

ARTICLE XXI
PLANNED UNIT DEVELOPMENT

ARTICLE 31.10 PURPOSE, AUTHORITY, APPLICABILITY, AND PROCEDURES

The purpose of a Planned Unit Development (PUD) is to preserve large tracts of intact open space land in order to maintain the rural landscape and environmental resources of Whitewater Township by allowing planned unit development standards. This Article is adopted pursuant to MCL 125.286c and MCL 125.286d and shall apply only in the A-1, RC, R2 and R3 Districts.

31.11 Conventional Developments

Conventional developments are those that are not PUDs and that comply with the conventional development requirements without setting aside land as permanently protected open space. The Township discourages this type of development where it may detract from the Township's rural landscape and natural resources.

31.12 Planned Unit Developments

The Township encourages the use of Planned Unit Developments as an alternative to conventional developments. Planned Unit Developments allow units to be clustered on those portions of a property most suitable for development, while leaving substantial portions as undeveloped open space. Planned Unit Developments also may include a variety of lot sizes, ranging from large farm lots to small village-size lots. Planned unit development results in the preservation of contiguous open space and important environmental resources, while allowing compact development, more walkable neighborhoods, and more flexibility than conventional developments. Planned Unit Developments commonly consist of clusters of three or more homes that share lot, parcel or site unit lines. Non contiguous land shall not be considered open space. Planned Unit Developments must satisfy the standards in Sections 31.20 and 31.40.

ARTICLE 31.20 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

31.21 Density Calculation

The maximum density allowed for residential units is calculated by a formula based upon the "net" acreage of the property.

- A. Density calculations shall be based on contiguous parcels of land. If the parcels are not contiguous each tract shall be a separate application (road right of ways do not break continuity).

- B. To determine the net acreage of a piece of property verify with Section 31.41 that your property has conservation value then subtract from the total (gross) acreage of the site the total acreage of all the existing road right-of-ways.
- C. To determine the number of allowable residential units on the site, divide the net acreage by .92 in the A1 District, by 4.0 in the RC District, .27 in R-2 and R-3 District. Fractional units shall be rounded up if .5 or greater and rounded down if less than .5. If the intent of this Article is met and Whitewater Townships private road requirements are used, the Planning Commission may also allow for additional lots or units up to 15% of the gross acreage.
- D. For parcels that are located within more than one district, calculations shall be made separately for the portion of the parcel in each district. This density may then be combined and distributed anywhere within the parcel, provided that the plan protects open space with conservation value (see Section 31.40).

31.22 Types of Residential Development

The allowable residential units may be developed as single-family in the RC, A-1, R-2 and R-3 districts, two-family in A-1, RC and R-2 or multi-family residences in R-3 districts, provided that applicable Special Use Permit requirements are satisfied. Planned unit development may be accomplished through the Subdivision Control Ordinance approval processes. Subdivision and Special Use Permit/Site Plan reviews shall occur concurrently in one proceeding to the extent practical.

31.23 Minimum Lot Dimensions in Planned Unit Developments

- A. The minimum parcel size for a planned unit development shall be twenty (20) acres.
- B. Without common or municipal sewage disposal services or water supply: The Planning Commission may allow for lots or units to be a minimum of 20,000 square feet with 100 feet of road frontage.
- C. With common or municipal sewage disposal services or water supply: The Planning Commission may allow for lots or units to be a minimum of 12,000 square feet in area with 80 feet of road frontage.
- D. With common or municipal sewage disposal services and water supply: The Planning Commission may allow for lots or units to be a minimum of 8,000 square feet with 50 ft. of road frontage.
- E. The applicant shall submit proposed setback requirements if they deviate from the required setbacks in the zoning district.
- F. The above minimum requirements are subject to Health Department approval.

G. Larger lots or units may be required for multi-family dwellings.

31.24 Minimum Preserved Open Space

Since the major purpose of a planned unit development is to preserve open space, all Planned Unit Developments shall preserve at least 50% of the parcel(s) as open space in the A-1, R2 and R3 districts, and 80% in the RC district. The requirements for preserving such open space are described in Section 31.40.

31.25 Open Space Land

Preserved open space may be included as a portion of one or more large lots. Such open space may be owned by, private landowner(s), a non-profit organization, the Township or another governmental entity, as provided in Section 31.40, as long as it is protected from development by a conservation easement.

