

## **Article 14 Planned Unit Development District**

### **Section 14.01 - Purpose**

The intent of Planned Unit Development (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principals of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

### **Section 14.02 - Permitted and Accessory Uses**

In the "PUD" Planned United Development Districts, the following provisions, regulations, and restrictions shall apply:

#### **A. Principal Permitted Uses**

1. All principal permitted uses allowed in the RR, LFR, MDR, and HDR Residential Districts on parcels of at least 20 acres.
2. All principal permitted uses allowed in the MFR Multiple Family Residential Districts on parcels of at least 10 acres.
3. All principal permitted uses allowed in the OSC and HSC Commercial Districts on parcels of at least 5 acres.
4. All principal permitted uses allowed in the GSC Commercial Districts and I Industrial Districts on parcels of at least 10 acres.

#### **B. Accessory Uses**

1. Accessory buildings and uses customarily incidental to the above- named permitted uses.
2. Signs - See Article 19 "Sign Regulations" herein.

#### **C. Special Uses**

1. Recreational activity centers
  - a) Golf courses
  - b) Nature preserves
  - c) Swimming pools
  - d) Tennis or racquet club
  - e) Utility structure(s) and equipment necessary for the operation thereof (excluding outdoor storage).

### **Section 14.03 - General Provisions**

- A. **Continuing Applicability of Information on Approved Site Plans** - The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan

which is approved subsequent hereto, shall have the full force and permanence of the zoning ordinance as though such information were specifically, set forth in the zoning ordinance. Such information shall be the continuing obligation of any subsequent interests in a "PUD" district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a "PUD" district shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.

- B. **Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under petition for, a "PUD" district classification, until the requirements of this Article have been met.
- C. **Performance bonds** - will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be uses in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency, or PUD Engineer.

#### **Section 14.04 - Pre-Application Conference**

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filling an application for developing a PUD District. The request shall be made to the Township Planning Commission Chairman who shall set a date for the conference and shall inform the Township Board and other Planning Commission Chairman shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.
- C. Statements made in the conference shall not be legally binding commitments.

#### **Section 14.05 - Site Plan Requirements**

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article 20, "Site Plan Review".

The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a "PUD" district request for recommendation to the Township Board with respect to this requirement.

To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps, and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per 24 hour period, directional distribution of trips generated by the

proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

#### **Section 14.06 - Site Plan: Administrative Review Procedure**

- A. An application for a “PUD” district shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a “PUD” or execution of a binding or conditional sales agreement and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of the Township Clerk who shall transmit the application and the site plan to the Township Planning Commission. The application shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan, said hearing to be held within thirty-one (31) days of the filing date or at the regular Township Planning Commission meeting following that is closest to that date.
- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinions shall be submitted by the applicant in the form of maps, charts, reports, models, and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 14.07.
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board within sixty (60) days of the filing date. This report shall contain the Planning Commission’s analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission, and Drain Commissioner.
- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the application to the Hillsdale County Zoning officials.
- G. The township Board shall review the application and site plan and the Township and County Zoning officials’ reports thereon, and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to Township Board action thereon. The Township Board may attach conditions to its approval of a “PUD” proposal.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the “PUD” shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future assigned agent(s) or their heirs, successors, and assigns.

#### **Section 14.07 - Supplementary Development Standards and Regulations**

The following requirements expand upon and/or are in addition to the requirements detailed in Article 20, "Site Plan Review". They shall, in all cases, be adhered to by developments in a "PUD" district.

**A. District Location and Minimum Size**

1. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of "PUD Districts.
2. All development in this district shall be restricted to sites having access to a hard surfaced roadway accepted and maintained by the County Road Commission, except for RR, LFR, MDR, and HDR Planned Unit Development Districts.

**B. External and Internal Circulation and Access**

1. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. As property is developed as a "PUD" Planned Unit Development District, a pathway system linking all principal residential, commercial, and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public and private streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in subsection 14.06 B.5.

If private streets are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

**C. Open Space Regulations**

1. A land, water, or land/water area constituting not less than twenty-five percent of the total (a) land area, or (b) land area, plus no more than 300 feet into or no more than one-half (1/2) the width or distance across, a natural surface water

area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants, and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.

2. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

#### **D. Landscaping and Parking**

1. The parking and loading requirements set forth in Article 18, "Off-Street Parking", herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, (pursuant to the requirements detailed in Article 18 as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a free-standing physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

#### **E. Utilities**

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.
2. All development will be requires to provide adequate fire protection systems as determined and approved by the Township Fire Department and Township Board.

In all cases where an on-site system is proposed, detailed drawings, plans, and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted.

4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the "PUD" district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

**F. Site Design, Layout, and Density Criteria**

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes, and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed 20% of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. All principal buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public roadway right-of-way line, private road and/or recorded easement.
5. The outdoor storage of goods and materials shall be prohibited in the "PUD" Planned Unit Development District.

**G. Legal Mechanisms to Ensure Facility and Open Space Maintenance**

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE, or AIE with the site plan. The provisions shall include, but shall not be limited to , the following:
  - a) The HOA, ACE, or AIE shall be established before any buildings or structures in the "PUD" are sold or occupied.
  - b) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
  - c) Restrictions shall be permanent.
  - d) The HOA, ACE, or AIE shall be made responsible for liability.
  - e) Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

**H. Project Phasing**

1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each

phase should be submitted to the Planning Commission when the site plan is submitted.

2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

## **Section 14.08 - Standards For Review**

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan, and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Hillsdale Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Hillsdale Township Land Use Plan.
- B. The proposed development shall conform to the intent and all regulations and standards of a "PUD" District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open spaces, other common properties and facilities, individual properties, and all other elements of a "PUD" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and land forms.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate

- access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

### **Section 14.09 - Amendments to Site Plans**

Preliminary and final site plans may be amended in accordance with the process detailed in Section 20.11 of Article 20 "Site Plan Review".

### **Section 14.10 - Subdivision Plats**

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

### **Section 14.11 - Extension of Time Limits**

Time limits set forth in Article 20 "Site Plan Review" may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

### **Section 14.12 - Performance Guarantees**

Performance guarantees shall be provided in accordance with Section 20.16 of Article 20 "Site Plan Review".

### **Section 14.13 - Violations**

Violations shall be dealt with in the manner detailed in Section 20.17 of Article 20 "Site Plan Review".