

**CHAPTER 4**  
**PLANNED UNIT DEVELOPMENT & OPEN SPACE DEVELOPMENT OPTION**

**SECTION 401. DESCRIPTION AND PURPOSE**

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain larger or unusual developments these requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large scale residential development might better achieve the purposes of this Ordinance if a portion of the open space requirements were consolidated into small community parks rather than on an individual, lot-for-lot basis.

A development may be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store, or barber shop primarily for the residents of the development. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development, and not be injurious to adjoining properties.

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as planned developments (PUDs) for various compatible uses permitted by this Ordinance in other zoning districts and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk, and placement regulations for PUD developments. However, it is also the intent of a PUD district to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD zoning district.

Note that the provisions of this Charter are not intended as a device for ignoring the Zoning Ordinance or the Master Plan on which they are based. Instead, the provisions of this Chapter are intended to result in land use and development that are substantially consistent with the underlying zoning.

All zoning pursuant to this Chapter shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and

groundwater quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

#### **SECTION 402. REZONING REQUIRED**

The granting of a Planned Unit Development (PUD) application shall require an amendment of the Zoning Ordinance and Zoning Map, which is part of this Ordinance. An approval granted under the provision of this Chapter, including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

#### **SECTION 403. PERMITTED USES**

Land in the PUD Zoning District may be used for any use permitted by this Ordinance as a use by right except that PUD's located in residential districts shall not contain an industrial use.

#### **SECTION 404. PROCEDURES**

Any land in the Township may be zoned or rezoned as PUD Zoning District in accordance with the procedures and requirements specified in the remainder of this Chapter.

#### **SECTION 405. PRE-APPLICATION CONFERENCE**

Prior to the submission of an application for a PUD, the applicant shall meet with the Zoning Administrator, and other Township staff and/or consultants as deemed appropriate. At the pre-application conference (or conferences), the applicant shall present a sketch plan of the proposed PUD and the following information:

1. A legal description of the property in question;
2. The total number of acres to be included in the project;
3. A statement of the approximate number, type, and square footage of both residential units and non-residential units;
4. The approximate number of acres to be occupied by or devoted to each type of use;
5. Departures from the minimum underlying zoning district regulations which may be requested;
6. The number of acres to be preserved as open space or recreation space; and

7. All known natural resources and natural features on the site.
8. The location of all existing and proposed public utilities, and existing and proposed public utility easements.

#### **SECTION 406. PRELIMINARY PLAN**

Submissions and Content: Applicants for PUD zoning district shall prepare and submit to the Zoning Administrator, three (3) copies of a preliminary plan for the PUD. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission and one (1) copy to the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information.

1. A legal description of the land included in the PUD.
2. Small-scale vicinity map indicating the location of the PUD in relationship to the general area.
3. A map, to scale, showing any existing or proposed arrangement of; (1) street, (2) lots and buildings, (3) access points, (4) other transportation arrangements, and (5) buffer strips.
4. A narrative describing: (1) the overall objectives of the PUD, (2) number of acres allocated to each use, (3) gross densities, (4) proposed methods of providing sewer and water service as well as other necessary public and private utilities, and (5) proposed method of providing storm drainage.

#### **SECTION 407. PLANNING COMMISSION REVIEW OF PRELIMINARY PLAN**

The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on (1) requirements of this Ordinance and (2) the standards described in Section 408.

1. Minimum Area; In order to be rezoned as a PUD, the proposed land area shall be at least ten (10) acres; provided, however, that the proposed area to be zoned as a PUD industrial park or research park shall be at least twenty (20) acres.
2. Maximum Residential Density; The density of a residential PUD shall not exceed ten (10) dwelling units per acre.
3. Minimum Single-Family Residential Floor Area; All single-family residential dwellings proposed as part of a PUD shall have a minimum floor area of 980 square feet.
4. MINIMUM OPEN SPACE REQUIREMENTS: Each PUD project must devote a minimum of ten (10) percent of the project site to permanent

open space. Sites which include woodlands, wetlands, or other natural features may leave these areas in a natural state as part of the site's open space. The required open space must be set aside for use either by all residents of the PUD or by the public at large. Yard areas of individual residential lots may not be included as part of the required open space, but yard areas for multi-family or non-residential uses may be included.

