

380 (PUD) PLANNED UNIT DEVELOPMENT

PUD - Planned Unit Development

A. Intent – Purpose

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features and resources.
3. To encourage innovation in land use planning and development.
4. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the township.
5. To promote and ensure greater compatibility of design and use between neighboring properties.
6. To provide for the regulation of land uses not otherwise authorized within the Ordinance.

B. Eligibility – Qualifying Conditions

1. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of 5 acres.
2. Water wells and sewer disposal facilities shall be available to service the site as determined by the Sewer Authority and Health Department.

C. Development Requirements (Permitted Land Use)

1. Density

- a. Be designed, constructed and maintained to be harmonious and appropriate in appearance with a the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- b. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer.
- c. Not create excessive additional requirements at public cost for public facilities and services.
- d. Be developed in accordance with the intent for a Planned Unit Development as contained herein.

2. Dwelling Unit Computation

- a. The net development area is determined by subtracting the following from the gross or total site area:
 1. Areas within existing road rights of way.
 2. Areas devoted to non-residential uses.

3. Green Space

- a. Each PUD shall contain green space equal to a minimum of 10 percent of the total site area which is devoted to residential use. Such open space shall be maintained by the developer or homeowner's association and shall be set aside or the common use of the home or lot owners within the PUD with written assurance that the required green space shall remain green and be properly maintained. For purposes of this section, green space shall only be considered to be those areas having a minimum dimension 100 feet by 100 feet. Land in streets, sidewalks, and parking areas shall not be considered as green space. Required yard setback area may be included in the green space area.

4. Mixed Uses

- a. **Residential** and non-residential uses may be permitted within the same PUD district upon demonstration that such uses meet the intent of this article and the standards given. It shall also be shown that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

- b. The permitted density for residential uses in a mixed use development shall be determined by the Township Board upon recommendation of the Planning Commission, based on the type of dwelling unit proposed and the standards contained herein.

D. Regulations

1. All regulations of the underlying zoning district prior to the PUD request relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions, and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.
2. To encourage flexibility and creativity in development, departures from the regulations outlined in the preceding statement may be granted at the discretion of the Township Board upon the recommendation of the Planning Commission as part of the approval of the PUD.

E. Design Considerations – necessary to ensure compliance with all applicable regulations and to ensure compatibility of the project with adjoining properties and the general area in which the property is located.

1. Perimeter setbacks.
2. Street drainage and utility design with respect to location, availability, ownership and compatibility.
3. Underground installation of utilities.
4. Insulation of pedestrian ways from vehicular streets and ways.
5. Integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
6. Noise reduction and visual screening mechanisms from adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
9. Screening and buffering with respect to dimensions and character.
10. Yard area and open space.
11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
12. The preservation of natural resources and natural features.

F. Application and Processing Procedures (Review)

1. Effects: The granting of a PUD rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.
2. Prior to the submission of an application for a PUD, the applicant shall meet with the Planning Commission and such consultants as deemed necessary. Thereafter, a sketch plan of the PUD shall be submitted with the following information:
 - a. A legal description of the property in question.
 - b. The total number of acres to be included in the project.
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use.

- e. Departures from the regulations of the Ordinance which may be requested.
- f. The number of acres to be preserved as open space or recreation space.
- g. All known natural resources and natural features. (drainage, wetlands)

G. Preliminary Site Plan Review – Following the above mentioned conference, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. Submission shall be made to the (Land Use Officer) who shall present it to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary site plan shall contain the following information:

1. Date, north arrow, and scale which shall be 1" = 100'.
2. Locational sketch of site in relation to surrounding area.
3. Legal description of property including common street address.
4. Size of parcel.
5. All lot or property lines with dimensions.
6. General location of all buildings within 300 feet of the property lines.
7. General location and size of all existing structures on the site.
8. General location and dimensions of all existing and proposed streets, driveways, parking areas, (including total number of spaces and typical dimensions).
9. General size and location of all areas devoted to green space.
10. Location of existing vegetation and general location and size of proposed landscaped area and buffer strips.
11. All areas within the 100-year floodplain, wetland areas or bodies of water.
12. Existing topographical contours at a minimum of 5 foot intervals.
13. A narrative describing:
 - a. The nature of the project.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement from a registered professional engineer describing how the proposed project will be served by water (public or private), sanitary sewer or septic system, and storm drainage.
 - d. Proof of ownership or legal interest in the property.

The Planning Commission shall review the preliminary site development plan and transmit its recommendation for changes or modifications to the applicant.

H. Public Hearing – publish, mailing to utilities and those within 300 feet.

I. Standards for Zoning Approval (must be in Ordinance 9)

1. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards before recommending approval, denial, or approval with conditions.
 - a. The PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - c. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this article.
 - d. The PUD shall not change the essential character of the surrounding area.

- e. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Land Use Officer.

J. Township Board Approval and Effect Thereof

The PUD amendment including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the preliminary site plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment. The applicant shall record an affidavit with the County Register of Deeds which shall contain the following:

1. Date of approval of the PUD by the Township Board.
2. Legal description of the property.
3. Legal description of the required green space along with a plan stating how this green space is to be maintained.
4. A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

K. Final Site Plan Review

After receiving the PUD rezoning and preliminary site development plan approval from the Township Board, the applicant shall submit a final site development plan for review and approval by the Planning Commission prior to starting any construction.

1. Location and size of all water, sanitary sewer/septic facilities, (storm sewer lines) serving the development.
2. Proposed contour lines at not greater than 5 foot intervals.
3. Proposed landscaping including type, number and size of trees and shrubs.
4. Location of signs and exterior lighting.
5. Location of sidewalk, foot paths, or other pedestrian walkways.
6. Distance of all buildings from lot lines, right of ways, and other principal buildings.
7. Exterior architectural drawings noting building materials, height and area of building and accessory structures.
8. Proposed phases of projects.

L. Standards for PUD Final Site Development Plan Approval

Following a public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final site development plan. In making its decision, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.
2. Off street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties in the proposed development.
3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
4. Screening and buffering with reference to type, dimensions, and character.

5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

M. Conditions

In approving a PUD final site plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD final site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final site plan, as approved, shall act as a restriction upon the development. The development must conform with the final site development plan.

N. Modifications of a PUD

Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of the Zoning Ordinance and all other township regulations or state law.

Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of structures, roads, parking areas, signs, lighting and driveways may be moved provided that they are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission.

A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.