

ARTICLE XII-A

RROD: RURAL RESIDENTIAL OVERLAY DEVELOPMENT PROCEDURES AND STANDARDS

SECTION 1200A. PURPOSE.

This article sets forth review procedures and standards for Rural Residential Overlay Developments (RROD). Each proposed project will start with a right to develop up to the maximum density allowed pursuant to the residential zoning district classification currently on the property in accordance with the conventional regulations or the planned residential development regulations of the Highland Township Zoning Ordinance. The right to develop up to one dwelling unit per 3.33 acres on a site with acreage of ten acres (10) or greater will be awarded based on the specific site plan of the project, which shall be laid over the current zoning district for the property. In no case shall the final density include the underlying zoning if the overlay development is employed on the site, and the RROD applies only to residential developments. Site plans will be awarded points based on the criteria set forth herein. If a site plan generates less than 100 points, then the property owner will only be permitted to develop dwelling units in accordance with the conventional regulations or the planned residential development regulations of the Highland Township Zoning Ordinance. If a site plan generates 333 points or greater, then it may be developed up to one dwelling unit per three and one-third (3 1/3) acres. If a site plan generates 100 points or greater, but less than 333 bonus points, then the number of dwelling units that will be permitted may be proportional to the number of points over 100 as determined by evaluating the proposed development on the RROD Scoring Evaluation Checklist.

The RROD designation is created to preserve the Township's rural character and sense of spaciousness through the careful 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 encourage the placement of structures in proper relationship to the natural characteristics of the site and to encourage cooperative relationships between neighbors of all age groups in the use of local open space tracts in new residential developments. This objective will be accomplished through a cooperative planning process enabling property owners to qualify for enhanced density through application of design principles sensitive to the natural and historic qualities of the site. RROD's encourage preservation techniques through incentives, but applies design techniques that may mean a potential reduction of costs for development and long-term maintenance. RROD applications shall be approved for developments that meet the design criteria which accomplish these purposes as set forth in the calculations enumerated with the Scoring Evaluation Worksheet 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 benefit to the community. It is the intent of this Article to permit residential uses of varying densities within planned residential developments. This Article is also 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 based upon the layout and design of a planned neighborhood that respect the rural, natural, historic, and agricultural elements of the Township. 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.

RROD's shall be deemed special land uses and shall be subject to review procedures and standards similar to those for other special land uses. However, RROD's 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 RROD designation are achieved on a point system that is dependent on the quality and layout of a proposed residential development as approved by the Township Board.

SECTION 1201A. PROCEDURES

1201A-1. Applicant

The owner of an interest in land, for which a RROD approval is sought, the designated agent of the owner shall file the application for RROD approval with the Planning Staff.

1201A-2. Issuance of Building Permits, Subdivision Approval

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

1201A-3. Occupancy Certificate

No occupancy certificate shall be issued for a building within a RROD 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 elements are 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 including all approved elements that are approved for the enhanced density.

1201A-4. Application Forms and Documentation

The application for RROD approval shall be made on such forms as prescribed by the Township Board, provided by the Planning Staff, and shall be accompanied by the necessary fees and documents as provided herein.

1201A-5. Pre-application Conference

Prior to filing a formal application for approval of a RROD, the prospective applicant shall request a pre-application conference with the Highland Township Planning Staff, and the Township's Planning Consultants as requested by the Township. The

purpose of such a conference is to allow the prospective applicant to present a general concept of the proposed development prior to the preparation of detailed plans, provide a general analysis of the overlay enhanced density criteria application, and provide suggestions that will allow for the preservation of natural or rural features of the site that may determine final approval on development density. 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 with two-foot elevation contours and location map.
- c. Provide optional photos of site that can be used to illustrate existing natural features.
- d. Provide a bona-fide environmental and/or ecological study that may be used to determine enhanced density scoring. Sites that are twenty (20) acres or less may be exempted from this requirement upon petition and approval of the Planning Commission.
- e. Sketch plans and ideas regarding dwelling type and density, street and lot arrangement, road setback distances, percent of land area subject to preservations, berm locations, existing water features or wetlands, existing site vegetation, width of roadways, and tentative lot size.
- f. Provide preliminary landscape plan including size and types of vegetation, or construction materials.
- g. Provide photos of any existing significant feature on the site (such as barn, historic home, or otherwise) that can be integrated into the site plan for renovation and preservation.
- h. Initial proposals regarding water supply, sewage disposal, methods of storm water drainage and street improvements.
- i. Application of the overlay enhanced density criteria clearly outlining all elements of the site plan that may provide increased density for review by the Township Staff.

