

Article 10

Development Options

SECTION 10.1- INTENT, OBJECTIVES AND APPLICABILITY

- A. The standards and regulations of the various zoning districts included in this Ordinance are primarily intended to address the usual circumstance of a principal use and associated building being established on a lot. In these circumstances, the requirements of the applicable zoning district are most appropriate and are to be applied. In certain development proposals, however, these requirements might result in a site design and use arrangement that is less in the interest of public health, safety, and welfare than could be achieved if a controlled degree of flexibility in the land regulations were allowed.
- B. The provisions of this Article are intended to provide requirements and standards for the submission, design, review and approval of development projects under alternative development standards in various zoning districts throughout the township. It is also the intent of this Article to provide a stable and sound policy environment that will encourage a more imaginative and creative approach to land development through flexible and innovative regulations.
- C. The objectives of this Article are to:
1. encourage a greater compatibility of design and use between neighboring properties;
 2. recognize and promote a pattern of development that will allow future development to occur while simultaneously preserving the open space and rural character of the township;
 3. provide a more desirable living environment by preserving the natural characteristics of open fields, stands of trees, flood plains, bodies of water, and similar assets;
 4. preserve woodlands, wetlands, and steep slopes that because of their natural physical features are useful as water retention areas, water filtration areas, buffering systems for other water bodies, groundwater recharge areas, and plant and wildlife habitat;
 5. allocate lands within the township to accommodate dwelling units with shared open spaces and recreation areas;
 6. develop common open space areas and recreational facilities in a central location within reasonable distances of all dwelling units;
 7. ensure the continued desirability and stability of the township by encouraging variety in the physical development of the township through a mixture of housing types and forms;

8. provide for economically viable levels of development while preventing densities so great that new infrastructure and public services become necessary; and
 9. provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for township residents.
- D. The following development options are available and may be approved provided all eligibility and other requirements of this Ordinance are satisfied and all applicable review standards are met.
1. Planned Residential Developments (PRD): Planned Residential Developments are a permitted use within the Agricultural/Rural, Medium Density Residential, High Density Residential and Resort Commercial Districts. Planned Residential Developments shall undergo site plan review and approval by the Planning Commission in accordance with Article 11 of this Ordinance.
 2. Open Space Preservation Developments (OSP): Open Space Preservation Developments are a permitted use within the Agricultural/Rural, Medium Density Residential, High Density Residential, and Resort Commercial Districts. OSP applications shall undergo site plan review and approval by the Planning Commission in accordance with Article 11 of this Ordinance.
 3. Planned Unit Developments (PUD): Planned unit developments may be permitted as a special land use in any zoning district within the township following approval by the Planning Commission in accordance with Article 12 of this Ordinance and this Article.
 4. Alternative Standard Land Divisions: Alternative standard land divisions are a permitted use only within the Agricultural/Rural District. Alternative standard land divisions shall require review only by the Zoning Administrator.

SECTION 10.2- PRD, OSP, AND PUD DESIGN PRINCIPLES

- A. The Design Principles for the alternative development regulations of this Article are intended is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment.
- B. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed alternative developments.
 1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
 2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster for projects of less than 50 dwelling units and not more than 10-15 for projects with 50 or more dwelling units. Open

spaces between clusters should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.

3. The development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
4. Open space should generally be accessible from as many places within the development as possible, rather than limited to individual easements between lots.
5. The overall design of the Open Space Development should emphasize the rural character of the township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and uniform rows of homes.

SECTION 10.3- PRD, OSP, AND PUD GENERAL REQUIREMENTS

- A. All land for which application is made must be owned by, or be under the control of, one (1) person at the time of application and approval, and the parcel must be capable of being planned and developed as a single integral unit, (although full development may take place in phases) thereby qualifying for regulation as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
- B. Minimum site requirements:
 1. OSP and PUD:
 - a. Twenty (20) acres in the Agricultural/Rural Residential and Resort Commercial Districts.
 - b. Five (5) acres in any other Zoning District.
 2. PRD: Ten (10) acres.
- C. Residential Base Density.
 1. Base Density: The maximum base residential density and number of dwelling units permitted shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan, though conceptual, shall be a plan that would otherwise be approvable by the Township under normal requirements of the Zoning Ordinance and Land Division Act, as applicable.
 2. The parallel plan shall meet the following minimum requirements:

