

## ARTICLE 25.00

# PD, Planned Development

### ***Section 25.01 - Intent***

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It is the intent of this Article to authorize the use of planned development regulations for the purposes of encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this Township; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with the Township's Master Plan.

The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Article to insure appropriate, fair, and consistent decision making.

### ***Section 25.02 - Eligibility Criteria***

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To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

**A. Recognizable Benefits**

The planned development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.

**B. Minimum Size**

The minimum size of a planned development shall be twenty (20) acres of contiguous land. However, in the interest of maximizing the use of Planned Development as a tool to promote high quality planning and development, the Township Board, upon recommendation from the Planning Commission, may permit a smaller planned development if: (a) the proposed project has unique characteristics and benefits, and/or (b) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.

In such case, the applicant shall submit a letter to the Township requesting a waiver of the minimum planned development size requirements. The request shall be submitted prior to submittal of a site plan and application for planned development approval. The Planning Commission shall review the request and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the planned development size requirements.

**C. Use of Public Services**

The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.

**D. Compatibility with Master Plan**

The proposed development shall not have an adverse impact upon the Master Plan for the Township. Notwithstanding this requirement, the Township may approve a Planned Development proposal that includes uses which are not called for on the Future Land Use Map, provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified in light of the current planning and development objectives of the Township.

**E. Economic Impact**

The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

**F. Unified Control**

The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this Ordinance.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

**G. Preservation of Natural Features and Rural Character**

The proposed development shall preserve natural features and the rural character of the Township to the maximum extent feasible. In the case of single family residential development, this may be accomplished by implementing principles of "rural cluster zoning" and "rural open space environment".

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**Section 25.03 - Project Design Standards**

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Proposed planned developments shall comply with the following project design standards:

**A. Location**

A planned development may be approved in any location in the Township, subject to review and approval as provided for herein.

**B. Permitted Uses**

Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that:

1. The predominant use on the site shall be consistent with the uses specified for the parcel on the Township's Future Land Use Map.
2. There shall be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area.
3. Nonresidential uses shall be separated and buffered from residential units in a manner that is consistent with good site design and planning principles.
4. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

**C. Residential Density**

The overall density of residential uses within a planned development shall not exceed the density that could be achieved with the underlying zoning (see definition of "underlying zoning" in Section 1.03). In determining the density achievable with the underlying zoning, only the net buildable area of the site shall be considered. The "net buildable area" consists of the portion of a site which is not encumbered by regulated wetlands, steep slopes, existing and proposed road rights-of-way (including proposed road rights-of-way within the development), easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes. To assist in determining net buildable area, the applicant shall submit an alternate plan that shows how the site could be developed economically and legally under the underlying zoning.

An increase in density may be permitted by the Township Board, upon recommendation from the Planning Commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics which the Planning Commission and Township Board may consider in making this determination are the following:

1. The planned development exhibits extraordinary design excellence, examples of which include, but are not limited to: innovative energy efficient design; provision of additional open space above the required amount; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.

2. The planned development would include certain public facilities, such as a sewer treatment plant or public water system, to enhance the long-term viability of the project and allow for more efficient use of the land.
3. The proposed arrangement of uses and residential densities within the planned development enhances the compatibility of proposed development with existing or planned land use on adjacent land.
4. Implementation of design approaches to achieve or preserve a Rural Open Space Environment. One such design approach, by way of example, might be Rural Cluster Zoning (see definitions of "Rural Open Space Environment" and "Rural Cluster Zoning" in Section 1.03).

**D. Dimensional Standards**

1. **Setbacks**

Planned developments shall comply with the following minimum yard setback requirements:

	Residential Use	NonResidential Use
Along perimeter adjacent to public road	50 ft.	50 ft.*
Along perimeter, but not adjacent to a road	35 ft.	40 ft.
Along an internal collector or local road	40 ft.	50 ft.
Along an internal thoroughfare road	50 ft.	50 ft.*
Between parking lot and property line		
• Adjacent to road	50 ft.	50 ft.
• Not fronting on road	20 ft.	20 ft.

\* Industrial uses shall be set back a minimum of 75 feet.

Modification to these yard setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

2. **Lot Size**

Residential dwelling units in planned developments served by individual septic systems shall have a minimum lot size of 0.75 acres (32,670 sq. ft.), unless a larger lot size is required by the Ingham County Health Department to satisfy the need for septic fields.

**E. Distances Between Buildings**

Buildings within a planned development shall comply with the following spacing requirements:

1. Any detached single family structure (or accessory structure thereto) shall be located at least thirty (30) feet from any other detached single family structure (or accessory structure thereto).
2. The minimum rear yard setback and minimum lot size for detached single family structures and accessory structures thereto in a planned development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.
3. Residential buildings containing more that one unit (i.e., apartments, townhouses, attached dwellings) shall conform to the spacing requirements set forth in Section 8.03(B).
4. Nonresidential buildings shall be located at least one hundred (100) feet from any residential buildings. This standard shall not apply to garages and other permitted structures that are accessory to a single family structure.
5. The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping.

Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

**F. Building Height**

Buildings within a planned development shall not exceed thirty-five (35) feet in height.

**G. Parking and Loading**

Planned developments shall comply with the parking and loading requirements specified in Article 4.00 of the Zoning Ordinance.

**H. Landscaping**

Planned developments shall comply with the following landscaping requirements:

1. **General Site Requirements.** All unpaved portions of the site that are not left in a natural state shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road shoulder or curb edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.
2. **Landscaping Adjacent to Roads.** All commercial, office, industrial, and multiple family uses shall comply with the requirements for landscaping adjacent to roads in Section 5.02, sub-section B.
3. **Berm Requirements.** Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a berm may be required to screen the parking from view of the road. The berm shall be a minimum of two (2) feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.
4. **Screening.** Screening in the form of a landscaped berm, greenbelt, wall or fence shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park, or similar public area. A landscaped berm or greenbelt is preferred rather than a wall or fence by itself. Depending on the design, a wall or fence with some landscaping could be found to be equally desirable.

Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall or fence is used instead of landscaping, the following requirements shall be complied with:

- a. **Location**  
Required obscuring walls or fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall or fence shall be placed on the utility easement line located nearest the property line.
  - b. **Time of Construction**  
Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence.
  - c. **Corner Clearance**  
No wall or fence shall be erected that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway.
  - d. **Wall Specifications**  
Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.
  - e. **Fence Specifications**  
Fences used for screening shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.
  - f. **Height Requirements**  
Walls or fences used for screening shall be a minimum of 4.5 feet in height.
5. **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall be provided with interior landscaping in compliance with Section 5.02, sub-section F.

6. **Standards for Plant Material.** Proposed plant materials shall comply with the standards set forth in Section 5.04.
7. **Treatment of Existing Plant Material.** In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general, subject to the regulations in Section 5.06.
8. **Variation from Specific Requirements.** The Township Board, upon receiving a recommendation from the Planning Commission, may allow variation from the specific requirements set forth herein, upon finding that the substitute landscaping is in keeping with the spirit and intent of this Article, and has equal landscape value as the required landscaping. In evaluating landscape values, the Township Board and Planning Commission shall consider preservation of natural features, aesthetic qualities, numbers of plants, and similar considerations.

### I. Open Space Requirements

Planned developments containing a residential component shall provide and maintain usable open space that is accessible to all residents, which shall comply with the following requirements:

1. A minimum of thirty-three percent (33%) of the gross area of the site or portion thereof that is designated for residential use shall be set aside for such common open space. The boundaries of the gross site area shall encompass buildings, roads, sidewalks, landscaping, natural areas, water bodies, and other features that are an integral part of the residential development plan.
2. Reduction in lot area below the minimum lot area specified by the underlying zoning shall be set aside and reserved as permanent open space to the maximum feasible extent, recognizing that a portion of the parcel must be set aside for roads, stormwater detention, and other facilities.
3. Open space shall be located on the parcel to meet the following objectives:
  - a. To preserve distinctive natural features and rural characteristics.
  - b. To preserve farm lands.
  - c. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
  - d. To maintain open, rural character along main roads.
4. No more than twenty-five percent (25%) of the required open space shall be used for active recreation facilities, such as swimming pools, tennis courts, trails etc.
5. Any pervious land area that is available for the common use of all residents may be included as required open space, except as follows:
  - a. No more than twenty five percent (25%) of the required usable open space shall include the area of any water bodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or "wet" meadows). Required usable open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.
  - b. Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.
6. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:
  - a. Indicate the proposed use(s) of the required open space.
  - b. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned development will be accommodated.

- c. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
  - d. Provide maintenance standards and a maintenance schedule.
  - e. Provide notice of possible assessment to the private property owners by the Township of Williamstown for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.
  - f. Be recorded with the Ingham County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Planned Development.
7. Notwithstanding the requirements cited above, open space may be redeveloped for another purpose subject to the following conditions:
- a. The redevelopment of open space shall require an amendment to the Planned Development plan in accordance with the procedures in Section 29.04, and shall therefore constitute an amendment to the Zoning Ordinance which shall be subject to the right of petition and referendum by the electors of the Township, as provided for by current Michigan law.
  - b. Redevelopment of open space shall not be permitted for the first twenty-five (25) years after the date of the initial approval of the Planned Development plan by the Township Board. Commencing on the twenty-fifth (25th) anniversary of the initial approval, and at every subsequent twenty-five (25) year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the open space may be submitted for review and action by the Township. Proposals to redevelop may not be submitted at any other time except during these one (1) year periods.
  - c. In the event that a proposal to redevelop open space is properly submitted during an appropriate one (1) year time frame, the Township shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.
  - d. Proposals to redevelop open space shall require the written consent of at least ninety percent (90%) of all persons having an interest in the property contained in the Planned Development at the time the proposal is submitted.
  - e. The overall density of residential development proposed for redeveloped open space shall not exceed the density that could be achieved with the underlying zoning that was in place at the time the original planned development plan was adopted (see Section 25.03(C) and definition of "underlying zoning" in Section 1.03).
  - f. These provisions for redevelopment of open space may be included in the conveyance described in the preceding subsection (I.6).

