

ARTICLE XVII

“PUD” PLANNED UNIT DEVELOPMENT OVERLAY ZONING DISTRICT

Section 17.1 Purpose and Intent

This Planned Unit Development Overlay Zoning District [PUD] is intended for large tract development offering opportunity for creative, well-conceived design. Design and use criteria for a land development in this District are feasible. Typically, the preliminary PUD layout plan submitted with the application for rezoning to this district will exhibit a high level of site amenities and include design elements that effectively insure continued quiet enjoyment of adjoining lands.

PUD zoning may be applied in any location within the Joint Planning Area, provided that all development criteria are met and the Planning Commission is satisfied that the public health, safety and general welfare are maintained and that adverse impacts on surrounding property are not likely to occur.

The general objectives of PUD zoning are:

- (1) To provide more desirable living, shopping and/or working environments by preserving the natural character of stands of trees, wetland and surface water features, floodplains, hills and similar natural assets.
- (2) Within residential PUD development, assure provision of open space, development of recreational facilities and pedestrian facilities accessible from all dwelling units.
- (3) To encourage a more creative and imaginative approach in the development of land, as compared to traditional design.
- (4) To provide underground utilities.
- (5) To allow construction in phases consistent with the approved PUD Plan.
- (6) To promote more efficient use of land.
- (7) To require aesthetic site design and a higher level of site amenities in exchange for flexible design.

Section 17.2 Legislative Findings

It is determined that PUD zoning will provide for flexible land use, design layout of lots or parcels and placement of buildings. At the same time, use of this flexible approach allowed by PUD zoning must result in high quality design, building finishes and protection of the natural environment. Whenever PUD overlay zoning is granted, it is hereby acknowledged that uses of land and/or density of population may vary from land use and density depicted for the property in the adopted 2007-2020 Master Plan.

Section 17.3 Pre-Application Conference

Prior to filing an application for PUD zoning and preliminary site plan approval, the applicant shall file a written request with the Planning Commission for a pre-

application conference. The Planning Commission will consider the request at the regular meeting following receipt of a complete package of information required herein. Information provided to the Planning Commission for the pre-application conference must include the following:

- (1) A map depicting the tract of land with boundary dimensions, total land area in acres, area in floodplain, existing wetland areas and surface water.
- (2) A U.S.G.S. topographic map of the tract of land.
- (3) Vicinity parcel map showing the tract and adjoining lands.
- (4) Aerial photograph of the tract.
- (5) A statement describing the type of PUD Zoning District being contemplated and a general description of proposed land use types, estimated land area breakdown by land use type including public or private open spaces, if any.

At the conclusion of the pre-application conference, if the Planning Commission concludes that sufficient reasons exist or do not exist to consider a formal application for PUD zoning, it will decide by formal action and so advise the applicant.

Section 17.4 Application for PUD Zoning and Preliminary Site Plan Approval

If the Planning Commission determines a PUD zoning application is warranted, the applicant may prepare and file a PUD zoning application and preliminary PUD plan. The application shall include all of the following materials:

- (1) Completed PUD zoning and preliminary PUD site plan application form, signed by the applicant and landowner.
- (2) PUD zoning and site plan application fee.
- (3) Preliminary PUD site plan with the following content:
 - (a) Intended access points from public streets and location of internal streets.
 - (b) Arrangement and layout of proposed lots, parcels and/or buildings.
 - (c) Existing site grades and proposed grades.
 - (d) Proposed building envelopes on each lot or parcel, if applicable.
 - (e) Location and size of public sanitary sewer lines, manholes and lift stations, if any.
 - (f) Location and size of public water mains, hydrant locations, water main valve locations.
 - (g) Proposed storm water management plan.
 - (h) Site lighting plan, including photometric plan.
 - (i) Landscape plan, depicting areas of the site to be landscaped.
 - (j) Project signage by size and location.
 - (k) Plan for protecting existing natural areas on the proposed PUD tract, including but not limited to floodplain, wetlands, wooded lots in excess of 5 contiguous acres, endangered species and wildlife habitat.
 - (l) Proposed phasing of the PUD development.

- (m) Traffic impact study if any conditions identified in Article XVI exist.
- (n) Written statement relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

**Section 17.5 PUD Zoning and Preliminary PUD Site Plan
Review Procedure – Planning Commission**

When it is determined all required information has been submitted, the Planning Commission shall schedule and conduct a public hearing on the application with notices as required by law. After considering all information and testimony given at the hearing, the Planning Commission may formulate a recommendation to the Township Board regarding the PUD zoning and Preliminary PUD site plan applications. Prior to making any recommendation, the Commission may ask for changes to the Preliminary PUD site plan.

