

CHARTER TOWNSHIP OF BREITUNG

ARTICLE VIII PLANNED UNIT DEVELOPMENT

Section 801 Intent

The intent of the Planned Unit Development (PUD) Section of this Ordinance is to permit greater flexibility in the use and design of structures and land in situations where modification of specific provisions of this Ordinance will be consistent with its intent and purpose. Use of the Planned Unit Development will provide for continued promotion and protection of the public health, safety, and welfare and result in development and use which is compatible with adjacent land use, the natural environment, and the capabilities of affected public services and facilities.

Section 802 Modification Powers

The provisions of this Section may be applied, upon application of the owner, to any parcel exceeding 2 acres in size and 200 feet road frontage. In acting upon the application, the Township Planning Commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. Except where the parcel is located in Districts R-1 or SP, it may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the parcel as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. The development of the PUD shall not create demands on other existing public services in excess of current capacity nor shall uses be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes, or glare.

Section 803 Application Procedure

The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located. The application procedure for a PUD is as follows:

- (A) Preliminary Conference: Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development.
- (B) Preliminary Application: Following the preliminary conference, the Planning Commission shall hold a public hearing *in accordance with Section 1002* to review the preliminary application. In making its review of any portion of the PUD preliminary development plan, the Planning Commission shall find that the PUD is consistent with the standards outlined in Sections 704 and 804, and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny in writing the preliminary application, specifying the reasons for denial.

The approval of the preliminary application does not constitute recording of the plan or plat nor authorize the issuance of building permits.

The applicant shall prepare and submit ten (10) copies of a preliminary development plan which consists of the following written and graphic documents:

1. A written description of the PUD, including:
 - a. How the PUD meets the intent provisions of the PUD.

CHARTER TOWNSHIP OF BREITUNG

- b. A statement identifying the intended uses including future sales or leasing arrangements of all or portion of the PUD.
 - c. A legal description of the PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the PUD demands on public services and utilities.
2. A preliminary development plan which is in accordance with the Site Plan requirements of Article VI.
 3. A development schedule; a list of covenants or deed restrictions; any maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information as the Planning Commission may reasonably require showing the applicant's intent for the development and viability of the proposal.

Within a maximum of twelve (12) months following preliminary approval, the applicant shall file for final application as outlined in Section 803(C). For good cause the Planning Commission may extend this time period for six (6) months. If the applicant fails to apply for final application for any reason, approval or conditional approval shall be revoked.

(C) Final Application

The applicant shall prepare and submit ten (10) copies of a final development plan which shall include:

1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary development plan.
2. Signed copies of any preliminary plats, in accordance with Act 288 of 1967, as amended.
3. A detailed development time schedule.
4. Deed restrictions or covenants of the parcel.
5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

Upon receipt of the final development plan, the Planning Commission shall hold a second public hearing and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and is in proper form for final recording. Where the Planning Commission determines that this application is consistent with this Section and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan.

Authorizing the PUD Conditional Use Permit shall not obligate the Township Planning Commission or Township Board to enforce any deed restrictions or covenants of the development parcel.

The PUD Conditional Use Permit shall be issued, following evidence of recording of the PUD final development plan with the Dickinson County Register of Deeds. A denial of the PUD shall

CHARTER TOWNSHIP OF BREITUNG

be in writing, setting forth the reasons for denial, and any changes which would make the PUD acceptable.

Section 804 PUD Design Standards and Objectives

- (A) Dimensional Requirements: Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this Section as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this Article.
- (B) Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use. ***All streets in a proposed development shall be constructed in accordance with the Dickinson County Road Commission's specifications.***
- (C) Land Usage: The approximate location of structures shown on the conceptual development plan shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- (D) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
- (E) Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirement of Section 409 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- (F) Development Concept: All of the elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
- (G) Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
- (H) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
- (I) ***Lighting: A lighting plan for the PUD shall be submitted with the site plan for approval by the Planning Commission. Exterior lighting shall be arranged so it is***

CHARTER TOWNSHIP OF BREITUNG

deflected away from adjoining properties and so it does not impede the vision of drivers along adjacent streets. The lighting plan shall include street lights.

- (J) The PUD shall be consistent with the standards outlined in Section 704 and other relevant provisions of this Ordinance.
- (K) Changes in Approved PUD: Minor changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other required circumstances not foreseen at the time the final development plan was approved. No changes so authorized may cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements. Any changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.
- (K) Changes in Approved PUD: Minor changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other required circumstances not foreseen at the time the final development plan was approved. No changes so authorized may cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements. Any changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.