

CHAPTER 12
P-U-D PLANNED UNIT DEVELOPMENT

SECTION 12.01
SCOPE

Traditional zoning, with its rigid separation of uses into different zones under very restricted placement controls, has now been recognized as being inappropriate to some medium and large scale developments. Planned unit developments (PUDs), which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This Chapter provides a controlled degree of flexibility in the placement of structures and lot sizes and types of residential uses, while maintaining adequate planning and development standards. The PUD provisions shall be applied as a separate zoning district, in accordance with the following additional regulations.

SECTION 12.02
OBJECTIVES

A. The objectives, principles, and standards are intended to guide the applicant in the preparation of the land use and development plan. They shall also be used as the basis for the evaluation of the plan by the **Planning Commission** and **Township Board**.

B. The following objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of the PUD.

1. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.

2. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.

3. To encourage developers to use a more creative and imaginative approach in the development of residential areas.

4. To provide more efficient and aesthetically pleasing use of open areas.

5. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.

SECTION 12.03
APPLICATION PROCEDURE

A. Preliminary Sketch Plan: Before submitting an application for a PUD, the applicant shall submit ten (10) copies of a Preliminary Sketch Plan and written statements including the information outlined below, to the **Planning Commission**. Applications for sketch plan approval shall be submitted to the **Zoning Administrator** at least thirty (30) days prior to the date of first consideration by the **Planning Commission**. The **Planning Commission** shall review the preliminary sketch plan to determine its conformance with the Scope and Objectives of this Chapter and the Township **Master Plan**.

1. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The preliminary sketch plan may be in general, schematic form, but must contain the following, unless the **Planning Commission** determines that some of the required information is not reasonably necessary:

a. A legal description of the site, reflecting area size and boundary line dimensions. A

current, properly notated surveyor's map may be acceptable.

- b. Existing and proposed land uses and their approximate location.
- c. Existing topographic character of the site.
- d. The character and approximate net residential density being proposed.
- e. Circulation patterns including arterial and collector **streets**, and pedestrian ways.
- f. Public uses including, but not limited to, schools, parks, open space, etc.
- g. Existing flood plains, bodies of water and other unbuildable areas.
- h. Natural feature survey, indicating the size, general quality, and location of **significant natural features**.

2. The written statement to be included in the preliminary sketch plan must contain the following information:

- a. An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which it reflects the Objectives of the PUD as stated in this Chapter.
- b. A statement of ownership of all land within the proposed PUD.
- c. A general indication of the expected schedule of development.
- d. A general indication of the expected public interest to be served by the PUD and conformance of the PUD to the Township **Master Plan**.
- e. The estimated population and bedroom distribution.
- f. An indication of any contemplated private deed restrictions or covenants.
- g. A description of how the PUD meets the requirements of Section 12.03, C.

3. The **Planning Commission** shall review and approve, deny, or approve with conditions the submitted sketch plan. The decision shall be written into the minutes stating the reasons for the decision. Approval of the sketch plan shall not constitute approval for construction of any part of the PUD, but shall only permit the

applicant to proceed to the application for a Final PUD, as provided for in this Chapter.

B. Final PUD Application

1. Within one (1) year from the Preliminary Sketch Plan approval the applicant shall submit a Final PUD application, and a petition for PUD rezoning to the **Planning Commission** on a form supplied by the **Zoning Administrator**.

2. The application shall be submitted to the **Zoning Administrator** at least thirty (30) days prior to the date of first consideration by the **Planning Commission** and shall be accompanied by the following:

- a. An application fee as established by the Township Board.
- b. A final site plan as specified in Chapter 14. If the PUD is to be developed in phases, the final site plan shall indicate a general layout of all phases of the development. Review, including public hearing and **Township Board** action, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.
- c. A development schedule indicating:
 - (1) Approximate date for commencement of construction.
 - (2) Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
 - (3) Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
- d. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.

e. A general grading plan reflecting slope and drainage before and after development, with explanation of any potential impact on the environment, such as loss of natural resources,

increased erosion and sedimentation potential, increased flood hazard or other impacts.

