of an application for a Planned Unit Development, the Planning Commission shall hold a public hearing for the purpose of receiving comments on the application. The public hearing shall be noticed in the manner required by law. (Amendment Ordinance No. 145, 2-14-07)

**SECTION 13.08 BASIS OF DETERMINATION.** Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.

A. General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards, as well as any applicable standards established elsewhere in this Ordinance.

1. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2. The Planned Unit Development shall not change the essential character of the surrounding area.

3. The Planned Unit Development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fume or glare.

4. The Planned Unit Development shall not place demands on public services and facilities in excess of current capacity.

5. The Planned Unit Development shall comply with the general purposes described in Section 13.01 above.

6. The Planned Unit Development shall comply with the objectives described in Section 13.02 above.

- B. Conditions - The Planning Commission may impose conditions upon the approval of a Planned Unit Development which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Planned Unit Development approval and shall be enforced by the Zoning Inspector.

**SECTION 13.09 PERMITTED USES.** All uses permitted in any zoning district by this Ordinance, either by right or by SPECIAL USE PERMIT, as well as any other uses, may be authorized as planned unit developments.

**SECTION 13.10 EXPIRATION OF APPROVAL.** Approval of the PUD shall expire and be of no effect unless substantial construction has begun within one (1) year after the approval of the PUD. Once the construction is begun, it shall be completed in accordance with any time frame established as a condition of the PUD approval, including the time frames established for any phases of a PUD. An extension for a specific period, either for the PUD as a whole or any phase of the PUD, may be granted by the Planning Commission upon good cause shown.