

ARTICLE 17

PLANNED UNIT DEVELOPMENT

Sec. 17.01 PURPOSE

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility and the potential for mixed use development within the R-2, R-3, C and I districts. It has the potential of promoting a diversity of uses while allowing a more efficient use of land for circulation, open space and utilities. It also is intended to minimize adverse environmental impacts by providing greater harmony with the existing physical characteristics of the area, including cluster/open space development.

Sec. 17.02 OBJECTIVES FOR PLANNED DEVELOPMENTS

It is the objective of this Article to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- (a) A maximum choice of living and working environments by allowing a variety of housing and building types and the potential to coordinate such uses with commercial or industrial development.
- (b) A more useful pattern of open space and recreation areas and if permitted as part of the project, more conveniences in the location of accessory commercial uses and services.
- (c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- (d) A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.
- (e) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to support more intensive development provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities or intensity of use will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

Sec. 17.03 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

Sec. 17.04 APPLICATION AND PROCEDURE

An application for PUD shall be processed as a special use, adhering to the requirements under Article 18 and following the procedures for review and approval of preliminary and final development plans outlined within this article and Article 16 (PRD) where appropriate.

Sec. 17.05 USES PERMITTED

Compatible residential, commercial, industrial and public uses may be combined in PUD Districts, provided that the proposed location of more intensive uses will not adversely affect adjacent property and/or public health, safety, and general welfare. Toward this end, uses permitted within the underlying zoning district shall be the primary use within the proposed development. The Planning Commission may further limit the secondary uses to those uses within the next lowest district, namely “R-3” uses within “R-2”, “C” uses within “R-3” and “I” uses within the “C” District. Primary use shall be determined by the number of dwelling units or by the percentage of land devoted to such use. Lot area and other yard requirements of the residential districts established in this Ordinance shall apply except as modified in Sections 17.11 and 17.13. The amount of land and the location of uses shall be determined by the Planning Commission and approved by the Township Board.

Sec. 17.06 MINIMUM PROJECT AREA

The gross area of a tract of land to be developed in a Planned Unit Development District shall be a minimum of ten (10) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 17.02.

Sec. 17.07 PROJECT OWNERSHIP

The project land may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Sec. 17.08 COMMON OPEN SPACE

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 17.09 of this Ordinance.

Sec. 17.09 DISPOSITION OF OPEN SPACE

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development, be sold to a land conservancy or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must first be accepted through the approval of the Township Board. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission and Township Board. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Sec. 17.10 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from the requirements if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

Sec. 17.11 MINIMUM LOT SIZES

- (a) For residential uses, the lot area may be reduced by not more than forty (40) percent of the minimum lot area required within the district where such use is permitted. For commercial and industrial uses, the lot area shall be based upon the ability of the use to be supported by parking or similar site development requirements.

- (b) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied where appropriate in achieving compatibility between uses.

Sec. 17.12 LOTS TO ABUT UPON COMMON OPEN SPACE

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. For residential projects, a clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

Sec. 17.13 HEIGHT REQUIREMENTS

For each foot of building height over the maximum height regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the districts. In no instance shall height be increased to a height of more than fifty (50) feet unless a variance is granted by the Zoning Board of Appeals.

Sec. 17.14 PARKING

Off-street parking, loading, and service areas shall be provided in accordance with this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

Sec. 17.15 PERIMETER YARDS

Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain setbacks equivalent to those within the underlying zoning district.

Sec. 17.16 ARRANGEMENT OF COMMERCIAL OR INDUSTRIAL USES

When planned unit development districts include commercial or industrial uses, buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulations, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion, or not intended for immediate improvement or development, shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and Township Board.

Sec. 17.17 PROCEDURES FOR APPROVAL

The procedure for review and approval shall follow a two-step process of submission of a preliminary development plan and a final development plan, with each reviewed by the Planning Commission and Township Board consistent with that outlined under this article or under Article 16 for PRD where appropriate.

Sec. 17.18 PRE-APPLICATION MEETING

The developer may meet with the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the land use plan and zoning ordinance provisions

Sec. 17.19 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for preliminary planned unit development shall be filed with the Township Clerk by at least one owner or lessee of property for which the planned unit

development is proposed. At a minimum, the application shall contain the following information filed in triplicate.

- (a) Name, address, and phone number of applicant.
- (b) Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- (c) Legal description of property.
- (d) Description of existing use.
- (e) Zoning District(s).
- (f) A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and to existing schools and other community facilities and services.
- (g) Proposed schedule for the development of the site.
- (h) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.
- (i) A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Township's statement of objectives for planned unit developments in Section 17.02 of

this Ordinance. Required site plans shall be submitted in accordance with Article 18 of this Ordinance.

Sec. 17.20 PUBLIC HEARING BY PLANNING COMMISSION: PRELIMINARY PLAN

Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

Sec. 17.21 NOTICE OF PUBLIC HEARING BY PLANNING COMMISSION IN NEWSPAPER

Before holding the public hearing provided in Section 17.22, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township consistent with the requirements for special uses. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

Sec. 17.22 NOTICE TO PROPERTY OWNERS

Before holding the public hearing required in Section 17.21, written notice of such hearing shall be sent to all property owners consistent with the requirements for special uses. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspapers as specified in Section 17.21.

Sec. 17.23 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days after the public hearing required by Section 17.21, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviations from standard district regulations. The Commission shall make recommendation to the Township Board and the Township Board shall approve the preliminary plan before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning

Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

Sec. 17.24 FINAL DEVELOPMENT PLAN

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which may include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and landscape architect.

Sec. 17.25 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

An application for approval of the final development plan shall be filed with the Township Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction of the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- (a) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- (b) All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties.
- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units

proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard Zoning Districts or other Ordinances governing development.

- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
- (e) Site plan, showing building(s), various functional use areas, circulation, and their relationship.
- (f) Preliminary building plans, including floor plans and exterior elevations.
- (g) Landscaping plans.
- (h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- (i) Plans shall be submitted in accordance with Article 18 of this Ordinance.

Sec. 17.26 PUBLIC HEARING BY PLANNING COMMISSION; FINAL PLAN

Within sixty (60) days after submission of the final development plan, the Planning Commission may hold a public hearing, with the hearing notice consistent with the requirements for special uses.

Sec. 17.27 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The

Planning Commission shall then transmit all papers constituting the record and the recommendations to the Township Board.

Sec. 17.28 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION

Before making its recommendation as required in Section 17.27, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- (a) The proposed development complies with the requirements under this Article.
- (b) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- (d) Any proposed commercial development can be justified at the locations proposed.
- (e) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Township Board.
- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- (g) The planned unit development is in general conformance with the land use plan of the Township.
- (h) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

Sec. 17.29 ACTION BY TOWNSHIP BOARD

Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall ~~by Ordinance~~ either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Township Board shall direct the Building Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

Sec. 17.30 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any planned unit development ~~district~~, the Township Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Ordinance.

Sec. 17.31 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a planned unit development ~~district~~ shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat (if appropriate) or to initiate the development of the project. If in the opinion of the Township Board no significant progress has been made within that period of time, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which this approval of the planned unit development was granted.

Proceeding without an approved plan shall require that uses and area, height, bulk and placement requirements be in accordance with the original zoning of the subject property.