5. MINIMUM STANDARDS-UNDERLYING ZONING DISTRICTS AND WAIVER:

Unless **specifically waived** by the Township Board with the recommendation of the Planning Commission, **all regulations of the underlying zoning district prior to the PUD request shall apply.** This includes regulations pertaining to lot size, lot width, yard area, structure height, setbacks, accessory uses, signs, off-street parking and loading areas, general provisions, and all other applicable regulations. In projects within an underlying residential district which contain mixed used, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply. These regulations **MAY** be waived **ONLY** if it is demonstrated by the applicant that the purposes of this Ordinance would be achieved by alternate means.

6. DESIGN CONSIDERATION: A proposed PUD shall adequately address the following design considerations. These considerations are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area where the project is located:

- (a) Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (b) Off-street parking and loading areas where required, with particular reference to the items in subparagraph 1 above and the economic, noise, glare, or odor effects for each use in the proposed PUD.
- (c) Refuse and service area, with particular reference to the item in subparagraphs 1 and 2 above.
- (d) Utilities, with reference to locations, availability and compatibility.
- (e) Screening and buffering with reference to type, dimension, and character.

- (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in a proposed PUD.
- (g) Required yards and other open spaces.
- (h) General compatibility with adjoining properties and properties in the proposed PUD.
- (i) General compatibility with the purposes of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- (j) General compatibility with the Township Master Plan.
- (k) All structures shall be connected to public water or public sewer, or both, when required by the Haring Township Water and Sewer Ordinances.
- (l) All necessary easements (e.g., sewer, water, sidewalks, bike paths, etc.) shall be granted to the Township, Wexford County, and any public utility companies, as appropriate, for the purpose of constructing, operating, inspecting, maintaining, repairing, replacing and/or removing pipelines, mains, conduits, wires, and other installations of a similar character for the purpose of providing any and all public utilities to the property. In addition, any such easements as necessary to provide public utility service to adjacent or other properties which may in the future be developed shall be granted at that time, or an irrevocable option given to acquire such easements. "Reserve strips" at the property line or similar means by which a property owner can block extension of utilities are prohibited.
- (m) Site plans in areas currently served or to be served by public water, public sewer, or both, shall be referred for review and comment to the Township engineer, utility staff, or committee or body formed by the Township to review public water and sewer utilities for recommendation on matters such as extension of public water and sewer, construction, oversizing, location in terms of easements, and similar matters. The reviewing official or group may recommend a variation or waiver of certain requirements for easements if it is determined such easements are not likely to be used, or if different arrangements will be made for water or sewer extension.

**SECTION 408. (reserved for future use)****SECTION 409. TRANSMITTAL OF PLANNING COMMISSION'S RECOMMENDATION**

The Planning Commission shall transmit its recommendations pertaining to the preliminary plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary plan, the Planning Commission may call an advisory public hearing and give such notice there of as it shall deem appropriate.

**SECTION 410. FINAL PLAN SUBMISSION**

1. After receiving the recommendations to the Planning Commission on the preliminary plan, the applicant for PUD district zoning shall submit four (4) copies of a final development plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit two (2) copies to the Planning Commission, One (1) copy to the Township Board, and retain one (1) copy.
2. Simultaneously with the submission of a final development plan, the applicant shall submit to the Zoning Administrator, an application for rezoning requesting that the land included in the final plan for the PUD be zoned a PUD Zoning District. Consideration of the requested zoning amendment shall then proceed in accordance with the Ordinance amendment chapter thereof, and Public Act 184 of 1943, being the Township Rural Zoning Act, as amended.