C. **Planning Commission Review:** Upon receipt of the application, the petition for rezoning, and accompanying materials, the **Planning Commission** shall conduct a public hearing, notice of which shall be given in accordance with the **Zoning Act**. In formulating its recommendation to the **Township Board**, the **Planning Commission** shall consider the following:

1. Conformance of the PUD request with the Township **Master Plan**.
2. The overall objectives of PUD as stated in Section 12.02.
3. The qualifying conditions and permitted uses for the PUD.
4. Site plan review standards of Chapter 14.
5. Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.

D. **Township Board Decision:** After receiving the recommendation of the **Planning Commission**, the Township Board shall review the application for PUD rezoning and the **Planning Commission** recommendation. The **Township Board** shall then make its findings as to denial or approval of the rezoning in accordance with the proposed PUD plan, using the standards noted in subparagraph C, of this Section.

1. An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD plan to the **Township Board**. No building permits may be issued until the final approval is granted. After final approval, the following requirements shall be met, if applicable:

a. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other

local procedures or regulations pertaining to planning approval.

b. The **Township Board** shall cause to have legal documents or contracts prepared which involve Lyndon Township and are required as a result of the conditions contained in the final approval. All contracts shall be in recordable form and executed and recorded in the office of the Washtenaw County Register of Deeds. All costs for preparation or recording shall be paid by the applicant.

2. The **Zoning Administrator** shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final Site Plan, and the approved schedule of improvements.

E. Changes to an Approved PUD: Changes to an approved PUD shall be permitted only under the following circumstances:

1. The holder of an approved PUD plan shall notify the **Zoning Administrator** of any desired change to the approved PUD.
2. Minor changes may be approved by the **Zoning Administrator** upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include those as described in Section 14.07, B.
3. A proposed change not determined by the **Zoning Administrator** to be minor shall be submitted as an amendment to the PUD, and shall be reviewed in the same manner as an original PUD application.

**SECTION 12.04
PERMITTED USES**

A. The following uses of land and structures may be permitted within a PUD.

1. **Single-family detached dwellings.**
2. **Two-family dwellings**, provided that the units make up no more than twenty percent

(20%) of the total number of residential **dwelling units** in the total PUD.

3. **Multiple family dwellings**, provided that the units make up no more than thirty percent (30%) of the total number of residential **dwelling units** in the total PUD.

4. Golf courses, indoor tennis clubs, and athletic clubs, including ancillary commercial activities such as pro shops, restaurants (excluding drive-ins), and similar uses.

5. Any "Permitted Use" within the NC District, provided that:

a. The total site of the PUD is at least eighty (80) contiguous acres, unless the **Planning Commission** determines that a lesser acreage is appropriate to achieve the intent and purpose of the PUD;

b. The gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD;

c. Uses are integrated into the design of the PUD with similar architectural and site elements, such as signs, landscaping, etc.;

d. The uses shall not materially alter the residential character of the neighborhood or the PUD;

e. All merchandise for display, sale or lease shall be entirely within an enclosed building(s); and;

f. Buildings designed for nonresidential uses are constructed according to the following schedule:

(1) If the PUD contains twenty(20) or fewer **dwelling units**, seventy-five percent (75%) of these units must be built prior to construction of any non-residential use.

(2) If the PUD contains more than twenty (20) **dwelling units**, fifty percent (50%) of these units must be built prior to the construction of any non-residential use.

6. **Accessory buildings, structures, and uses** customarily incidental to any of the above Permitted Uses as regulated by Section 3.08.

B. Development Requirements

1. The maximum permitted density for any residential development within a PUD shall not exceed the average gross density established in the Lyndon Township **Master Plan** for that area, except as may be permitted by the provisions of Section 12.05. The total permitted density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing **zone district**.

2. Any open space provided in the PUD shall meet the following considerations and requirements:

a. Open space may be established to separate use areas within the PUD.

b. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire PUD may utilize the available open space.

c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.

d. Open space may be provided where significant natural features may be preserved or be used for passive or active recreation.

