

**ARTICLE 7****DEVELOPMENT ALTERNATIVES**

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**SECTION 7.01 RESIDENTIAL CLUSTER DEVELOPMENTS (RCD)**

- A. **Intent.** The intent of the residential cluster development (RCD) option is to permit the development of single-family residential patterns which, through design innovation, will:
1. Allow greater flexibility.
  2. Encourage a more creative approach to the development of single-family residential areas.
  3. Encourage a more efficient, aesthetic, and desirable use of the land.
  4. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural features.
  5. Encourage the provision of open space so that benefits may accrue directly to the residents of the development.
  6. Provide for natural views and buffers from all exterior public roads and adjacent properties.
- B. **Applicability.** A RCD may be applied in the ARR, R-3 and R-1.5 Districts. The Zoning Administrator shall determine whether the RCD is processed as a use as of right or a special land use based on the following standards:
1. As a permitted principle use: An RCD shall be a principal use permitted as of right in the zoning districts described above where a minimum of 50% of the net site area is permanently preserved in an undeveloped state, subject to standards set forth in Section 7.04. Application for an RCD as a principal use permitted as of right shall be at the option of the applicant.
  2. As a special land use: An RCD shall be a special land use where the applicant desires to use clustering techniques, but does not permanently set aside the minimum of 50% of the net site area in an undeveloped state consistent with the standards set forth in Section 7.04.

C. **Site Design Requirements.** All RCD applications submitted under this option shall conform to the following site design requirements:

1. **Permitted Uses within a RCD:** Any principal or accessory use allowed by right within the underlying zoning district may be permitted in a RCD.

2. **Open space:** Open space shall comply with the standards set forth in Section 7.04, Open Space Regulations and the following:

a. A minimum of twenty (20%) percent of the gross acreage of the site shall be permanently preserved in an undeveloped state as open space.

b. **Greenbelt and buffer areas:**  
Greenbelts shall be provided along the exterior public roads with a depth measured from the existing right-of-way line, one hundred (100) foot in the ARR District and fifty (50) foot in the R-3 and R-1.5 Districts. The area of required greenbelt shall be either landscaped or preserved in a natural wooded condition.

c. There shall be a perimeter setback and buffer of at least twenty-five (25) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be recommended by the Planning Commission, and may be increased to as much as one hundred (100) feet, but need not be uniform at all points on the perimeter of the development.

d. The greenbelt and buffer area maybe included in the open space area, provided that the greenbelt area is permanently protected and maintained as regulated by section 7.04, Open Space Regulations.

3. **Density:** The density of dwelling units within a proposed RCD shall not exceed the number of dwelling units permitted in the underlying zoning district. The Planning Commission will determine the maximum number of dwelling units for each RCD based on a review of a sketch parallel plan submitted by the applicant during the preliminary site plan review as described in section 7.01.D.2, Procedures for Review and Approval.

4. **Dimensional Requirements:** Once the density has been established, the allowable number of dwelling units maybe clustered with lot areas and widths reduced below the minimum requirement of the pre-RCD underlying zoning district. The minimum lot widths within the RCD shall be as follows:

**District      Lot Width**

ARR	150
R-3	125
R-1.5	100

5. **Building Envelopes:** The following minimum setback requirements for each dwelling unit shall be:

**Minimum Setbacks in Feet Per Unit**

<u>District</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
ARR	50	20	50
R-3	30	10	25
R-1.5	25	10	25

No part of a building envelope shall lie within 65 feet of the ordinary highwater mark of a lake, pond, river, stream, or creek.

6. **Required Street Frontage:** Any lot contained within a RCD shall comply with Section 8.13, Required Street Frontage.

D. **Procedures for Review and Approval.** Prior to construction of a RCD the applicant shall obtain the required reviews and approvals as described below:

1. **Application Submittal:** The applicant shall apply for the RCD approval following the procedures and standards for sketch plan review, in Article 5, Site Plan Review: Procedures and Standards, regardless of whether a Special Land Use approval is required. Where Special Land Use approval is required, the site plan review process shall proceed in parallel with the Special Land Use review process..

2. **Zoning Administrator Review:** The Zoning Administrator shall review the application for completeness and determine whether the application shall be processed as a site plan review only or as a Special Land Use approval and a site plan review.