**SECTION 411. FINAL PLAN CONTENT**

The final plan shall include all the following information, unless the same is not reasonably necessary for the consideration of the PUD:

1. A plot plan based on an accurate certified land survey showing:
2. Location, size, and type of present buildings or structures to be retained or removed;
  - a) Location of existing and proposed buildings, structures, or other improvements;
  - b) Location of existing and proposed street, easements, right-of-way, drives, and parking lots;
  - c) Location of water and sewer lines;
  - d) Storm drainage;

- e) Topographical features including contour intervals no greater than five (5) feet;
  - f) Bodies of water;
  - g) Ditches and water courses;
  - h) Ground cover and other pertinent physical features of the site such as trees;
  - i) Proposed landscaping;
  - j) Location of existing improvements;
  - k) Location of lot lines;
  - l) Loading and unloading facilities;
  - m) Wetlands; and
  - n) Exterior lighting and signs.
  - o) The location of existing and proposed structures on the subject property and all existing structures within 100' of the property, including the location of the nearest existing public utilities, and proposed public utilities.
  - p) The location and right-of-way widths of all streets, alleys, and existing and proposed public utility easements.
3. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
  4. The period of time within which the project will be completed.
  5. Proposed staging of the project, if any.
  6. Gross areas of building and parking.
  7. Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.
  8. A description of all aspects of such plan which might have an adverse effect on public health, safety, and welfare.
  9. An environmental impact statement or report, if requested by the Planning Commission.

10. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase contract.
11. Such other data or information as required by the Planning Commission.

#### **SECTION 412. PUBLIC HEARING**

The Planning Commission shall hold a public hearing pursuant to the provisions of Public Act 184 of 1943, as amended, and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

#### **SECTION 413. FINAL PLANNING COMMISSION RECOMMENDATION**

The Planning Commission shall transmit its recommendations concerning the final development plan and the proposed zone change along with any recommended changes, conditions, or modifications to the Township Board.

#### **SECTION 414. FINAL APPROVAL BY TOWNSHIP BOARD**

Final approval (together with conditions of approval) or disapproval of the zone change shall be by the Township Board. A copy of the final zone change, if finally approved, shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance and shall be an official amendment to that Ordinance by the procedures required therein. If all conditions and requirements of this Chapter are fulfilled, the Township Board shall approve the planned unit development. The Township Board may attach conditions to any PUD approval.

#### **SECTION 415. TIME LIMITATIONS ON DEVELOPMENT**

Each development shall be under construction within one (1) year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year final approval by the Township Board, any building permit issued for said development shall be invalid and void, and the Township Board may initiate proceedings to hold a public hearing for the purpose of rezoning said property.

**SECTION 416. PERFORMANCE BONDS**

The Township Board, in connection with reviewing any application for a final development plan, will require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond, such bond shall be in the amount of ten percent (10%) of the total cost of the development. The bond shall be posted with the filing of the application. The bond is required in order to ensure that the development will be executed in accordance with the approved plan. Bond non-refundable for non-performance. Performance Bonds to include PUDs, Site Condominium Plans, Mobile home, Condominium Project. This bond would be non-refundable for non-performance.

**SECTION 417. REQUIRED IMPROVEMENTS PRIOR TO ISSUANCE OF OCCUPANCY PERMIT**

The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit. This bond would be non-refundable for non-performance.

**SECTION 418. ADDITIONAL PROVISIONS**

All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD district except where they are inconsistent. In such cases, the provisions of this Chapter shall control.

**SECTION 419. SITE CONDOMINIUM SUBDIVISION APPROVAL** *This section repealed by Ordinance # 67, 7-05-2003 - Site Condominiums now covered under Section 505 - Table of Special Use Permit Standards*

**SECTION 420. MODIFICATION OF PUD PLANS**

Minor changes to a PUD site plan may be approved administratively in writing by the Zoning Administrator provided the changes comply with all applicable requirements of this Ordinance and all other Township regulations and state laws. Any other changes shall require a formal amendment to the developers' PUD Ordinance for approval.

