

WASHINGTON TOWNSHIP
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 102-FF

AMENDMENT OF WASHINGTON TOWNSHIP ZONING ORDINANCE

TITLE

AN ORDINANCE amending the Washington Township Zoning Ordinance, being Ordinance No. 102, of the Washington Township Ordinances, as amended, to provide for planned unit developments of land to encourage innovation through an overall development plan to provide variety in design layout, to achieve economy and efficiency in the use of land, natural resources, public utilities and to encourage the creation of useful open space areas, and repealing any and all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF WASHINGTON,
MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1 - AMENDMENTS

The Washington Township Zoning Ordinance, being Ordinance No. 102 of the Washington Township Ordinances, as amended, is hereby further amended as follows:

ARTICLE

ARTICLE 2 (General Provisions) is hereby amended to include the following:

Section 190.246. Planned Unit Developments.

- A. **Purpose and Intent.** The Planned Unit Development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the Ordinance. The specific objectives of this Article are to:
- Require innovation in land use and variety in design, layout and type of structures constructed, while preserving the intent and integrity of the Township Master Plan.
 - Preserve significant natural resources.

- Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
- Require the preservation of useful open space.
- Permit flexibility in the placement, lot area and building type regulations, while assuring the application of sound site planning standards.

B. General Requirements. These Planned Unit Development (PUD) regulations shall apply to all proposed Planned Unit Development projects. Where there are conflicts between the PUD regulations and general zoning, subdivision, or other Township regulations or requirements, the PUD regulations shall apply for the project.

1. A PUD project may be permitted in any zoning district subject to Township approval.
2. A PUD project shall follow the same public hearing procedure as a special land use.
 - a. The public hearing for the proposed PUD development shall be held during the formal PUD application review phase.
 - b. A sign shall be posted on the subject site indicating that a PUD development is proposed. Such sign shall be placed on the site at the time the formal PUD application has been submitted. The sign shall be the same size as that which is required for the posting of a sign under a rezoning request.
3. All requirements of the underlying zoning district including but not limited to, setbacks, uses and density/area regulations shall be met by the proposed PUD unless specifically waived by the Planning Commission and Township Board. In waiving these requirements the Township will, at a minimum, consider the criteria outlined in subsection C.3.
4. A parcel of land proposed for a PUD in any residential zone shall be a minimum of forty (40) acres in size. A parcel of land proposed for a PUD in any non-residential zone shall be a minimum of five (5) acres in size.
5. A minimum of 15% of the net developable area of the land shall be irrevocably dedicated as open space. The dedication shall be evidenced by a recordable instrument acceptable to the Township Attorney. All undevelopable areas including open bodies of water and regulated wetlands shall not be counted towards the net developable area of land.
6. On residentially zoned properties, nonresidential uses shall not occupy an area that exceeds 25% of the gross acreage of the entire parcel of land.

C. Review Procedures.

1. **Conceptual Review.** Prior to the formal submission of a PUD application, the applicant shall submit a site plan for conceptual review. The plan shall show the entire PUD concept in schematic form, indicating generalized land use areas and their relationship to each other, circulation patterns and generalized existing site characteristics.
 - a. The Planning Commission shall review the plan with the applicant, offer comments on such plan as it relates to the Township's development policies and make appropriate comments or suggestions concerning the proposed development scheme.
 - b. This phase shall not be construed to require approval of the conceptual plan by the Township. Further, the conceptual plan is only intended to be used as a general guide to both the applicant and the Township.
 - c. Upon completion of the conceptual review phase, the applicant may proceed with a formal submission of the PUD application, as outlined within this Ordinance.
2. **Formal PUD Application.**
 - a. **Application.** The owner of the property shall submit an application for a PUD on a form approved by the Township. The application shall include all information necessary to satisfy the terms and conditions of this Section 190.246.
 - b. **Development Agreement.** An application for a PUD must include a proposed development agreement for review and consideration by the Planning Commission. The final development agreement must be approved by the Township Board. The development agreement shall include, at a minimum, the following:
 - (1) The permitted uses of the property.
 - (2) The permitted density and/or intensity of the proposed use.
 - (3) Provisions for reservations or dedications of land for public purposes, if applicable.
 - (4) Terms, conditions, restrictions and requirements upon which approval is based, including phasing requirements, requirements for on-site or off-site improvements and contributions to improvements for public facilities if applicable
 - (5) A time frame for commencement and completion of improvements associated with the PUD, including both public infrastructure improvements and internal site improvements, along with the means of insuring that all public improvements are constructed and maintained.
 - (6) A statement indicating that, except as otherwise provided by the

agreement, regulations governing permitted uses of land, density, design, improvement and construction standards and specifications applicable to development of the land shall be the regulations in force at the time.