In making it's recommendation on the PUD zoning and Preliminary PUD site plan, the Planning Commission shall make findings of fact with respect to PUD objectives expressed in Section 17.1 (1) – (7).

The recommendation of the Planning Commission shall be transmitted to the Board of Trustees by the Zoning Administrator only after the Planning Commission has approved meeting minutes of the meeting at which the recommendation was made.

**Section 17.6 PUD Zoning and Preliminary PUD Site Plan
Review Procedure – Township Board**

Once the report and recommendations from the Planning Commission are received by the Township Board, the Board will decide whether or not to hold a public hearing on the PUD zoning application. If the Board holds a public hearing, public notice shall be given in accordance with law. Following the public hearing or if no hearing is held, the Township Board may (1) accept the recommendations as submitted by the Planning Commission and adopt an ordinance amending the Official Zoning Districts Map to the PUD District or (2) modify the recommendations received from the Planning Commission and adopt an ordinance amending the Official Zoning Districts Map to the PUD District, or (3) reject the recommendations from the Planning Commission and deny the change to the PUD District.

Any such PUD amendment to the Official Zoning Districts Map is conditioned on provisions of Section 17.7 herein.

Section 17.7 Effect of PUD Zoning and Preliminary Site Plan Approval

A decision by the Township Board to amend the Official Zoning Districts Map to "PUD" Planned Unit Development shall remain in effect for a period of 365 days following the effective date of the Ordinance amending the Official Zoning District

Map. A final Planned Unit Development [PUD] plan shall be filed with the Planning Commission during the 365 day period.

If a final PUD plan is not filed during the 365 day period, the PUD zoning district shall revert to the prior zoning and the approved Preliminary PUD site plan shall become null and void.

Prior to the passage of 365 days, the applicant may file a written request with the Township Board to extend the time for not more than 180 days. If the extension is granted by the Board, the PUD zoning and Preliminary PUD site plan shall remain in effect during the additional period of time approved by the Board.

Section 17.8 Final PUD Plan Procedure and Required Plan Content

Application for Final Planned Unit Development [PUD] approval shall be filed with the Zoning Administrator who shall forward the application and required plan to the Planning Commission. The Final PUD application and project plans shall substantially conform to the approved Preliminary PUD plan.

If the Planning Commission concludes all required information has been provided in the application, it shall schedule and conduct a public hearing with notice as required by law.

The Final PUD site plan shall include the following information and content:

- (1) Completed application form.
- (2) A boundary survey and legal description of the subject property prepared by a registered land surveyor.
- (3) All final site plan content as required in Article XX of this Ordinance.
- (4) A detailed description and plans describing construction procedures to be used to insure the natural environment on the land will be protected.
- (5) If any part of the PUD project will be condominium form of ownership, then all documents required by Section 21.30 of this Ordinance shall be included with the final PUD application.
- (6) Proposed building exterior elevations with material finishes identified for Phase 1 of the PUD, excepting single-family detached dwellings.

Section 17.9 Final Planned Unit Development Plan

The Planning Commission shall give opportunity at the hearing held on the final PUD plan for any interested party to offer testimony on the proposed final PUD plan. Following the public hearing, the Planning Commission is authorized to (1) approve the Final PUD, (2) request changes to the Final PUD plan or (3) reject the Final PUD plan for reasons stated by the Planning Commission in the meeting record.

The landowner/applicant may make changes to the Final PUD plan addressing the reasons stated by the Planning Commission for denial of the Final PUD plan and then resubmit the Final PUD plan for further consideration by the Planning Commission. A subsequent public hearing held by the Planning Commission is not required, unless the Planning Commission concludes changes go beyond the reasons stated for denial.

Section 17.10 Effect of Final PUD Site Plan Approval

Following the date on which the Planning Commission approves minutes of the meeting at which the final PUD site plan was approved, the landowner/applicant has a period of 365 days to begin construction consistent with the approved Final PUD site plan.

Start of construction shall mean actual installation of any infrastructure element of the PUD, including water mains, sanitary sewer, storm sewer or roadway, but shall not include moving of dirt on site or grading activities.

Extension of time for Final PUD site plan approval is prohibited.