**SECTION 421. OPEN SPACE PRESERVATION (Ordinance #67, 7/5/2003)**

1. **Open Space Development Option.** Any parcel of land in Haring Township which is zoned to allow for residential development, may be developed at the option of the landowner with the same number of dwelling units that could otherwise be developed on the entire land area on a portion of the land not to exceed fifty percent of the entire land area if all of the following apply:
  - a) The land is zoned at a density equivalent to two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer dwelling units per acre;
  - b) At least fifty percent of the entire land is set aside as open space to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Unbuildable areas such as wetlands do not count towards the 50% open space minimum.
  - c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without exercise of the option provided by this section would also depend upon such an extension; and
  - d) The option provided by this Section has not been previously exercised with respect to the land.
2. **Re-zoning.** After a landowner exercises the option provided by this Section, the land may be re-zoned accordingly.
3. **Other Regulations Applicable.** Except as otherwise provided in this Section, the development of land under the open space option provided herein is subject to all other provisions of the Haring Township zoning ordinance as well as other applicable ordinances, laws and rules including rules relating to suitability of groundwater for on-site water supply for land not served by public water, and rules relating to suitability of soils for on-site disposal for land not served by public sewers.
4. **Required Procedures**
  - (a) **Site Plan Review.** Development under this Section shall be subject to the plan review process set forth in Section 206 of this Ordinance. Where a landowner elects to proceed under this Section, in addition to an open space

site plan, a "parallel" site plan shall be prepared showing a feasible development under the requirements of the specific zoning district in which the development is to be located and the requirements of any and all State, County and Township regulations. It must be determined by the Planning Commission that the parallel plan or conventional can meet all current zoning and subdivision regulations if developed without reliance upon the open space provisions of this section. The Planning Commission may waive the submission of a parallel plan if it is determined that the number of housing units proposed for open space development is clearly below what would otherwise be allowable for the site.

- (b) **Special Use Permit.** Development under this Section shall also be subject to the Special Use Permitting process set forth in Chapter 5 of this Ordinance.

**SECTION 422. MIXED-USE COMMERCIAL/RESIDENTIAL PUDs (Ordinance #13-84)**

1. **Purpose.** The purposes of the regulations stated in this Section 422 are as follows:

- a) To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.
- b) To implement site design standards that are consistent with the recommendations of the *Cadillac Area Corridor Study (September, 1999)*, which is a land-use planning document that was jointly prepared by Haring Charter Township, Clam Lake Township and the City of Cadillac, for the purpose of providing design concepts and standards that should be applied to future development and redevelopment occurring along the new US-131 interchanges, including the M-55 interchange.
- c) To provide architectural and site design standards in order to promote harmonious development in the Township.
- d) To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.

2. **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:
- a) Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.
  - b) Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.
  - c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, et seq.
3. **Mixed-Use Commercial/Residential PUD Regulations.**
- a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.
  - b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:
    - 1) Any use permitted by right in the "C" General Commercial Zoning District, with the exception of Gas Stations.
    - 2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:
      - i) Churches and religious institutions.
      - ii) Veterinary clinics and kennels.
      - iii) Bars and nightclubs (not including "sexually oriented businesses").
    - 3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.
  - c) General Requirements.
    - 1) Commercial uses shall comprise not more than 65% of the developed land area, exclusive of open space, provided, however, that the Planning Commission or Township Board

may require a lesser percentage (but not less than 50%) of commercial use on a particular development site, if it is determined that such lower percentage is necessary to protect surrounding residential populations, to ensure harmonious relationships with adjacent land uses, or to otherwise promote the purposes of this Section.

- 2) The density of development in the residential phase of the PUD shall not be more than eight (8) units/acre. Multifamily buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.
- 3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.
- 4) The development shall be served by public wastewater and public water supply systems.
- 5) Power, telephone lines and other utility/service lines shall be installed underground on the development site.

d) Architecture.

- 1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
- 2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.

- 3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:
- i) Commercial buildings shall possess architectural variety.
  - ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area. In addition, commercial buildings shall be no higher than surrounding, mature tree masses.
  - iii) For commercial buildings, a minimum of seventy-five percent (75%) of the exterior finish material of all front building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
  - iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty-five (25) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
  - v) Front building facades for commercial buildings shall provide a minimum 20% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or

security practices for the use being proposed mandate a lower percentage of glass windows.

- vi) Building materials and colors shall be related to and harmonious with the surrounding area.
- vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.
- viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
- ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
- x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
- xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear façade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- xiii) Overhead canopies or similar structures, when allowed, shall be designed to be compatible with the

architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.

- xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or operational information such as "exit", "open" and "closed."
  - xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.
  - xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.
- e) Landscaping and Overall Site Design. Landscaping and design elements of the PUD plan shall comply with the following requirements:
- 1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
  - 2) The overall design shall promote the impression of a natural landscape.
  - 3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
  - 4) Retention, detention and the overall storm water system shall be designed to use "best management practices" and

create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

5) *Parking Lots.* The following landscaping requirements shall apply to parking lots:

- i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:
  - A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
  - B. The landscaped area shall include at least one tree, measuring at least eight feet in height at the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.
  - C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.
- ii) For parking lots of over 50 spaces, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:
  - A. Traffic islands shall be located to improve traffic flow and views.
  - B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.

- C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.
  - D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
  - E. All interior landscaped areas of a parking lot shall be designed as "bio-retention" areas, to facilitate the treatment and ground absorption of storm-water runoff using a combination of microbial soil process, infiltration, evaporation, and appropriate plantings.
- iii) The Planning Commission or Township Board may modify or waive some or all of the requirements of this subsection 5, if it is determined that the goals and objectives of this Section would be better served by alternative requirements for parking lot screening or interior parking lot landscaping.
- 6) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- 7) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.
- 8) *Outdoor Storage*. The following requirements shall apply to outdoor storage:
- i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a

neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (11), below, and a minimum of twenty (20) feet from any side property line.

- ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.
- 9) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
- 10) A minimum 30 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e) (6) (i)B and C, (excluding approved driveways), except that:
- i) The spacing of the required trees may be increased to one tree for every 50 feet, or fraction thereof, of street frontage; and,
  - ii) A cluster of three (3) trees may be substituted for each individual tree location, and if this is done, the trees in each cluster shall measure at least six feet in height at the time of planting.
- 11) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major thoroughfares, excepting the highway U.S.-131 right-of-way.
- f) Commercial Lighting.
- 1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.

- 2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- 3) The use of wood poles for street lighting is prohibited. All street lights shall be mounted on fabricated metal or cement poles that are painted a dark-hued, non-reflective color. Poles with a fluted or other unique design may be approved.
- 4) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Signage

- 1) Billboards are prohibited within a mixed-use commercial/residential PUD.
- 2) Pylon signs (also known as pole signs) shall generally be prohibited; provided, however, that the Planning Commission may, in its discretion, allow a pylon sign on a development site, based on consideration of the following factors:
  - i) Location of the sign on the development site;
  - ii) The size, height, and other dimensions of the sign;
  - iii) The presence of scenic vistas that might be diminished by the sign;
  - iv) The proximity of the sign to residential use and/or residentially-zoned areas; and
  - v) Other similar factors that the Planning Commission considers to be relevant in evaluating the compatibility of the sign with surrounding land uses.
- 3) Where a freestanding is approved, it shall be a ground sign (also known as a monument sign). If a monument sign is permitted, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, foundations planting are provided around the sign base.

- h) Access Management Standards. Access points shall meet the following standards. These standards are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by MDOT.
  - 1) Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.
  - 2) An additional driveway may be permitted by the Planning Commission upon finding the conditions i) and ii), or iii) and iv), below, exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
    - i) The site has a frontage of at least 300 feet and the spacing standards between access points listed below are met; and
    - ii) The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future, or;
    - iii) A traffic impact study demonstrates that the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively, if the site has access to a traffic signal; and
    - iv) The study demonstrates the additional driveway will improve conditions for the motoring public and will not create negative impacts on through traffic flow.
  - 3) Access points shall provide the following minimum spacing from the other access points along the same side of the public street (measured from centerline to centerline), based on the posted speed along the public street segment:

Posted Speed Limit	Spacing*
35 mph or less	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

\*Greater spacing may be required by the MDOT or Wexford County Road Commission, as applicable.

- 4) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- 5) Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission or Township Board may reduce this to not less than 150 feet where each of the opposing access points generate less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist.
- 6) Minimum spacing of access points from intersections shall be in accordance with the table below (measured from nearest pavement edge to nearest pavement edge):
  - i) Signalized locations: 200 feet
  - ii) Unsignalized locations: 150 feet
- 7) Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission or Township Board may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress. When required, frontage roads or service drives shall be constructed in accordance with the following standards:
  - i) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
  - ii) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

- iii) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access drive will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
- 8) Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
- 9) No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructed or relocating such driveways shall be at the expense of the abutting property owner.
- i) Other.

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

Page left intentionally blank