c. *Additional Requirements.* In addition to the application requirements set forth in subsections (a) and (b), the applicant shall provide the following documents with the application:

- (1) A site plan meeting all submission requirements of Article 7 Section 190.702, Site Plan review requirements of the Washington Township Zoning Ordinance.
 - (a) Residential site plans shall include the street layout and the number and type of dwelling units proposed for each phase. A Yield Plan may be required by the Planning Commission to determine the number of units an applicant could achieve under the conventional standards of the Zoning Ordinance. The yield plan shall meet all applicable requirements of the State Land Division Act and all applicable Township ordinances. The yield plan shall also meet all requirements of the Washington Township Land Division Regulations Ordinance, as applicable to the type of development.
 - (b) Non-residential phases shall include at least the building footprint, street layout, square footage of each structure, and the location and number of spaces in all parking areas.
- (2) A development impact statement meeting the requirements of Section 190.704 of the Washington Township Zoning Ordinance.
- (3) A phasing plan, if applicable. Phasing shall be provided in such a manner to ensure overall compliance with the overall PUD.
- (4) A description of all landscaping, lighting and architectural themes and materials used for each building including architectural renderings.
- (5) A coordinated sign package.
- (6) Legal documents in recordable form including but not limited to:
 - (a) Master Deed and Bylaws which incorporates the associations involved in the PUD and includes the following:
 - i. The establishment of voting rights within the PUD.
 - ii. Maintenance language for all common areas.
 - iii. Special assessment language as approved by the Township.

- (b) Cross access, joint access and shared parking agreements where applicable.
- (c) Conservation easements or other method deemed suitable to ensure the protection of open space areas.

3. *Criteria For Approval.* Upon receipt of a formal application for a PUD, the Planning Commission shall review the application to determine if the proposal meets the eight (8) standards for special land use approval outlined in Section 190.2100 of the Washington Township Zoning Ordinance. In addition to meeting these eight (8) standards, the Commission shall find that the plan addresses the following issues:

- a. A suitable development agreement has been provided outlining the specific design of the site including, parking arrangement, building footprint, building design and materials, landscaping and infrastructure improvements. Said agreement provides the Township with a reasonable guarantee that what will be constructed is what has been agreed to by both the Township and the developer.
- b. The plan provides for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features; and for preservation of desirable natural or historic features. In particular, streets, drives and parking and service areas shall provide safe and convenient on-site circulation, as well as safe and convenient access to dwelling units, general facilities and for service and emergency vehicles.
- c. The Planning Commission shall review the positive and negative impacts of the proposed PUD to determine if the development provides benefits that substantially outweigh that which would be achieved under the conventional standards of the Zoning Ordinance. The following more specific list shall also be considered by the Planning Commission. This list shall not be deemed all inclusive and should act as a guideline for applicants proposing a PUD.

(1) Residential Design

- (a) A significant amount of passive and/or active open space has been provided throughout the site. Additional consideration will be given towards the provision of open space along major roads abutting the development.
- (b) A substantial number of dwelling units within the development abut dedicated open space.
- (c) Trail ways have been located throughout the open space

and link the internal sidewalk/walking path system of the housing development with the open space areas.

- (d) The development provides open space in a manner which encourages the future linkage of open space to adjacent parcels.
- (e) Dwelling units have side, rear, or alley entry garages, or other configurations not opening directly to the street.
- (f) The applicant has provided an architectural theme which promotes varied architectural designs and floor plans. Architectural features such as cupolas, dormers and gables are encouraged along with the design of porches and the use of brick and stone building materials.