3. **Preliminary Review:** In addition to a sketch plan of the proposed RCD the applicant shall submit a sketch parallel plan. The parallel plan shall represent a design of the parcel showing the number of lots that could be developed on the site in accordance with the underlying zoning district. The Planning Commission shall review the proposed RCD plan and the parallel plan to determine the maximum number of lots that could be feasibly constructed for this particular RCD, regardless of whether a Special Land Use Approval is required.

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4. **Public Hearings (where required):** Projects requiring Special Land Use Approval shall be subject to the review process outlined in Section 6.03, including public hearings during the Planning Commission and Board of Trustees reviews. The project shall not advance to final review of the site plan until the Township Board has ruled on the Special Land Use request.
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5. **Final Review:** The applicant shall submit a final site plan for final review under the original application, in accordance with the procedures set forth in Article 5, Site Plan Review Procedures and Standards and conforming to this Section. Preliminary approval is valid for one year after approval of the official minutes of the approving body (Planning Commission for use by right or Board of Trustees for Special Land Use) and if final site plan is not submitted by the applicant for approval within that time, then the sketch plan review becomes null and void.
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6. **Commencement and Completion of Construction:** Construction shall be completed in accordance with the requirements set forth in Section 3.09, Commencement and Completion.

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**SECTION 7.02 RESIDENTIAL OPEN SPACE PLANNED UNIT DEVELOPMENTS (RPUD)**

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- A. **Intent.** The Residential Open Space Planned Unit Development (RPUD) option is intended to provide an alternative to traditional residential subdivision design in a manner that encourages the preservation of rural character, large areas of open space and greenways, protects valuable natural resources, enhances ecological functions, and requires excellence in site design. These regulations are not intended as a device for subverting the zoning regulations and standards of the Township, nor the planning concepts upon which the ordinance is based.

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Specifically, the RPUD option is intended to achieve the following purposes:

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1. Permit flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
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2. Foster responsible stewardship of the natural environment resulting in the long term protection and preservation of natural resources and natural features.
3. Encourage retention of the rural atmosphere including the preservation of historic and cultural resources.

4. Incorporate design elements that unify the site through public amenities, landscaping, lighting, coordinated signage, and pedestrian walks and pathways.
5. Encourage the use of naturalized landscape design and architectural design that is compatible with the rural surrounding.

**B. Eligibility.**

RPUD designation of a parcel(s) is an amendment of the official zoning map, subject to the review procedures and standards outlined in Article 19, Text Amendments and Rezoning, as well as those of this section. To be eligible for RPUD approval, the applicant must demonstrate that the following criteria will be met:

- a. The intent of Section 7.02.A, Intent.
- b. One (1) or more of the following benefits will be provided:
  - (1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - (2) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations.
- c. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
- d. The proposed development shall be consistent with the public health, safety, and welfare of the Township.
- e. The proposed development shall minimize any negative environmental impact on the subject site or surrounding land.
- f. The proposed development shall minimize any negative economic impact upon surrounding properties.
- g. The proposed development shall be consistent with the Highland Township Master Plan.

- h. All property within the RPUD shall be under the ownership or control of a single entity with responsibility and authority for completing the project in conformity with the approved plan. This provision shall not prohibit a transfer of property ownership or control provided that the Township is notified and that any successors shall be bound by conditions of approval.

**C. Design Standards.**

- 1. **Permitted Uses within an RPUD.** Any principal or accessory use allowed by right within the Residential districts as listed in Article 4, District Regulations, Section 4.05, Agricultural and Rural Residential District and Section 4.06, Residential Districts, may be permitted in an RPUD.

- 2. **Density.** An RPUD project shall not be developed more dense than one (1) dwelling unit per five (5) acres for parcels designated Agricultural and Rural Residential on the Master Plan or one dwelling unit per one and a half (1.5) acres for parcels designated Medium and Small Lot Residential or Open Space Residential in the Master Plan except as may be modified by bonus density granted by the Planning Commission under this Section.

The Planning Commission will determine the maximum number of dwelling units for each RPUD based on a review of a sketch parallel plan submitted by the applicant during the preliminary site plan review as described in section 7.02.E.3, Procedures for Review and Approval.