The required open space land may not include land within a lot parcel or a site condo unit.

31.26 Arrangement of Lots or Sites

Lots or units shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall comply with applicable portions of any design guidelines provided in *Conservation Design for Subdivisions* published by Island Press in 1996 or establish the same intent with similar designs acceptable to the Whitewater Township Planning Commission. A copy of the publication is available for viewing in the Planning and Zoning office.

31.27 Project Phasing

Each Planned unit development phase shall be designed to stand alone. Each phase shall be designed to provide the required amount of open space in relation to the acreage being developed.

31.28 Infrastructure

All infrastructure shall be approved by Grand Traverse County and any other entity with jurisdiction. Private road development shall follow the Whitewater Township Private Road Ordinance. Drainage structures such as detention / retention ponds shall be designed to blend with the landscaping features of the project.

31.29 Recreational Uses

Recreational areas are recommended to be incorporated in a portion of the open space in order to create a park like setting. Paths for walking throughout the open space are required in a planned unit development. Outdoor basketball or tennis courts that create impervious surfaces may be allowed in 10% of the required open space in the planned unit development, structures such as buildings are not allowed in the open space.

31.30 ASSESSMENTS

The Planning Commission may require an Environmental Impact Statement, Traffic Impact Study or any other assessment to ensure the public health safety and welfare of the Whitewater Township residents.

ARTICLE 31.40 PERMANENT OPEN SPACE

Open space set aside in a planned unit development or as a condition of any Special Use Permit or Site Plan approval (see Article 25.00) shall be permanently preserved as required by this Section. Land set aside as permanent open space may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to Section 31.43 below, and provided that the Planning Commission approves such configuration of the open space as part of its Subdivision, Special Use Permit, or Site Plan approval. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land.

31.41 Conservation Value of Open Space

The open space protected pursuant to this Section 31.40 must have "conservation value," which may include recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include land in active agriculture, large areas of contiguous mature forest, stream corridors, ridgelines, and scenic areas including important vistas or viewsheds seen from public places.

Wetlands are considered to have conservation value yet will not count towards density calculation. Land of conservation value shall be included for purposes of calculating density in Section 31.21. Whenever the Planning Commission approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.

31.42 Notations on Plat or Site Plan

Preserved open space land shall be clearly delineated and labeled on the final plat or Site Plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of other lots in the development to such land. The plat or Site Plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation describing recording information for any conservation easements or restrictive covenants required to be filed to implement such restrictions.

31.43 Permanent Preservation by Conservation Easement

- A. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture (not including structures), forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140 - 2144, shall be granted to the Township, with the approval of the Township Board, to a qualified not-for-profit conservation organization acceptable to the Planning Commission (see section 31.44). Such conservation easement shall be approved by the Planning Commission and shall be required as a condition of municipal approval. The Planning Commission may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded in the office of the Register of Deeds prior to or

simultaneously with the recording of any final plat or Master Deed in the office of the Register of Deeds.

- B. Access roads, driveways, water supply wells, septic waste disposal facilities, local utility distribution lines, trails, temporary structures for outdoor recreation, are permitted provided that they do not impair the conservation value of the land. The conservation easement shall prohibit residential, industrial, or commercial use of open space land.
- C. A development rights easement under MCL 324.36101 *et seq.* may be substituted for a conservation easement for purposes of this Section 31.43 only if its term is perpetual.

31.44 Ownership of Open Space Land

- A. Open space land may be dedicated to Township, County, or State governments, home owners association, private ownership, transferred to a non-profit organization acceptable to the Planning Commission or held in such other form of ownership as the Planning Commission finds adequate to properly manage the open space land and to protect its conservation value.

31.45 Maintenance Standards

- A. Ongoing maintenance standards shall be established, enforceable by the Township against an owner of open space land as a condition of development approval, to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.
- B. If the Township Board finds that the provisions of Subsection (A) above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Township shall be assessed against the landowner or, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

ARTICLE 31.50 PROCEDURE FOR PUD APPROVAL

The procedure for Planned Unit Development review shall follow the Special Use Permit procedure and Subdivision Ordinance #16 procedure concurrently.