If construction pursuant to an approved final PUD site plan is not commenced within 365 days from the date of approval, the PUD Overlay Zoning shall automatically revert to the underlying zoning and the approved Final PUD site plan shall become null and void.

Section 17.11 Types of PUD Overlay Zoning Designations

A property meeting qualifying PUD objectives in Section 17.1 may be rezoned to an appropriate form of PUD, based on standards of Table 17.11 below and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a Preliminary PUD site plan.

**Table 17.11
Types of Planned Unit Development**

PUD District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development	PUD-R Overlay for Residential Zoning District	Cluster Housing of Various Types with Common Open Space	Same as Underlying Zoning District	Section 17.12
Mixed Land Use Planned Unit Development	PUD-MLU Overlay for Residential Zoning District	Cluster Housing of Various Types with Limited Non-Residential Uses	Same as Underlying Zoning District Plus Limited Office and Service Use	Section 17.13

General Business Planned Unit Development	PUD-GB	Mix of Office, Commercial and Service Uses	Same as Underlying Zoning District	Section 17.14
Industrial Use Planned Unit Development	PUD-I	Industrial Land and Building Uses as Allowed in Underlying Zoning District	Same as underlying Zoning District	Section 17.15

Section 17.12 Design Criteria for Planned Unit Development Overlay Zoning District – Residential Use [PUD-R]

This form of Planned Unit Development will contain residential land use and customary accessory uses. The following design criteria shall be included within any PUD-Residential:

- (1) Minimum parcel size to qualify for PUD consideration is 10 acres.
- (2) No less than twenty (20) percent of the gross parcel area shall be contained in common open space. Common open spaces shall have a minimum dimension of 100 feet and shall not include any required setback area on the parcel perimeter required by the underlying zoning district. Common open space shall not include any area used for storm water detention or retention, unless developed with usable recreation amenities and pedestrian facilities.
- (3) A PUD-Residential may range from simple reduction in lot sizes for single-family detached residential dwellings to variety dwelling types.
- (4) Density: Residential density shall be determined by comparing a plan that illustrates how the site could be developed as a conventional subdivision, site condominium or site plan, meeting all applicable Township zoning and subdivision requirements. The Planning Commission shall review the design and determine the number of buildable lots or dwelling units that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the PUD-R. Where the Township Master Plan recommends a different zoning district than the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the PUD-R Overlay zoning.
- (5) Dimensional Standards: The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the Preliminary PUD-R site plan indicating the cumulative reduction in lot areas and the corresponding amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission shall not approve a PUD-R without public water and sewer.

- (6) Non-residential use of land or buildings is prohibited in a PUD-R form of development.
- (7) Open Space: All land within a PUD-R that is not devoted to a residential lot or unit, street right-of-way, or other improvement shall be set aside as common open space for recreation or conservation. The amount of open space shall be at least equal to twenty (20) percent of the net site area. Common open space shall be planned in locations that are visible and accessible. The open space shall contain some form of active recreational facility such as a play-area. The common open space shall be located to preserve significant natural features, central to the residents of the development, adjacent to adjoining residential or to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The PUD shall set forth covenants or restrictions in recordable form for open space preservation.

Section 17.13 General Design Criteria for Planned Unit Development Overlay Zoning District with Mixed Land Use [PUD-MLU]

This form of Planned Unit Development will contain residential and limited non-residential uses. The following design criteria shall be included within any PUD-Mixed Land Use:

- (1) Minimum parcel size to qualify for PUD-MLU consideration is 40 acres.
- (2) Residential land uses shall occupy no less than seventy-five percent (75%) of the land on which the PUD-MLU is proposed and may include a variety of residential dwellings.
- (3) The non-residential land use and building uses shall not include any form of outdoor storage of materials, whether or not fenced.
- (4) Uses: A PUD Mixed use shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A Preliminary PUD plan shall divide the PUD into components for various uses. Each component of the PUD shall be designated as a specific zoning district (e.g. Medium Density Residential or Office-Service). Areas devoted to each type of use shall be designated on the Preliminary PUD site plan. The plan may provide for vertical mixture of uses, such as office or residential above commercial. The PUD Mixed Use can include a mixture of housing types such as single family and multiple family or a mixture of uses such as residential and non-residential. The Planning Commission shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, non-residential uses, recreational area, or open space. The Planning Commission shall make this determination based on the compatibility with surrounding uses, and meeting of design criteria. The list of permitted uses, number of dwellings and total floor area by use shall be established by the Planning Commission

during consideration of the Preliminary PUD-MLU zoning application and site plan. Not more than 25% of the total PUD-MLU net site area shall contain non-residential land or building uses. Uses permitted by right in the “O” and “C” Zoning Districts may be allowed by the Planning Commission.