- 3. **Density Bonus for Exemplary Projects.** The Planning Commission and Township Board may allow a variable density credit pursuant to this section. In order to qualify for such increase in density, the applicant shall demonstrate to the satisfaction of the reviewing body that the proposed project exhibits design excellence and exceeds the minimum standards for RPUD eligibility.

The bonus density may be awarded for incorporation of the following design elements or planning principles, up to a maximum of thirty (30) percent, in combination as follows:

- a. **Up to ten (10%) percent:** For providing dedicated open space configured to preserve and to protect high quality natural features in a non-fragmented fashion and to provide connectivity both within and beyond the development boundaries. Open space shall not consist of long, narrow strips, unless used to conserve a linear natural feature. The density bonus shall be generally awarded on a scale ranging from three (3%) percent for developments dedicating thirty (30%) percent of the gross site area as open

space, up to ten (10%) percent for sites dedicating seventy (70%) percent of the gross site area as open space. No bonus density shall be awarded under this provision for sites dedicating less than thirty (30%) percent open space, or for open space that does not satisfy the standards of Section 7.02.C.3, Density Bonus for Exemplary Projects. The reviewing body may adjust the scale (not to exceed ten (10%) percent) based on the percentage of units which have direct access to open space.

- b. ***Up to five (5%) percent:*** For providing a landscaped perimeter screen in excess of one hundred (100) feet in depth.
- c. ***Up to ten (10%) percent:*** For providing central water and sanitary sewer service.
- d. ***Up to ten (10%) percent:*** For other design strategies which provide a clear benefit to the residents of the RPUD, the surrounding area and the Township as a whole. The percentage of bonus density shall be determined at the discretion of the Planning Commission based on the expected benefit to the community and the preservation of any unique or significant features of the proposed site.

When the end density calculation results in a whole number of units plus a fractional portion of a unit, the fractional portion shall be rounded up to an additional whole number for decimal equivalents equal to 0.50 or larger, and down to zero for decimal equivalents less than 0.50.

- 4. **Dimensional Requirements.** Once the density has been established, the allowable number of dwelling units may be clustered with lot areas and widths reduced below the minimum requirement of the pre-RPUD zoning district, provided that the open space within the development equals or exceeds the total area of lot area reduction.
- 5. **Setbacks within the RPUD Project.** The setback requirements of the pre-RPUD zoning district shall be used as guidelines for the RPUD. To encourage flexibility and creativity consistent with the intent of the RPUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the Planning Commission that the deviation will result in a higher quality of development that would not be possible using conventional zoning standards. Only those deviations consistent with the intent of this Article shall be considered.

6. **Open Space:**

- 5 a. When completed, the development shall have at least twenty percent (20%) of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, single-family residential uses in and surrounding the development per the requirements of Section 7.04, Open Space Preservation Provisions.
- 10 b. Open space shall be provided along the exterior public roads with a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
- 15 c. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be recommended by the Planning Commission, and need not be uniform at all points on the perimeter of the development.
- 20 d. The Planning Commission may recommend a reduction of the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features such as woodlands and topographical features provide adequate buffering to protect adjacent uses.
- 25 e. If natural features, such as woodlands and topographical features, do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms such as landscaping, berms and/or decorative walls.
- 30 f. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
- 35 g. In addition to preservation of the most important natural features, additional open space shall be located and designed to achieve the following: provide areas for active recreation; provide areas for informal recreation and pathways convenient to the majority of the residents within the development; connect into adjacent open space, parks, bike paths or pedestrian paths; provide natural greenbelts along roadways to preserve the rural character as viewed from the roads; and to preserve a buffer from adjacent land uses where appropriate.
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D. **Procedure for Review and Approval.** Prior to construction of an RPUD project, the applicant shall obtain the required reviews and approvals as described below:

- 5 1. **Pre-Application Meeting:** Prior to the submission of an application for planned unit development approval, the applicant is required to meet with the Zoning Administrator to review required information and procedures as required in Section 5.03B, Pre-Application Meeting.
  
