

ARTICLE XII
PLANNED RESIDENTIAL DEVELOPMENT
PROCEDURES AND STANDARDS

SECTION 1200. PURPOSE.

This article sets forth review procedures and standards for planned residential developments. The planned residential development designation is designed to preserve the Township's rural character and sense of spaciousness through the preservation of open space and spots of natural beauty, to provide visual variety to the Township's development pattern, to offer recreation opportunities close to home, to promote harmonious architecture between adjacent dwellings, to encourage the placement of structures in proper relationship to the natural characteristics of the site and to encourage cooperative relationships between neighbors and participation by all age groups in the use of local open space tracts in new residential subdivisions. Planned residential development applications shall be approved for developments which accomplish these purposes and shall not be used under any circumstances merely to avoid the imposition of standards and requirements of other zoning classifications. The Township Board may require any reasonable condition or design consideration which will result in development of benefit to the community. It is the intent of this Article to permit residential uses of varying densities within planned residential developments. However, this Article is not intended to permit the overall density of a planned residential development to exceed the density which would be possible under the zoning regulations which normally apply to the district in which the planned residential development is located. As a condition for approval, each planned residential development must be compatible with the character and objectives of the zoning district or districts within which it is located and with the objectives of the Highland Township Land Use Plan.

Planned residential developments shall be deemed special land uses and shall be subject to review procedures and standards similar to those for other special land uses. However, planned residential developments are sufficiently different in character from other special land uses that specific and additional standards and procedures are established to govern their review and approval and to ensure that the distinct purposes of the planned residential development designation are achieved.

SECTION 1201. PROCEDURES

1201-1. Applicant

The owner of an interest in land for which planned residential development approval is sought or the designated agent of the owner shall file the application for planned development approval with the Zoning Administrator.

1201-2. Issuance of Building Permits, Subdivision Approval

The Township Board shall approve all planned, residential development applications in accordance with the procedures and standards set forth herein before a building permit is issued or a subdivision or other splitting of land is approved pursuant to the provisions of this Article.

1201-3. Occupancy Certificate

No occupancy certificate shall be issued for a building within a planned residential development until the phase of the planned residential development in which said building is located has been completely developed, including installation of landscaping materials, according to the Township Board approved site plan. A temporary occupancy certificate may be issued before the construction of the site design is completed provided that the applicant provides a bond, irrevocable letter of credit or other financial assurance acceptable to the Township Board in its amount and form. The Township Board shall not accept a financial assurance in an amount which, in the Township Board's judgment, will be less than the amount required to complete the construction of the site design.

1201-4. Application Forms and Documentation

The application for planned residential development approval shall be made on such forms as shall be prescribed by the Township Board and provided by the Zoning Administrator and shall be accompanied by the necessary fees and documents as provided herein.

1201-5. Pre-application Conference

Prior to filing a formal application for approval of a planned residential development, the prospective applicant shall request a pre-application conference with the Zoning Administrator. The purpose of such a conference is to allow the prospective applicant to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose the presentation shall include but shall not be limited to the following:

- a. Written "letter of intent" from the prospective applicant establishing his intentions as to development of the land.
- b. Topographic survey and location map.
- c. Sketch plans and ideas regarding dwelling type and density, street and lot arrangement and tentative lot size.
- d. Initial proposals regarding water supply, sewage disposal, drainage and street improvements.

The Zoning Administrator shall advise the perspective applicant of the zoning requirements and Township plans which might affect the proposed development as well as the procedural steps for approval.

1201-6. Preliminary Plan Submission, Zoning Administrator Report

The application for planned residential development preliminary plan approval shall be submitted to the Zoning Administrator who shall prepare a report on whether the proposal meets all applicable requirements of this ordinance and any additional requirements recommended by the Zoning Administrator based on the standards set forth in this ordinance. The Zoning Administrator shall forward the report together with the application to the Planning Commission within forty-five (45) days of receiving the completed application.

1201-7. Date and Notification of Planning Commission Public Hearing

The Planning Commission shall here any person wishing to express an opinion on the application and review the planned residential development proposal at its next regular meeting following the Planning Commission's formal receipt of the application from the Zoning Administrator, provided such regular meeting provides adequate time to notify the public as required under Act 110, Public Acts of 2006, as may be amended. The Zoning Administrator shall provide such notice as required by statute.

1201-8. Planning Commission Recommendation

The Planning Commission shall, within a reasonable time following the date at which the application for planned residential development preliminary plan approval was considered, pass a resolution setting forth its findings regarding the standards set forth herein and shall recommend to the Township Board approval, approval with conditions or disapproval, with its reasons.

1201-9. Review of Recommendations and Public Hearing

The Township Board shall review the application for planned residential development together with the Planning report and Planning Commission's recommendations. The Township Board shall hear any person wishing to express an opinion on the application for planned residential development proposal and preliminary plan approval at its next regular meeting following the Township Board's formal receipt of the application from the Planning Commission provided such regular meeting provides adequate time to notify the public as required under Act 110, Public Acts of 2006, as may be amended. The Zoning Administrator shall provide such notice as required by statute.