- (5) Open space shall comprise no less than 25% of the total land area devoted to residential uses in the PUD-MLU.
- (6) Dimensional requirements of the underlying zoning district may be varied in a PUD-MLU only if the Planning Commission concludes the variations result in a higher quality of development than would be possible using conventional zoning.
- (7) Parking: To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

Section 17.14 Design Criteria for Planned Unit Development Overlay Zoning District with General Business [PUD-GB]

This form of Planned Unit Development will contain a mix of office, commercial and service uses of land and building. The following design criteria shall be included within a PUD-General Business:

- (1) Minimum parcel size to qualify for PUD-GB is 5 acres.
- (2) Office use of land or buildings shall comprise no less than 25% of the PUD-GB land area. Office use within the PUD-GB shall be located on the site in areas adjoining residential use or zoning.
- (3) Uses: All uses permitted by right or by special land use in the “O” Office and “C” General Commercial zoning districts may be approved within a PUD-GB. In addition, research facilities, testing laboratories and light industrial uses may be allowed only if all activities occur within an enclosed building, except required loading dock.
- (4) Traffic Circulation, Operations and Access: Access to a PUD-GB shall be directly from a state highway, county primary road or major street.
- (5) Pedestrian circulation facilities shall be provided throughout the site.
- (6) Design Considerations: The following site elements are considered important and will be reviewed carefully by the Planning Commission:
 - (a) Landscape treatments.
 - (b) Parking lot design with landscaping that diminishes the prominence of parking areas.
 - (c) Pedestrian seating and amenities.
 - (d) Mixed use building groupings.
 - (e) Enhanced site amenities.
 - (f) Signage.
 - (g) Unified architecture.

- (h) Shared parking facilities.

Section 17.15 Design Criteria for Planned Unit Development Overlay Zoning District with Industrial Use [PUD-I]

This form of Planned Unit Development will contain an array of industrial land and building uses. The following design criteria shall be included in any PUD-Industrial:

- (1) Minimum parcel size to qualify for a PUD-I consideration is 20 acres.
- (2) Building setback along any PUD-I property boundary shall be 50 feet or 100 feet if adjoining any land used or planned for residential land use.
- (3) Design standards and considerations: The following elements are considered important and will be considered carefully by the Planning Commission:
 - (a) Access and internal circulation.
 - (b) Accommodation of truck movements and loading/unloading areas.
 - (c) Outdoor storage of equipment and materials.
 - (d) Location and grouping of buildings.
 - (e) Parking facilities arrangements.
 - (f) Landscape treatment, buffers and screening.
 - (g) Signage.
 - (h) Site amenities.
 - (i) Unified architecture among site buildings.

Section 17.16 Appeals

The decision rendered by the Planning Commission shall be final. The Township Zoning Board of Appeals shall have no authority to review a decision of the Planning Commission on a Preliminary PUD Overlay zoning or site plan, nor with regards to a Final PUD site Plan.

Section 17.17 Violations

A violation of a final PUD site plan and companion documents shall be considered a violation of this Ordinance.

Section 17.18 Amendments and Deviations from Approved Final PUD Site Plan

- A. Deviations Following Approval. Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.

- B. Procedure. Within fourteen (14) days of receipt of a request to amend the Final PUD site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. Minor Changes. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor:
- (1) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
 - (2) Gross floor area of non-residential buildings may be decreased; or increased by up to (5%) or 10,000 square feet which ever is smaller.
 - (3) Floor plans may be changed if consistent with the character of the use.
 - (4) Horizontal and/or vertical elevations may be altered by up to two feet if drainage, landscape and vehicle circulation are not adversely impacted by the alteration.
 - (5) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 - (6) Designated “areas not to be disturbed” may be increased so long as sensitive natural features are not disturbed.
 - (7) Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
 - (8) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (9) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - (10) Slight modification of sign placement or reduction of size.
 - (11) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (12) Changes required or requested by the Township, County or State for safety reasons relating to traffic circulation or regulated natural area.
- D. Major Changes: Where the Zoning Administrator determines the requested amendment to the approved Final PUD site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD site plan significantly alter

the intent of the PUD, a revised Final PUD site plan shall be submitted according to the procedures outlined in this Article.

Sections 17.19 – 17.99 *[Reserved]*