- 10 2. **Application Submittal:** The applicant shall apply for sketch plan review following the procedures and standards outlined in Section 5.03, Site Plan and Sketch Plan Review Procedures and Requirements. The following supplemental application materials are also required:
  - 15 a. A parallel sketch plan that meets the requirements set forth in Article 5, Site Plan Review, Procedures and Standards. A parallel plan shall represent a design of the parcel showing the number of lots that could be developed on the site in accordance with the underlying zoning district.
  - 20 b. A Natural Resources Inventory and Stewardship Plan as required in Section 15.02, Natural Features and Inventory and Stewardship Plans.
  - 25 c. An area analysis which shows the location of the project in relation to existing and proposed uses in the surrounding area.
  - 30 d. A project narrative report shall also be submitted by the applicant providing a description of the project and proposed uses, the market concept and feasibility of the project, the manner in which the criteria set forth in Sections 7.02.B, Eligibility, have been met, and the known deviations from current Ordinance requirements and standards.
  
- 35 3. **Sketch Plan Review Procedure:**
  - 40 a. **Staff/Consultant Review.** The Zoning Administrator shall submit the application, sketch plan and supporting materials to the appropriate staff, consultants, committees or agencies for review and comment.
  
  - b. **Planning Commission Action.** The parallel sketch plan and all supporting information shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment, as set forth in Section 3.10, Public Hearing Notice.

The Planning Commission shall review the sketch plan and all supporting information and make a recommendation to the Township Board. The

Planning Commission shall determine the appropriate number of units, and consider whether the project maintains compatibility with surrounding uses, meets the intent of Section 7.02.A, Intent and satisfies the eligibility criteria of section 7.02.B, Eligibility.

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c. **Township Board Action.** Upon receiving the recommendation of the Planning Commission, the Township Board shall review the sketch plan and all supporting information and take one of the following actions:

10 (1) **Approval.** Upon finding that the sketch plan meets the criteria set forth in Section 7.02.B, Eligibility, the Township Board shall grant preliminary approval. Upon approval, the applicant may proceed to preparation of the site plan, but shall not bind the Township Board to approval of the site plan.

15 (2) **Tabling.** Upon finding that the sketch plan does not meet the criteria set forth in Sections 7.02.B, Eligibility, but could meet such criteria if revised, the Township Board may table action until a revised sketch plan is resubmitted. The Township Board may refer a tabled sketch plan back to the Planning Commission for additional review.

20 (3) **Denial.** Upon finding that the sketch plan does not meet the criteria set forth in Sections 7.02.A, Intent and 7.02.B, Eligibility, the Township Board shall deny preliminary approval.

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4. **Site Plan Review:** Within six (6) months following receipt of Township Board approval of the sketch plan, the applicant shall submit a site plan and supporting materials conforming to this Section. If a site plan is not submitted by the applicant for final approval within six (6) months following the date of the Township Board sketch plan approval, the sketch plan approval becomes null and void. An extension of the sketch plan approval beyond the specified period may be granted by the Township Board if such request is made to the Township prior to the six (6) month expiration period.

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35 a. **Information Required.** A site plan and application for approval of a RPUD shall contain the following information:

40 (1) A site plan meeting all requirements of Article 5, Site Plan Review Procedures and Standards, Site Plan and Table 5.2, Sketch Plan Submittal Requirements.

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- (2) A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the development proposed in the absence of this planned unit development article.
- 5 (3) A specific schedule of the intended development including phasing or timing.
- 10 (4) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- 15 (5) A specification of the exterior building materials for the structures proposed in the project.
- (6) A draft of the proposed master Deed and Bylaws, if applicable.
- (7) Signatures of all parties having an interest in the property.
- 20 b. **Staff/Consultant Review.** The Township shall submit the site plan, and supportive materials to appropriate staff, consultants, committees or agencies for review and comment.
- 25 c. **Planning Commission Review.** The site plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission.
- 30 The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the RPUD project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
- 35 d. **Township Board Review.** After receipt of the Planning Commission's recommendation, the application shall be noticed for public hearing as a zoning amendment before the Township Board. The Township Board shall review and deliberate upon the requested RPUD rezoning and terms of the proposed development agreement. The Township Board may approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Planning Commission, Planning Director or Township consultants if appropriate.
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5 E. **Effect of Approval.** When approved, the RPUD amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and uses shall be in conformity with such amendment. Notice of adoption of the final RPUD plan and development agreement shall be recorded at the Oakland County Register of Deeds. The official zoning map of Highland Township shall be revised to reflect the approval.

