

ARTICLE 8

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 8.1 Intent.

The Planned Unit Development (PUD) District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 8.1 and criteria set forth in Section 8.2 can be achieved through the use of PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protects valuable natural resources of the Township as identified in documents including, but not limited to the Township Master Plan, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

- (a) Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations;
- (b) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;
- (c) Encourage the provision of open space for active and passive use;
- (d) Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept;
- (e) Provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township;
- (f) Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways.
- (g) Encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses.

Section 8.2 General Provisions.

- (a) Where Permitted. A PUD may be applied for in any zoning district.

(b) Process. Approval of a PUD application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 8.6 (c). The final step, as set forth in Section 8.6 (h-1), shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board.

(c) Qualifications of Subject Parcel for Consideration as a PUD. The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

- (1) The minimum area for an exclusively residential development is 10 acres.
- (2) The minimum area for an exclusively non-residential or a complimentary mix of residential and non-residential uses shall be 5 acres.
- (3) The intent of Section 8.1 is met.
- (4) Approval of the PUD will result in one (1) or more of the following:
 - A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - B. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - C. A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
- (5) The proposed type and, or density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
- (6) The proposed PUD shall be consistent with the public health, safety, and welfare of the Township.
- (7) The proposed PUD shall minimize any negative environmental impact on the subject site or surrounding land.
- (8) The proposed PUD shall minimize any negative economic impact upon surrounding properties.
- (9) The proposed PUD shall be consistent with the Goals and Policies of the Sanilac Township Master Plan.

- (10) The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this Ordinance, provided that such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Clerk.
- (11) Where a project is proposed for construction in phases, a final PUD plan shall be submitted for each phase prior to commencement of construction of that phase.
- (12) The proposed PUD shall meet all design standards as set forth in Sections 8.2 through 8.5.

Section 8.3 Design Considerations and Site Development Capabilities.

(a) Design Considerations. A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the 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 separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of 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 areas and other 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.

(b) Site Development Capability. In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

- (1) Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
- (2) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.
- (3) Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.
- (4) Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
- (5) Stream corridor and wetland protection and buffering.
- (6) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature
- (7) Floodplains and floodways.
- (8) Wildlife movement corridors.
- (9) Natural area buffer zones as delineated below.
- (10) The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
- (11) Hydrology and groundwater flow.

Section 8.4 Project Densities and Intensities.

(a) Residential Density.

- (1) The total number of dwelling units in a PUD project shall not exceed the number

of dwelling units permitted in the underlying zoning district. However, a variable density credit of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:

- A. A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space.
 - B. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
 - C. The proposed plan is designed to enhance surface water quality and ground water quality.
 - D. Provisions and design that preserve natural features.
 - E. Donation or contribution of land or amenities that represent significant community benefit.
 - F. Other similar elements as determined by the Planning Commission and Township Board.
- (2) The applicant shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying all Township regulations.
- (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

(b) Mixed Use Project Density. For PUD projects which contain a residential component, the Township shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

(c) Non Residential Component. A PUD with a gross area of ten (10) acres or more may incorporate a non-residential component into an exclusively residential development (based upon the existing zoning), provided that all of the following are met:

- (1) The non-residential component shall be located on a lot of sufficient size to

contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed five percent (5%) of the gross area of the development, or five (5) acres, whichever is less.

- (2) All non-residential uses shall be compatible with the residential area.
- (3) The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
- (4) All non-residential structures are connected to a pedestrian access system servicing the project.
- (5) All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

Section 8.5 Design Standards.

(a) Open Space Preservation.

- (1) When completed, the PUD shall have significant areas, but not less than 20% of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan. In accordance with P.A. 177 of 2001, for planned unit developments within the AR and LR zoning districts, a minimum of fifty (50) percent of land shall remain in an undeveloped state as defined in Section 2.2 of this Ordinance.
- (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window

shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Township adequately enhances such community and public spaces. When possible, any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(3) Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:

- A. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
- B. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
- C. The area within any manmade storm water detention or retention pond.
- D. The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.

(4) Maintenance.