- a. The parallel plan shall contain the information required for a preliminary site plan in Section 11.4, but in any case shall contain enough information to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
 - b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that meet all lot requirements of the district, have areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and sufficient area to accommodate required driveways, streets, or other means of access.
 - c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
3. Following evaluation of the parallel plan the Planning Commission shall establish the maximum number of dwelling units that will be permitted in the proposed development.
- D. Open Space Requirements.
1. Open space identified for preservation and/or protection through any of the development options in this Article shall only be used for agriculture, forestry, recreation, protection of natural resources, or similar conservation purposes. Open space incorporating existing orchards shall be required to provide a maintenance agreement for the continued operation of the orchard.
 2. Open space areas may remain with the original master parcel, a homeowners' association, a land conservancy, a unit of government, or any other individual or group. Where retained by a homeowners' association or with the original master parcel and an existing residential use exists on the site, one (1) dwelling unit shall be deducted from the maximum number of dwelling units to account for the residential use.
 3. Open space areas shall be covered by a conservation easement prohibiting their future development and their future splitting into parcels of less than forty (40) acres. The conservation easement may be held jointly by the Township and either the landowner (a homeowners' association or individual) or a recognized local land conservancy, or both.
 4. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
 5. Any open space must be located, sized, and dedicated in a manner acceptable to the Township. The Township shall not be obligated to accept or approve open space lands having no conservation, environmental, or recreational value as determined by the Township.

6. Any improvements required to the open space must be undertaken and completed by the applicant prior to their dedication to the Township or other appropriate body, as determined by the Township Board.
- E. Development Setback.
1. Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least three hundred (300) feet from any public street right-of-way not constructed as part of the development.
 2. No native or natural vegetation shall be removed from the three hundred (300) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation and substitution by new landscaping would contribute significantly to the intent, objectives and design principles of this Article.
 3. The Planning Commission may reduce the development setback if existing landscaping provides a natural screen, or the proposed development provides a landscape screen. In no case shall the setback be less than one hundred (100) feet. The landscape screen, if provided, shall meet all of the following minimum requirements:
 - a. Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - b. Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - c. Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - d. Consist of existing vegetation, land forms, or newly landscaped areas using native or natural materials, or a combination thereof.
 4. Sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- F. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall be met.

SECTION 10.4- PRD, OSP, AND PUD REVIEW STANDARDS AND APPROVALS

- A. The Planning Commission shall review any request for a PRD, OSP, or PUD to determine its conformance with the following:
1. All standards and requirements for site plan approval, as required in Article 11.

2. The development will be compatible with adjacent land uses and the natural environment.
 3. The development is warranted by the design of open space and/or additional amenities made possible by the proposal. To the extent practical, existing fields, pastures, and orchards are preserved and maintained to create buffers between residential and agricultural land uses;
 4. New construction, where possible, avoids open fields by utilizing locations adjacent to or within existing treelines, wooded field edges, and forested areas;
 5. Existing trees are retained, or new plantings are made and maintained, to soften the visual impact of new construction on adjacent existing land uses;
 6. Historic, archaeological, and cultural sites of value are preserved or incorporated into the development design;
 7. New construction is not sited on prominent hilltops or ridgelines as seen from public roads or waters; and
 8. Protected open space lands are contiguous and not fragmented throughout the development.
 9. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety, and welfare of the Township residents;
 10. The development consolidates and maximizes useable open space;
 11. Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to create a pleasant pedestrian scale outdoor environment;
 12. Vehicular and pedestrian circulation allowing safe, convenient, uncontested, and well defined circulation within and access to the development shall be provided; and
 13. The spirit and intent of this Ordinance and the Township's goals as stated in the Master Plan.
- B. The Planning Commission may deny, approve, or approve with conditions, any application for a PRD, OSP, or PUD.
- C. Approval may be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations, or requirements upon which approval is based shall be:
1. Reasonable and designed to protect natural resources and/or the health, safety, and welfare of the public;
 2. Relevant to the social and economic well-being of the owners and occupants of the parcel in question, of adjacent parcels, and the community as a whole;
 3. A valid exercise of the Township police power;
 4. Related to the purposes which are affected by the proposed use or activity;
 5. Consistent with the intent and purpose of this Ordinance;
 6. Designed to ensure compatibility with adjacent uses of land and the natural environment; and
 7. Designed 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 such use.
- D. The decision of the Planning Commission shall be incorporated in a written statement containing at a minimum the following:

1. The conclusions that specify the basis for the decision and for any conditions imposed;
2. The decision; and
3. The conditions of approval, if applicable.