1201-10. Township Board Determination

The Township Board shall make the final determination on the application for planned residential development preliminary plan approval. Such determination shall be based solely on the requirements and standards of this ordinance. Approval, approval with conditions or disapproval shall be made by resolution setting forth the Township Board's findings regarding the pertinent requirements and standards. Approval of a planned development preliminary plan shall constitute approval of the

layout submitted as a guide to the preparation of the final plan or plans but shall not constitute approval of the final plan or plans.

1201-11. Recording Planning Commission and Township Board Action

Each action taken with reference to planned residential development preliminary plan review and approval shall be duly recorded in the minutes of the Planning Commission and Township Board and the grounds for the action taken upon each application submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant. The record shall include findings of fact, the report of the Zoning Administrator and other township officials, exceptions and bonuses granted, conditions applied and modifications ordered.

1201-12. Final Plan Submission and Approval

The final plan shall be submitted by the applicant to the Township Board not later than 180 days (or such additional time as may be authorized by Township Board resolution from time-to-time) after approval of the preliminary plan.

The planned residential development final plan shall conform substantially to the preliminary plan as approved and, if desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations.

After review of the final plan and supporting data, the Township Board shall approve or disapprove the plan within 60 days after submission by the applicant. Disapproval of the final plan shall be based only on a significant divergence from the approved preliminary plan.

1201-13. Changes in the Planned Residential Development

A planned residential development shall be developed only according to the approved and recorded final plan and all supporting data together with all recorded amendments. These shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises including the internal use of building and structures and location of structures in the planned development as set forth therein.

- a. Major changes. All major changes may be approved only by submission of a new preliminary plan and supporting data, following "preliminary approval" steps and subsequent amendment of the final planned development plan. Major changes shall be those which alter the concept or intent of the planned residential development. Such changes shall include but shall not be limited to:
 1. Changes in the approved public street or private drive construction standards.

2. Any increase in density.
 3. Decreases in proposed open space.
 4. Changes in sizes of public and/or private sewer or water lines, other than service connections, resulting in less capacity.
 5. Changes in the location of and types of nonresidential uses approved by the Township Board as use exceptions.
 6. Changes in the alignment of any street, drive, parking area or water or sewer line in excess of twenty-five (25) feet.
 7. Change in the proportion of housing types by not more than five (5) percent of the approved dwelling unit count for the whole development or a violation of any specific condition set forth by the Township Board.
 8. Change in the location of any public easement.
 9. Any changes in the final governing agreements, provisions or covenants.
- b. Minor changes. The following minor changes to the approved final plan may be authorized by the Planning Commission upon written request by the developer and upon submission of detailed plans demonstrating the requested change and upon determination that they will not adversely affect public health, safety or welfare:
1. Decrease in density.
 2. Increases in open space.
 3. Changes in the proportion of housing unit types by less than five (5) percent of the approved dwelling unit count provided no increase in overall density occurs.
 4. Increases in acreage of the planned development providing that the acreage under consideration is ten (10) percent or less of the gross site area and provided further that the increase can only be used for open space.
- c. Notification of change. The Zoning Administrator shall report to the Planning Commission and Township Board all approved minor changes.

1201-14. Schedule of Construction

The Township Board may revoke its approval of the planned residential development if construction falls more than one (1) year behind the schedule filed with the final

plan or exceeds three (3) years. The developer shall be notified at least 60 days prior to any revocation hearing. Extensions in the building schedule may be granted by the Township Board.

SECTION 1202. DATA REQUIREMENTS FOR PRELIMINARY PLAN APPROVAL

The following shall be included with and made part of the application for planned residential development preliminary plan approval.

1202-1. Site Plan

The application shall include a site plan drawn to a scale of one (1) inch equals 100 feet or to another scale as determined by the Zoning Administrator and adequate to determine compliance with the standards of this ordinance and provide the Planning Commission and Township Board with any other information needed to evaluate the application on the basis of the criteria set forth herein.

1202-2. Preliminary Architectural Plans

The application shall include preliminary architectural plans for all primary buildings and shall be submitted in sufficient detail to permit an understanding of the character of the development, the design of the building and the number, size and type of dwelling units. No architectural plans shall be required for single-family homes on individual zoning lots if all setbacks from property lines for such home shall be at least twenty-five (25) feet.