10 F. **Resolution of Ambiguities and Ordinance Deviations.** The Township Board, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, the Highland Township Master Plan, and other Township standards or policies as a guide.

15 Notwithstanding the immediately preceding standards, deviations with respect to such regulation may be granted as part of the overall approval of the RPUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

20 G. **Conditions.**

25 1. Reasonable conditions may be required with the approval of an RPUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural features, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

30 2. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

35 H. **Phasing and Commencement of Construction.**

40 1. **Phasing:** Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase 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 ensure protection of natural resources and

the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

- 5           2.     ***Commencement and Completion of Construction:*** Construction shall be commenced within two (2) years following final approval of a residential open space planned unit development and shall proceed in accordance with an approved development agreement per Section 3.11 and in conformance with conditions set forth in Section 3.09.

10    I.     **Amendment and Revision.** A developer may request a change in an approved sketch plan, or an approved site plan. A change in an approved sketch plan or change in an approved site plan which results in a major change, as defined in this section, shall require an amendment to the sketch plan and site plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change  
15           which results in a minor change as defined in this section shall require a revision to the approved site plan and approval by the Township Board following review by the Planning Commission.

- 20           1.     The following changes shall be considered major:

- 25           a.     Change in the concept of the development.
- b.     Change in use or character of the development.
- 30           c.     Change in the type of dwelling unit.
- d.     Change in the number of dwelling units (density).
- f.     Change in lot coverage or floor area ratio of the entire PUD.
- 35           g.     Change in the character or function of any street.
- h.     Change in land area set aside for common space or the relocation of such areas.
- i.     Change in building height.

- 40           2.     The following changes shall be considered minor:

- a.     Change in residential floor space.
- b.     Minor variations in layout which do not constitute major changes.

3. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause as to any requested change.

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**SECTION 7.03 MIXED USE PLANNED UNIT DEVELOPMENTS (MPUD)**

<<<Reserved for future use>>>

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**SECTION 7.04 OPEN SPACE REGULATIONS**

- A. **Purpose.** Whenever the preservation of open space is required by this Ordinance, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development plan.
- B. **Applicability.**
1. The following areas shall not be counted as open space:
    - a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
    - b. The area within any manmade stormwater detention or retention pond.
    - c. The area of a golf course.
  2. At least fifty (50%) percent of the required open space must be contiguous and usable for passive or active recreation use (not including wetlands, water bodies or required landscaped buffers) and must meet the definition of "buildable area." The Planning Commission may choose to divide the contiguous space requirement into multiple areas when the applicant demonstrates that the open space plan provides areas suitable for such outdoor recreation activities as walking paths, fitness stations, children's play yards, ball fields or similar uses. The applicant is further encouraged to consider the uses of other publicly and privately held open space in near proximity, and to strive to provide diverse opportunities for recreation.

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3. An open space plan must include calculations of areas set aside as open space, a description of the function or benefit such space confers upon the residents or the community at large, and a discussion of how the open space will be managed and maintained.
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4. Natural features of the site shall be preserved to the greatest extent possible. The configuration of open space should provide connections to other greenways to promote wildlife migration and preserve habitat. Open space shall include a buffer between natural features and lot lines so as to discourage encroachment. Deed restrictions or covenants shall restrict activities within the buffer zone that might lead to impairment of the natural feature.
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- C. **Conveyance.** All required open space must be set aside through an irrevocable conveyance found acceptable to the Township Attorney. Acceptable means for conveyance include:
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1. **Conservation Easement.** The Owner may grant an easement to a preservation or monitoring organization.
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1. **Transfer of Ownership.** The Owner may transfer ownership of the open space or natural feature to a preservation and/or monitoring organization with the condition that the land remains undeveloped as a means of protecting the land from any use or degradation.
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2. **Condominium Association or Homeowner's Association Ownership.** The Developer may dedicate the open space to the appropriate association, provided the bylaws and deed restrictions provide for the long term preservation, maintenance and monitoring of the open space.
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- D. **Delineation.** The limits of mandatory open space shall be delineated on the ground by markers acceptable to the Planning Commission.