SECTION 10.5- PRD, OSP, AND PUD AMENDMENTS

- A. The determination of whether a change constitutes a major amendment or a minor change shall be at the discretion of the Zoning Administrator, using the considerations of Section 11.7. Minor amendments to an approved site plan may be approved by the Zoning Administrator after construction has begun.
- B. However, the Zoning Administrator may, at his discretion, refer the request to the Planning Commission for approval of a minor amendment. The Zoning Administrator (or Planning Commission, as appropriate) may approve the minor amendment provided that all requirements of this Ordinance are met.
- C. Major amendments to a Planned Residential Development, Open Space Preservation Development, or a Planned Unit Development shall be handled in the same manner as the initial application.
- D. Minor, non-substantive changes may be made to the approved development by mutual agreement between the Township and the applicant, without further public hearing, if done prior to the issuance of an occupancy permit for the use affected by the change.

SECTION 10.6- PLANNED RESIDENTIAL DEVELOPMENT (PRD)

- A. It is the purpose of this Section to encourage more imaginative and livable housing environments within the Agricultural/Rural, Medium Density Residential, High Density Residential and Resort Commercial Districts through a planned reduction of the individual lot area requirements for those district(s), provided the requirements and standards of this Section are satisfied.
- B. PRD Requirements.
 1. Uses within a PRD shall be limited to those residential uses permitted by the underlying zoning district.
 2. The residential density of a PRD shall not exceed the base density determined by the parallel plan in accordance with Section 10.3, C.
 3. A minimum of fifty percent (50%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least fifty percent (50%) of the parcels gross buildable area. In no case shall the protected open space be less than the amount of land gained through the reduction of lot sizes.
 4. The provisions of this section may be implemented by reducing the minimum lot area and lot width requirements of the District in which the PRD is located by not more than fifty percent (50%), provided that the minimum lot area requirement

shall not exceed one (1) acre and the minimum lot width requirement shall not exceed one hundred (100) feet.

5. The minimum setback provisions of the District in which the PRD is located shall continue to apply to all parcels created under the provisions of this Section.
6. All wetlands, floodplains, and steep slopes of eighteen percent (18%) or greater shall be preserved and protected from clearing, grading, filling, or construction;
7. Impacts on woodlands comprising five (5) or more acres are minimized by restricting the area of each lot or unit that may be cleared of trees to not more than twice the footprint of the dwelling constructed;
8. An upland buffer or natural native vegetation meeting the riparian buffer requirements of Article 6 at least one hundred (100) feet in depth, shall be maintained or created adjacent to all lakes, rivers and streams.
9. Rural roadside character shall be preserved through the use of a single common drive or private road, developed in accordance with the Township's private road ordinance as an alternative to driveway access to the existing public road system.

C. Bonus Density

1. Additional density may be permitted provided for PRDs that incorporate significant natural resource protection into their design or where additional open space is provided beyond the minimum requirements of the PRD option.
2. The bonus density shall be considered only in accordance with the following chart. In no case shall the density bonus exceed fifty percent (50%) of the base density.

Facility/Open Space Provided		Density Bonus
Open Space	55% open space	10%
	60% open space	20%
	65% open space	30%
Providing walking trails/pathways through the entire PRD.		Up to 10%
Providing active recreation areas (ball field, tennis court, tot lot, swimming pool, etc.) at a ratio of at least one facility per 25 dwelling units.		Up to 20%
Providing innovative design features, such as traditional neighborhood development, traffic calming measures, and other similar features.		Up to 30%
Community or Public Sanitary Sewer Service		30%
Community or Public Water Service		20%
Community or Public Sanitary Sewer and Water Service		50%

3. For the purposes of this Section, a *community wastewater disposal system* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the PRD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
4. A *community water service system* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the PRD from a central location or water source.