(2) Commercial/Industrial Design

- (a) A compatible architectural theme has been provided that provides architectural treatments and maintains durable materials.
- (b) Significant landscaping/open space areas have been provided that enhance/preserve the natural environment of the area.
- (c) Appropriate buffering has been provided that complements/protects surrounding residential neighborhoods.
- (d) The buildings have been designed at such a scale that the overall character of the area has not been compromised.
- (e) Shared driveways, parking areas and connectivity between uses has been taken into account.
- (f) Parking has been provided for in the side or rear yard of the site and does not act as a focal point for development.
- (g) Pedestrian accessibility has been planned for and is an integral part of the overall design.

4. *Decision and Final Approvals.*

- a. The Planning Commission shall recommend to the Township Board approval or denial of the PUD and development agreement presented by the developer after receiving a recommendation from the Township Attorney regarding the draft development agreement.
- b. Following the review and acceptance of the development agreement by the

Township Attorney and the Planning Commission, the PUD and development agreement shall be forwarded to the Township Board with the recommendations made by the Planning Commission and all Township Consultants.

- c. One (1) public hearing shall be held by the Township Board prior to making a decision. A public hearing notice of said PUD public hearing shall be given not less than five (5) days nor more than fifteen (15) days before the date that the application will be considered. All properties within 300 feet of the PUD site shall also be noticed. The Township Board shall consider the comments obtained during the public hearing, as well as the recommendations of all Township Consultants and the Planning Commission in making a decision to approve or deny the PUD and development agreement.
- d. Prior to making a final decision, the Township Board may require revisions to the PUD plan and development agreement, as is deemed necessary to further the objectives of this Section.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION

This Ordinance or a summary thereof shall be published in a newspaper of general circulation in the Township of Washington, within fifteen (15) days after its adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect ten (10) days after the date of publication of a true copy or summary thereof in a newspaper circulating within the Township of Washington, as heretofore provided by Section 4.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Washington Township, Macomb County, Michigan, at a meeting held on the 15th day of March, A.D., 2006

I hereby further certify that the following Township Board members were present at said meeting:

Gary R. Kirsh, Supervisor; R J Brainard, Clerk; Linda S. Verellen, Treasurer,
Wayne Durham, Fred Blonde, Patricia Jamison, and Dennis Stevenson, Trustees

and the following Township Board Members were absent:

None

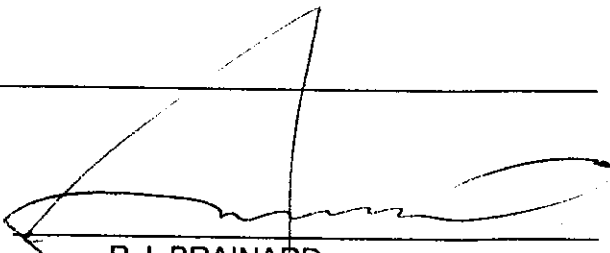
I further certify that Member Brainard moved for the adoption of said Ordinance, and that motion was supported by Member Kirsh.

I further certify that the following Washington Township Board Members voted for the adoption of said Ordinance:

Brainard, Kirsh, Blonde, Stevenson, Durham, Verellen, Jamison

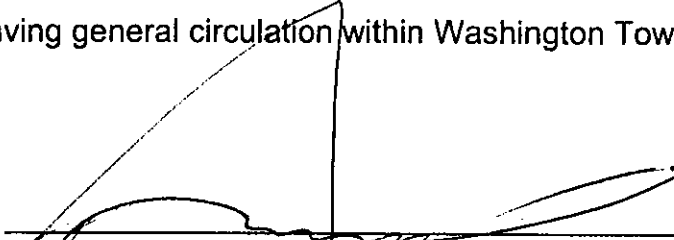
and that the following Washington Township Board members voted against adoption of said Ordinance:

None


R.J. BRAINARD,
TOWNSHIP CLERK

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Washington do hereby certify that on March 29, 2006, a summary of the foregoing Ordinance was duly published in a newspaper having general circulation within Washington Township.



R.J. BRAINARD,
WASHINGTON TOWNSHIP CLERK