- A. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreational facilities located within the development plan, have been reviewed by the Township Attorney and approved by the Township Supervisor.
- B. For non-residential portions of a PUD, the maintenance and preservation shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential portions, maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
- C. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the Township Board or Township Attorney, with the documentation utilized for such purpose to be in a form approved by the Township Attorney. Any costs associated with Township enforcement can be assessed to the property owner.

(b) Buffering from Adjacent Property. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the Township

Board, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.

(c) Vehicular and Pedestrian Circulation.

- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
- (2) Physical design techniques, known as traffic calming are encouraged. These techniques are intended to which alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the Township Board may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
- (4) If applicable, locations for school bus stops shall also be provided on the site plan.

(d) Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.

(e) Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards according the Sanilac County Drain Commission for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:

- (1) Limitation of land disturbance and grading;
- (2) Maintenance of vegetated buffers and natural vegetation;
- (3) Minimization of impervious surfaces;

- (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
- (5) Use of infiltration devices.

Section 8.6 Application and Processing Procedures.

(a) Effects. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

(b) Pre-Application Conference. Prior to the submission of an application for PUD, the applicant shall meet with the Township Clerk, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:

- (1) A legal description of the property in question;
- (2) The total number of acres to be included in the project;
- (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
- (4) The approximate number of acres to be occupied and/or devoted to or by each type of use;
- (5) Departures from the regulations of the Ordinance which may be requested;
- (6) The number of acres to be preserved as open space or recreation space; and
- (7) All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for information purposes. This shall be done prior to submitting the preliminary PUD plan.

(c) Preliminary PUD Plan Application - Submission and Content. Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the Township Clerk. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information unless specifically waived by the Township Clerk:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.

- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property including common street address and tax identification number.
- (4) Size of parcel.
- (5) All lot or property lines with dimensions.
- (6) General location of all buildings within one hundred (100) feet of the property lines.
- (7) General location and size of all existing structures on the site.
- (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.
- (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- (10) General size and location of all areas devoted to green space.
- (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
- (13) Existing topographical contours at a minimum of two (2) foot intervals and/or spot elevations which illustrate drainage patterns.
- (14) A narrative describing:
 - A. The nature of the project, projected phases and timetable.
 - B. The proposed density, number, and types of dwelling units if a residential PUD.
 - C. A statement describing how the proposed project meets the objectives of the PUD.
 - D. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - E. Proof of ownership or legal interest in property.

(15) All information contained in Section 3.6.

(d) Public Hearing - Planning Commission. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township. And provide for notice in accordance with MCL 125.3103, *et seq.*

(e) Planning Commission Review and Recommendation – Preliminary PUD Plan. The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 8.2 through 8.5 herein. Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.

- (1) Approval of the preliminary PUD plan 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.
- (2) In relation to 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.
- (3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
- (4) The PUD shall not change the essential character of the surrounding area.
- (5) The proposed PUD 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 Township Clerk.

(f) Township Board Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

(g) Effect of Approval - Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

(h) Contents of the Final PUD Plan. Following preliminary PUD plan approval, copies of

the application for final PUD plan shall be submitted. The submission shall be made to the Township Clerk. The plan shall be accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:

- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
- (2) Proposed grading plan.
- (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 buildings and accessory structures.
- (8) Proposed phases of project and projected timetable.
- (9) All information contained in Section 3.6.

(i) Planning Commission Review and Recommendation – Final PUD Plan and Rezoning. After receiving approval of the preliminary PUD plan from the Township Board, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in Section 8.2 through 8.5.

(j) Public Hearing – Township Board. The Township Board shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, M.C.L. 125.3503, *et. seq.*

(k) Township Board Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(l) Effect of Approval – Final PUD Plan and Rezoning. The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property.

All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Sanilac County Register of Deeds, which shall contain the following:

- (1) Date of approval of the final PUD plan 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 final PUD 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. This statement shall also include the duration of approval and action for non-compliance.

Section 8.7 Conditions.

(a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed 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, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

Section 8.8 Phasing and Commencement of Construction.

(a) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

(b) Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

Section 8.9 Performance Guarantees.

The Planning Commission may require a performance bond in order to ensure completion of the required improvements.

Section 8.10 Modifications to an Approved PUD Plan.

(a) Minor Modifications. Minor changes to a final PUD 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 this 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 PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.

(b) Major Modification. 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.