The Planning Staff shall advise the perspective applicant of the zoning requirements and Township plans that might affect the proposed development as well as the procedural steps for approval.

1201A-6. Concept Plan Submission, Planning Commission Information Meeting

Once an application is submitted with the Township, the applicant is asked to attend the next available Planning Commission Meeting with the pre-conceptual site design and layout. This step is included to provide the applicant with a good understanding

of what the Planning Commission is anticipating with the design and layout of the entire site. The information that is required in Section 1201A-5, Pre-Application Conference is also required to be presented to the Planning Commission. It is strongly recommended that the applicant present the pre-conceptual site design and layout to the Planning Commission prior to spending a significant amount of time and costs on a definitive design and layout. This step is included to allow for a constructive dialogue between the Planning Commission and the applicant so that further explanations of the site design criteria and how they may be applied.

1201A-7. Concept Plan Submission, Planning Report

The application for the RROD and the concept plan approval shall be submitted to the Planning Staff who shall prepare a report on whether the proposal meets all applicable requirements of this ordinance and any additional requirements recommended by the Planning Staff based on the standards set forth in this ordinance. The Planning Staff may request the services of a consultant for the pre-application meeting, review and reporting purposes through the application and review process, at the expense of the applicant. All reports shall be forwarded together with the application to the Planning Commission within forty-five (45) days of receiving the completed application.

1201A-8. Date and Notification of Planning Commission Public Hearing

The Planning Commission shall hear any person wishing to express an opinion on the application and review the rural residential overlay 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.

1201A-9. Planning Commission Recommendation

The Planning Commission reserves the right to determine the applicability of each item included in the RROD Scoring Evaluation Worksheet. If special circumstances or particular land arrangements create substantial difficulty for a specific site, the Planning Commission will determine how the potential points are distributed or exempted as it relates to the included criteria. These items shall be petitioned, discussed, and evaluated at the conceptual plan submission with the Planning Commission. All exemptions or changing of points awarded must be approved by resolution of the Planning Commission and described with reasoning associated with each alteration of point scoring and a copy of Planning Commission minutes addressing each issue should be attached to final scoring evaluation worksheet for approval prior to be sent to the Township Board.

The Planning Commission shall, within a reasonable time following the date at which the application for RROD concept 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.

1201A-10. Review of Recommendations and Public Hearing

The Township Board shall review the application for the rural residential overlay development proposal 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 rural residential overlay development proposal and conceptual plan approval at the 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.

1201A-11. Township Board Determination

The Township Board shall make the final determination on the application for RROD concept plan approval. Such determination shall be based solely on the requirements and standards of this ordinance. 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 RROD concept 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.

1201A-12. Recording Planning Commission and Township Board Action

Each action taken with reference to RROD concept 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 Planning Staff, Planning Consultant, and other township officials, exceptions and points granted, conditions applied and modifications ordered.

1201A-13. 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 concept plan.

The RROD final plan shall conform substantially to the concept plan as approved and, if desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved concept 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 concept plan.

1201A-14. Changes in the RROD

A RROD 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 RROD as set forth therein.

- a. Major changes. All major changes may be approved only by submission of a new concept plan and supporting data, following "concept approval" steps and subsequent amendment of the final RROD plan. Major changes shall be those which alter the concept or intent of the RROD. 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 or buffers.
 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 fifteen (15) 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 or size of any public or utility easement.
 9. Any changes in the final governing agreements, provisions or covenants.
 10. Any feature used for the density calculations on the Scoring Evaluation Worksheet.