1202-3. Preliminary Service and Facility Plans

The application shall include preliminary plans for:

- a. Roads, including classification, width of right-of-way, width of pavement and construction details. (See Section 1721 on Private Roads)
- b. Sidewalks and bike paths.
- c. Sanitary sewers.
- d. Storm drainage.
- e. Water supply system.
- f. Underground electrical system.
- g. A general landscape planting plan.
- h. Service facilities. (See Design & Construction Standards Manual)

1202-4. Detailed Information

The following detailed information shall be submitted with the site plan, architectural plans and service and facility plans:

- a. Name and address of the owner(s).
- b. Title designation according to official records of the County Register of Deeds; title under which the proposed development is to be recorded, with names and addresses of owner(s) and notation stating areas and acreage owned by each if more than one owner.
- c. Dimensions of all lot and property lines showing the relationship to abutting properties.
- d. Name and address of developer.
- e. Name and address of either a registered engineer, a registered surveyor, a registered architect or a registered community planner who prepared the site plan.
- f. Existing and proposed zoning of subject property and adjoining property.
- g. The location and names of existing or prior public and private easements of record.
- h. The area of the site in square feet excluding all existing and proposed rights-of-way.
- i. The location of all existing streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
- j. Structures, uses and other significant features of immediately adjacent property.
- k. Utilities on and adjacent to the tract including the location, size and invert elevation of sanitary and storm sewers; the location and size of water mains; the location of gas lines, fire hydrants, electric and telephone lines and street lights; the direction and distance to and the size of the water mains and sewers adjacent and near the tract with invert elevation of sewers.
- l. Ground elevations on the tract at two (2) foot contours with spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
- m. Subsurface conditions on the tract including the location and results of tests made to ascertain subsurface soil, rocks, and ground water conditions and the depth to ground water, unless test pits are dry at a depth of five (5) feet.

- n. The locations, sizes and types of existing trees over 4 inches in diameter at a point on their trunk 4 feet above the ground, before and after proposed development. Wooded areas may be delineated by their perimeters. The number of 4-inch or larger trees in each wooded area shall be indicated by size and type of tree. (Wooded areas shall include all areas with twenty or more 4-inch or larger trees in which the spread of each tree interlaces with the spread of another tree in the area.)
- o. All required minimum setbacks from the existing or proposed rights-of-way and from adjacent properties.
- p. The existing and proposed use of each existing structure and the proposed use of each proposed structure on the site.
- q. The location of all proposed streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
- r. The location and numbers of all off street parking spaces and loading areas.
- s. Photographs of the site and adjacent areas.
- t. The names and addresses of the persons to whom notices of hearings hereunder may be sent including the subdivider or developer and the designer of the subdivision or development.
- u. The names and addresses of the owners of the property for which approval is being considered and the names and addresses of all persons to whom real property is assessed within 300 feet of the boundary of the property in question and the names and addresses of the occupants of all structures within 300 feet of the boundary of the property in question.

1202-5. Covenants

The applicant shall indicate proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development, of any of its common open space and the open space preservation option to be implemented as outlined in Section 1722 of this Zoning Ordinance.

SECTION 1203. APPLICATION DATA REQUIREMENTS FOR FINAL PLAN APPROVAL

The following shall be included with and as part of the application for planned residential development final plan approval.

1203-1. Final Site Plan, Architectural Plans,
and Service and Facility Plans

The application shall include final site plans, architectural plans and service facility plans as required pursuant to Section 1402-3, except that architectural plans shall not

be required for single-family homes and individual zoning lots if all setbacks from property lines for such homes are at least twenty-five (25) feet. The purpose of the planned residential development plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands not so treated, into common open areas and building areas, to designate and limit the land in general and to meet all data requirements for site plan reviews.

1203-2. Legal Descriptions

The final plan shall include an accurate legal description of the entire area under immediate development within the planned development. The legal descriptions shall include:

- a. A subdivision plat of all subdivided lands in the same form and meeting all the subdivision plat requirements set forth in the Subdivision Control Act of 1967, as amended.
- b. An accurate legal description of each separate unsubdivided use area, including common open space, shall also be included.
- c. Certificates, seals and signatures required for the dedication of land and recording of restrictive covenants.
- d. Covenants and deed restrictions governing the maintenance of and access to common and open space.

SECTION 1204. STANDARDS FOR RESIDENTIAL TYPE, BULK AND YARD EXCEPTIONS

In the case of any planned residential development, the Township Board may authorize exceptions to the applicable bulk and lot area regulations of this ordinance within the boundaries of such planned residential development, provided that the Board shall find:

1204-1. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property than would be obtained under the residential type, bulk and yard restrictions of this ordinance for buildings developed on separate zoning lots in

accordance with the regular requirements of the zoning district in which they are located.

1204-2. That along the periphery of such planned residential developments, yards shall be provided as required by the regulations of the district in which said development is located.

1204-3. That the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located. Net development area shall be

determined by taking the total area of the development and subtracting the area required for streets as set forth in the site plan. In no event shall the area for streets be computed at less than ten (10) percent of the gross development area. The area of land set aside for common open space or recreation use may be included in determining the number of dwelling units permitted. No development shall have a total buildable area less than 80 percent of that which would be required if the site were developed under conventional zoning regulations.

- 1204-4. The proposed planned residential development shall be in conformance to the Statement of Purpose set forth in Section 1200, herein.
- 1204-5. Deed restrictions and/or covenants shall be provided to govern the maintenance of common open space. Such restrictions and covenants shall provide for common open space to be maintained by private property owners with an interest in said open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the Township to assess private property owners for the cost of maintenance in the event that private maintenance activities do not satisfactorily meet the terms of the applicable deed restrictions and/or covenants.
- 1204-6. The minimum total area for each planned residential development shall be 20 acres.