#### **J. Frontage and Access**

Planned developments shall front onto a paved road and the main means of access to the development shall be via the paved road. The nearest edge of any entrance or exit drive shall be located no closer than four hundred (400) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

Each residential lot shall have frontage on, and each residential dwelling unit shall have direct access to, an approved public road. Individual residential dwelling units in a planned development shall not have direct access onto a major thoroughfare, collector road, or state trunkline. The planned development should be designed so that through-traffic, including traffic generated by commercial uses within the planned development, is discouraged from traveling on residential streets.

#### **K. Natural Features**

The development shall be designed to promote preservation of natural resources and features. If natural animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may require that the planned development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent (100%) of any preserved natural area may be counted toward meeting the requirements for open space, as long as the requirements of Section 25.03(I)(5.a.) are met.

**L. Pedestrian Access**

Sidewalks shall be provided along all collector and arterial roads within the planned development. The Township Board, upon recommendation from the Planning Commission, may waive the requirements for sidewalks if pathways or another means of pedestrian circulation are provided through the development.

**M. Special Use Standards**

Proposed uses that are permitted under conventional zoning subject to Special Land Use approval shall comply with the development standards for such uses as set forth in Section 29.03 of the Zoning Ordinance and in the regulations for each district. In evaluating such uses, the Planning Commission and Township Board shall consider the **Standards for Granting Special Land Use Approval for Special Uses** in Section 29.03 of the Zoning Ordinance. The Township Board, upon recommendation from the Planning Commission, may waive, modify, or expand upon the development standards for such uses, upon making the determination that such action would result in higher quality development within the context of the proposed Planned Development. Even if a Special Land Use is included in a proposed Planned Development project, Planned Development review procedures in this Article shall supersede and replace the Special Land Use review procedures in Section 29.03.

**N. Additional Considerations**

The Planning Commission and Township Board shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playgrounds and other areas used by pedestrians are insulated from roads, drives, and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin residentially used or zoned property.

**Section 25.04 - Procedures and Requirements**

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The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PD, Planned Development". Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

**Section 25.05 - Review and Approval Standards**

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In considering any application for approval of a planned development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for Planned Development approval set forth in Section 29.04, as well as the following standards and requirements:

**A. Conformance with the Planned Development Concept**

The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.

**B. Compatibility with Adjacent Uses**

The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

**C. Public Services**

The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

**D. Impact of Traffic**

The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

1. Access to major thoroughfares.
2. Estimated traffic to be generated by the proposed development and the potential increase in traffic congestion.
3. Proximity and relation to intersections.
4. Adequacy of driver site distances.
5. Location of and access to off-street parking.
6. Required vehicular turning movements.
7. Provisions for pedestrian traffic.
8. Proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts.

**E. Protection of Natural Environment**

The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.

**F. Compatibility with the Master Plan**

The proposed planned development shall be consistent with the general principles and objectives of the adopted Township Master Plan.

**G. Compliance with Applicable Regulations**

The proposed planned development shall be in compliance with all applicable Federal, state, and local laws and regulations, including but not necessarily limited to Special Land Use standards as noted in Section 29.03 and applicable General Provisions in Article 2.00 of the Zoning Ordinance.

**Section 25.06 - Phasing**

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned development and the residents of the surrounding area.

In addition, proposed phasing shall comply with the following requirements:

**A. Coordination of Residential and Non-Residential Components**

In developments which include residential and non-residential components, the residential component shall be completed at the same rate or prior to the non-residential component. For example, if fifty percent (50%) of the non-residential component is proposed to be completed in a certain phase, then at least fifty percent (50%) of the residential component should be completed in the same phase. One hundred percent (100%) of the residential component shall be completed prior to the final phase of non-residential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component, where the intent is to sell lots or building sites to others who will construct the housing units.

The purpose of this provision is to ensure that planned developments are constructed in an orderly manner and, to ensure that the planned development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each



use. Such percentages may be varied should the Township Board, upon recommendation from the Planning Commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

**B. Commencement of Construction**

Construction of any facility may commence at any time following site plan approval per Section 29.02, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the planned development. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site. For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.

**C. First Phase Projects**

Notwithstanding the above provisions, if proposed as a part of the planned development, sewer and water treatment facilities shall be completed in the first phase.

**Section 25.07 – Penalties and Enforcements**

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Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.