- 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.
- c. Notification of change. The Planning Staff shall report to the Planning Commission and Township Board all approved minor changes.

1201A-15. Schedule of Construction

The Township Board may revoke its approval of the RROD 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 1202A. DATA REQUIREMENTS FOR CONCEPT PLAN APPROVAL

The following shall be included with and made part of the application for RROD concept plan approval.

1202A-1. Rural Residential Overlay Development - Scoring Evaluation Worksheet

The applicant must submit the elements of the project development as evaluated by using the criteria as presented with the "RROD Scoring Evaluation Worksheet, Section 1202A-1". The applicant is encouraged to evaluate the site by scheduling a pre-submittal meeting with members of the Planning Staff to determine the application of the enhanced density development criteria. The applicant will need to work with the Township Planning Staff in order to provide the necessary items to determine the evaluation of the proposed site in accordance with the RROD Scoring Evaluation Worksheet prior to scheduling a pre-submittal meeting.

1202A-2. 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 Planning Staff 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.

1202A-3. 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.

1202A-4. Preliminary Service and Facility Plans

The application shall include concept plans for:

- a. Roads, including classification as public or private, width of right-of-way, width of pavement, construction details, and impact on adjacent natural features. (See Section 1721 on Private Roads) A notation shall be included if any changes to private road standards are being proposed, as set forth in Section 1721-4.d.
- b. Sidewalks, multipurpose trails, 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)

1202A-5. Detailed Information

The following detailed information shall be submitted with the site plan, architectural plans and service and facility plans. This data is also pertinent to adequately determine whether the site and development are generally inline with the requirements of the pre-submittal meeting. Any of the information that can be provided at the time of the pre-submittal meeting will greatly assist in determining the site design qualifications for the enhanced density:

- a. General Information:
 1. Name and address of the owner(s).
 2. 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.
 3. Dimensions of all lot and property lines showing the relationship to abutting properties.

4. 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.
5. Name and address of developer.
6. Name and address of either a registered engineer, a registered surveyor, a registered architect or a registered community planner who prepared the site plan.
7. Existing and proposed zoning of subject property and adjoining property.
8. The location and names of existing or prior public and private easements of record.
9. The area of the site in square feet excluding all existing and proposed rights-of-way. The area of the site should also be stated in acreage.
10. The location of all existing streets, driveways, sidewalks, trails, paths, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
11. Structures, uses and other significant features of immediately adjacent property.
12. 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.
13. The existing and proposed use of each existing structure and the proposed use of each proposed structure on the site.
14. All required minimum setbacks from the existing or proposed rights-of-way and from adjacent properties.
15. The location and number of all off street parking spaces and loading areas.
16. Photographs of the site and adjacent areas.
17. 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.

18. 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.

19. 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.
20. 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.
21. 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.).

b. Enhanced Density Site Design Criteria:

1. The lot being developed shall be equal to or greater than ten (10) acres in size to qualify for enhanced density.
2. All landscaping shall be integrated into the native, indigenous, or sustainable vegetation of the site as commonly found in Southeast Michigan. (Examples are provided in the Shiawassee & Huron Headwaters Resource Preservation Project.)
3. Buildings developed on the site shall be greater than 300 feet from any major thoroughfare, and any lot must be greater than 200 feet from any major thoroughfare.
4. The development shall have a non-formal entranceway and boulevard entrances are discouraged.
5. An internal pedestrian circulation system, other than sidewalks along internal roadways is required.
6. Natural topography shall be preserved wherever possible.
7. A natural features inventory.
8. Whether any of the site has access onto an unpaved road.
9. Percentage of site within Common Open Space.