SECTION 10.7- OPEN SPACE PRESERVATION DEVELOPMENTS (OSP)

- A. Purpose: The open space zoning provisions of the Zoning Act are intended to encourage the grouping of dwellings on smaller lots on a smaller portion of an undeveloped tract of land in order to preserve the remainder of the tract as open space or agricultural use. This Section is intended to implement the open space zoning provisions in certain zoning districts as a permitted use, subject to appropriate qualifying conditions.
- B. OSD Requirements.
 1. The residential density of an open space preservation development shall not exceed the base residential density calculated in accordance with Section 10.3, C.
 2. All dwelling units shall be accessed via an interior private road or access easement as permitted under the Township's private road provisions.
 3. A minimum of fifty percent (50%) of the parent parcel or five (5) acres, whichever is greater, shall be set aside as permanently protected open space. This provision may be implemented by reducing the minimum lot area and lot width requirements of Section 6.10 by not more than fifty percent (50%), provided that the lot area shall not exceed one (1) acre and the lot width shall not exceed one hundred (100) feet.
 4. The minimum setback provisions of the Medium Density Residential District shall apply to all parcels created under the provisions of this section.

SECTION 10.8- PLANNED UNIT DEVELOPMENTS (PUD)

- A. Purpose
 1. It is the purpose of this Section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained or are well designed to be integrated into other already developed or committed land uses, are directly accessible from major thoroughfares, and will not have any adverse economic, social, or environmental impact on surrounding land uses.

2. A planned unit development is intended to accommodate developments with mixed or varied uses; on sites with unusual topography or unique settings within the community; or on land that exhibits unusual development challenges. Approval will not be granted when the PUD appears to be sought primarily to avoid the standards and requirements of existing zoning classifications rather than to achieve the objectives of this Section.
- B. PUD Requirements.
1. Allowed Uses
 - a. Permitted Land Uses or Special Land Uses in the underlying zoning district(s).
 - b. Uses not permitted in the district where the land is located, provided that the uses are not provided for elsewhere in this Ordinance and are consistent with the intent of this Section, and the general intent and policies of the Township's master plan.
 2. Dimensional and Location Restrictions
 - a. The Planning Commission shall establish lot sizes, required facilities, buffers, open space areas, density limits, setbacks, height limits, building size limits and lot coverage, off-street parking, landscaping, and other related regulations.
 - b. In determining these requirements the Planning Commission shall ensure that these requirements are consistent with the intent of this Section and this Article.
 - c. In the event that a planned unit development is proposed which does not lie completely within the jurisdictional boundary of the Township, and that portion lying within the Township is less than the minimum parcel size specified in Section 10.3, B the Planning Commission may permit the acreage of those areas lying beyond the Township's jurisdiction to be included in the minimum parcel size.
 - d. Noncontiguous parcels may be considered where the benefit to the public warrants such consideration and would otherwise not be achievable through the development. A written finding to this effect shall be made by the Planning Commission.
- C. PUD Review Procedures.
1. An application for a PUD shall be processed as a Special Land Use using the procedures of Section 12.2.
 2. A Preliminary PUD submittal shall include the following materials, in addition to those of Section 12.2.