e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

3. The following minimum lot and yard requirements shall be met:

PUD Regulations		
Front Yard		30 feet
Side Yard	Single/Two Family Dwellings	10 feet
Side Yard	Multiple Family Dwellings and Non-Residential Buildings	30 feet
Rear Yard		30 feet
Building Height		35 feet or 2½ stories
Lot Coverage		30%
Average Minimum Lot Area	Single and Two Family Dwellings	60,000 square feet
Average Minimum Lot Area	Multiple Family Dwellings	2 acres for first 4 units plus 2,500 square feet for each unit over 4. Net density shall not exceed four (4) units per acre
Average Minimum Lot Width		200 feet
Minimum Floor Area	Single and Two Family Dwellings	1,000 square feet UFA with at least 600 square feet UFA on ground floor
Minimum Floor Area	Multiple Family Dwellings	800 square feet UFA per unit

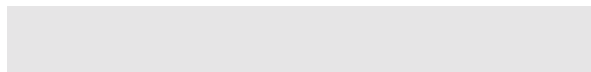
4. **Signs** shall be permitted, and regulated to meet the standards of the most restrictive zone district in which the use requiring the sign is permitted. However, the **Planning Commission** and **Township Board** may permit a variation of those standards as part of the PUD approval.

5. Parking requirements shall be as required in Chapter 15.

6. Utilities shall be installed underground, whenever reasonably possible.

**SECTION 12.05
RESIDENTIAL CLUSTER
DEVELOPMENT REGULATIONS**

The PUD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of **significant natural features**, large open spaces, or active agricultural land that would otherwise be developed.



A. In addition to the provisions of Section 12.04, residential cluster developments shall also comply with the following Qualifying Conditions:

1. The minimum development size shall be forty (40) acres unless the **Planning Commission** determines that a lesser acreage is appropriate to achieve the intent and purpose of the PUD.
2. The applicant must demonstrate that the property proposed for the cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed, but is preserved as a result of the development.
3. Not less than fifty percent (50%) of the total gross area of the site shall remain in open space.
4. The site must comply with the following Development Regulations:

a. The minimum **lot area, width, setbacks and yard** requirements for any lot designated for residential use shall be determined by the **Township Board**, upon recommendation of the **Planning Commission**, but in no case shall be less than the following:

Lot size	30,000 square feet
Front yard	50 feet
Side yard	10 feet
Rear yard	20 feet
Lot coverage	25%
Lot width	110 feet

b. Land not proposed for development, but used in calculating density, shall be designated on the PUD plan and considered open space. These lands shall be deed restricted, or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of this Chapter.

c. Except as noted in d, below, the total developed density of the residential cluster development shall not exceed one (1) **dwelling unit** per one and one-half (1½) acres.

d. A density increase of an additional twenty-five percent (25%) of the permitted number of **dwelling units** shall be granted if all units within the cluster development utilize a common domestic water and sanitary sewer system.

e. Minimum floor area and height regulations for **dwelling units** shall conform to the R-1 District requirements.

f. No **two-family, multiple family, or commercial** uses shall be permitted as part of the residential cluster development.

B. The following review standards will be used by the **Planning Commission** and the **Township Board** in their consideration of a residential cluster development. Before the development may be approved the **Township Board** shall find:

1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;

2. That the location of the **buildings** of the residential cluster development do not unduly impact other **single family** uses in the vicinity of the proposed development;

3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as **significant natural features**, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;

4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewage and can provide an adequate, assured source of water for domestic use.

a. The **Planning Commission** and **Township Board** may require specific evidence that groundwater sources will be protected, and that other environmental concerns are met. Approval of the Washtenaw County Department

of Environment and Infrastructure Services or other agencies, will be required to develop the site, but will not be the sole determining factor in examining the groundwater and environmental concerns on the site.

b. The **Planning Commission** or **Township Board** may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the PUD. Additional studies may be required where one (1) or more of the following conditions are present:

- (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PUD is to be placed, or on lots or parcels within a one (1) mile radius of the PUD site.
- (2) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act), and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PUD site.

(3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PUD site.

(4) Industrial use or zone sites within a one (1) mile radius of the PUD site.

(5) Existing residential development within a one (1) mile radius of the PUD site that equals or exceeds a gross density (total acres divided by number of **dwelling units**) of one unit for every one and one-half (1.5) acres.

(6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PUD site.

**SECTION 12.06
CONDITIONS OF APPROVAL**

A. As part of an approval to any PUD, the **Planning Commission** and **Township Board** may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.

B. Conditions shall be related to, and ensure that the review standards of this Chapter are met.

C. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.