10. Whether the site integrates any recognized Green Way Plans.
11. Landscape Volume shall be estimated based on the following items:
 - a) Volume of trees expressed as area of tree as defined by the dripline 5 years after planting, times the estimated height of tree 5 years after planting;
 - b) Volume of savanna and converted prairie grassland times height of grass 2 years after planting;
 - c) Volume of Agricultural and Farming Operations that will remain intact after development is completed;
 - d) Volume of wetlands or water features currently on the site, and those that will remain, or will be developed at the completion of the development;
 - e) Volume of berms expressed as height of berm times area of berms, number of added or transplanted trees and shrubs;
 - f) Gross and net land area in square feet of the entire site.
12. Methods to use natural vegetation and/or topography with natural contours to ensure the ability to screen new construction from sections line roads, or other important roads that have prominent motorist visibility. (Interior sites that are not directly adjacent to a thoroughfare may be able to score points from these requirements based on petition and approval by the Planning Commission)
13. Amount of open space adjacent to section line roads, or other important roads that have prominent motorist visibility.
14. Amount of open space that preserves natural features that are identified in the Michigan Natural Feature Inventory Assets or another bona-fide environment report. Sites that are twenty (20) acres or less may be exempt from this requirement based on petition and approval by the Planning Commission.
15. Whether the layout of the development clusters the home sites in a manner that respects the existing and proposed natural features of the site.
16. Significant historic structures such as farmhouses and barns are renovated and preserved on the site.
17. Street endings terminate with natural vegetation or undisturbed viewsheds.
18. Outdoor lighting is limited to lamp posts rather than street lights. Where the lamp posts are incorporated, night sky/dark sky techniques shall apply.
19. Fences are limited to those that are rural pasture-style in design.
20. Employment of unique swale and drainage patterns or installation of curbs and underground drains to preserve natural features. Storm water

management systems are to be designed to protect natural features within road right-of-way easements and meet the standards of the Shiawassee and Huron Headwaters Resource Preservation Project.

21. Indigenous, native, or sustainable trees and shrubs are preserved within home sites front and side yards and non-indigenous, or invasive vegetation are restricted by the Master Deed, Covenants, and By-laws.
22. Home locations and driveways are integrated into natural topography of land.
23. Shared driveways are utilized for neighboring lots where possible.
24. Private roads and lower speed limits to reduce right-of-way widths and narrow pavement widths.

1202A-6. Covenants

The application shall indicate proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development, approved natural features that are utilized as part of the enhanced density, any of its common open space as approved in the Scoring Evaluation Worksheet and the open space preservation option to be implemented as outlined in Section 1722 of this Zoning Ordinance.

SECTION 1203A. APPLICATION DATA REQUIREMENTS FOR FINAL PLAN APPROVAL

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

1203A-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. Additionally, the mandatory and other design techniques that are used for enhanced density evaluations shall be included as part of the Site Plan Submission. The purpose of the RROD 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.

1203A-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 preservation, maintenance of, and access to common open space, or other features such as the preservation of historic buildings, structures or other features of the site that require extraordinary special care.

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

In the case of any planned rural 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 rural residential development, provided that the Board shall find:

- 1204A-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.
- 1204A-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.
- 1204A-3. That the maximum number of dwelling units permitted shall be determined by the Planning Commission based upon the calculations that are provided by approved worksheet, and shall not exceed one dwelling unit per three and one-third (3.33) acres within the ten (10) acres or greater parcel. 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 unless the excess area is

protected for preservation by the deed restrictions as approved by the Planning Commission. The area of land set aside for common open space, preservation, or recreation use will be included in determining the number of dwelling units permitted based on the approval of the Enhanced Density Calculations as approved by the Planning Commission as determined by the approval of the RROD Scoring Evaluation Worksheet.

- 1204A-4. The proposed RROD shall be in conformance to the Statement of Purpose set forth in Section 1200-A, herein.
- 1204A-5. Deed restrictions and/or covenants shall be provided to govern the maintenance and preservation 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 and shall employ bona-fide environmental preservation techniques as it relates to items included for enhanced densities. 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.
- 1204A-6. The minimum total area for each RROD shall be 10 acres.