- a. Preliminary Plans, meeting the requirements of Section 11.4.
 - b. Draft Development Agreement including, at a minimum, the following:
 - (1) Legal description of the total site;
 - (2) Statement of developer's interest in the land proposed for development;
 - (3) Statement regarding the manner in which the regulated and unregulated open space(s) is to be maintained;
 - (4) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the development, including residential units and recreational facilities;
 - (5) Statement explaining significant content proposed for future covenants, grants of easements (including easements for public utilities), master deed, or other restrictions to be imposed upon the uses of the land and structures; and
 - (6) Schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed.
3. The Planning Commission shall review the preliminary PUD plan submittal, as well as the comments from the Township Attorney, Engineer, Planner and/or Zoning Administrator, and appropriate state and county agencies, and set a public hearing with notice in accordance with the Zoning Act.
 4. Following the public hearing, the Planning Commission shall review the submittal and recommend alterations to the uses/layout/open space area location and configuration, if necessary.
 5. The Planning Commission may approve the preliminary PUD, approve with conditions, or deny the proposal. The preliminary PUD application shall be approved only if:
 - a. The standards of Section 10.4 and the discretionary standards for Special Land Uses, as specified in Section 12.3 are met; and
 - b. The proposed PUD will result in a recognizable and substantial benefit to the ultimate users of the development and to the community that might otherwise be unfeasible or unlikely to be achieved by development under a single zoning district. Benefits may include, but shall not be limited to, the provision and protection of open space and important natural features; wildlife habitat and corridor preservation; the provision of a mix of housing types and/or land uses; innovation in design and project configuration not achievable under a single zoning district; and the provision of additional amenities that would otherwise not be provided in a conventional development.

D. Development Agreement.

1. If the preliminary PUD is approved, the appropriate Township official and a representative of the applicant shall sign the Development Agreement.
 2. This agreement must be duly recorded by the applicant with the County prior to submittal of a final PUD.
 3. The agreement must include the following exhibits: the approved preliminary PUD plan certified by the Township, and the official meeting minutes and detail of all conditions of approval when the PUD was approved.
- E. Final PUD Plan.
1. A final PUD plan for all or a phase of the development shall be submitted within twenty-four (24) months following approval of the Preliminary PUD plan. If no application for a final PUD plan is submitted within that period, approval of the Preliminary PUD plan and Development Agreement shall be null and void and the underlying zoning will take effect.
 2. However, the Planning Commission, upon written application by the developer prior to the expiration date, may extend the approval for not more than two (2) twenty-four (24) month extensions.
 3. The applicant may submit a final site plan for all or a phase of the PUD. The final PUD plan shall be reviewed following the procedures for a final site plan as required in Article 11.
 4. The final PUD plan may include modifications to approved Preliminary PUD Plan provided that the submittal shall not:
 - a. increase the density or intensity of use in any portion of the development; or
 - b. reduce the area set aside for common open space.
 5. Standards for Review: In addition to the review standards of 10.5, C, 5, the Planning Commission shall determine that the following requirements are met before making a decision on the a final PUD plan:
 - a. Provisions, satisfactory to the Township Board, have been made to provide for financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board;
 - b. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board, and
 - c. The final plan for any phase is in conformity with the overall preliminary PUD plan.

SECTION 10.9 ALTERNATIVE STANDARD LAND DIVISIONS

- A. Purpose: It is the purpose of this section to encourage more efficient use of rural lands and protection of open space and agricultural land uses within the Agricultural/Rural District through a planned reduction of the individual lot area requirements for the district, provided the base residential density for the district is not exceeded and the requirements of this Section are satisfied.
- B. Alternative Standard Land Division Requirements
1. The application shall be a land division application under the Land Division Act.
 2. The land division shall have been otherwise permitted by the underlying standards of the Agricultural/Rural District. Approval shall not be interpreted to permit additional land divisions than would otherwise have been permitted by the underlying zoning district requirements.
 3. The minimum lot area and lot frontage requirements of the Medium Density Residential District shall apply. The minimum setback provisions of the Agricultural/Rural District shall apply to all parcels created under the provisions of this Section.
 4. All open space and/or agricultural land saved by a reduction in the minimum lot area and lot frontage requirements, when compared to the Agricultural/Rural District requirements, shall be protected from further division or development by a recorded easement or agreement that acknowledges the utilization of land division rights for those lands through the alternative standard land division option of this Ordinance. A provision in the recorded easement or agreement shall state that it cannot be released without specific authorization of the Township and shall be established prior to final approval of the land division.
 5. The location of alternative standard land divisions shall avoid prominent hilltops or ridgelines, as seen from public roads or waters, and whenever possible shall not be located in open fields but should be located adjacent to treelines, wooded field edges, or in forested areas.
 6. When four (4) or more land divisions are proposed, a single common drive or private road in accordance with the Township's private road ordinance shall be required.
 7. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.