

# FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

## ARTICLE 22.00 R.U.D. RESIDENTIAL UNIT DEVELOPMENTS

### Section 22.01 PURPOSE

The purpose of the Residential Unit Development (R.U.D.) is to permit optional methods of development on sites 40 acres and greater and sites 80 acres and greater in all single-family residential districts thereby allowing a mixture of types of residential units. It is further the intent of this Article to permit development of residential patterns which encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provisions of public services and utilities; encourage useful open space and provide better housing suited to the needs of the residents of the Township while insuring integration of the proposed development with the characteristics of the general planning area. Development under this Article shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns, open space and recreation areas and a fixed system of residential streets without unduly inhibiting the advantages of modern large scale site planning for residential purposes. The following regulations shall apply to all R-1-E, R-1-D, R-1-A, R-1-R, R-1-B and R-1-C, Single Family Residential Districts and shall be subject further to the provisions of ARTICLE 27.00 TOWNSHIP PLANNING COMMISSION SITE PLAN AND DEVELOPMENT APPROVAL of this Ordinance and the Frenchtown Subdivision Ordinance with respect to final development approval.

### Section 22.02 STATEMENT OF PRINCIPLES

The Residential Unit Development (R.U.D.) is an optional method of development which may be permitted only after review and recommendation by the Planning Commission, public hearing, approval of the Township Board, after having found that the proposed R.U.D. reflects **all** of the following basic principles:

Section 22.02.1 The proposal is in conformity with the spirit and intent of the Residential Unit Development option as established in the Purpose Section of this Article.

Section 22.02.2 The site contains "natural" assets such as large stands of trees, rolling topography, significant views, floodplains, or wetlands which would be in the best interest of the community to preserve and which would otherwise be substantially destroyed under normal subdivision development. This determination shall be made by the Planning Commission and Township Board after review of a documented "Site Analysis" to be submitted by the applicant. If, after review of the site analysis, a determination is made that the site does not contain any "natural" assets which would be in the best interest of the community to preserve, the Planning Commission and Board may

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 392**

**ARTICLE 22.00**

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

give further consideration to the proposal if provisions are made within the development to provide open space which would provide a buffer between a major thoroughfare or expressway, or provide a usable recreation open space with reasonable access to all lots of the development. The intent being to provide neighborhood recreation open space and to supplement the existing natural features of the Township. The recreation open space and/or buffer area would be developed in a manner with tree planting, etc. which would, over time, create a "natural" asset for the development and the community as a whole.

Section 22.02.3      The proposed development shall be in harmony with the existing and proposed land patterns of adjacent properties, and the general planning area and shall not result in a negative impact on the stability and orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.

Section 22.02.4      The proposed height, bulk, location and character of the structures proposed shall be in harmony with the existing and proposed structures of adjacent lands and the general planning area and shall not result in a negative impact on the stability and orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.

Section 22.02.5      The proposed location of uses which are of a significantly different scale or character than that of the abutting residential districts such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, on the subject property, shall be in harmony with the existing and proposed land patterns of adjacent properties and the general planning area and shall not result in a negative impact on the stability of the overlay development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.

Section 22.02.6      The gross acreage of the subject property is a minimum of 40 acres.

### **Section 22.03 CHANGE OF DENSITY**

No application shall be accepted for a use which will require a change in the overall density of the zoning district.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 393**

**ARTICLE 22.00**

# **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

## **Section 22.04 APPLICATION**

Application for approval shall be made by the owner or owners of any tract where use of the planned Residential Unit Development process is contemplated. The application shall be accompanied by a fee to be determined in each case, and shall cover the cost of evaluating the plan as to the principles and conditions hereinafter set forth.

## **Section 22.05 APPLICATION INFORMATION**

Application for approval shall contain the following information:

Section 22.05.1        A Metes and Bounds Survey of the acreage comprising the proposed Residential Unit Development.

Section 22.05.2        Topographic survey including natural and manmade features at a scale of 1"=50' or 1"=100' with as contour interval not to exceed two (2) feet.

Section 22.05.3        A documented "Site Analysis" which identifies the character, structure and potential of the site as it relates to this Article. The analysis shall include the areas adjacent to the subject property and shall include sufficient information about the nearby properties so that a determination can be made by the Planning Commission and the Board as to the impact of the proposed Residential Unit Development on the general planning area in which the development is located. The analysis shall include as a minimum the following:

Section 22.05.3(a)    Contiguous Land Uses

Indicate type and impact on adjoining lands, direction and distance to community facilities, show public transportation routes related to site.

Section 22.05.3(b)    Topography

Indicate basic topography, any unique ground forms, and percent of slope.

Section 22.05.3(c)    Drainage

Natural watershed (direction), drainage swales and wetlands.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 394**

**ARTICLE 22.00**

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

- Section 22.05.3(d) Soils  
Depth and type of topsoil.
- Section 22.05.3(e) Vegetation  
Locate and identify existing tree masses, specimen plant material and indicate type of ground cover.
- Section 22.05.3(f) Existing conditions  
Structures, utilities and vehicular circulation.
- Section 22.05.3(g) Special Features  
Lakes and ponds, special land features, dramatic view.
- Section 22.05.4 A General Development Plan of sufficient detail to define the proposed location and extent of housing types and densities, lot layout, open space intended to be dedicated to the common use of the lot owners, the proposed system of interior roadways, drainage ways, open water and general intentions relating to grading within the site.
- Section 22.05.5. Other pertinent information necessary to enable the Planning Commission to make a determination concerning the desirability of applying the provisions of this Article.

### **Section 22.06 PUBLIC HEARING REQUIREMENTS**

A public hearing shall be held by the Planning Commission on a proposed Residential Unit Development in order to acquaint the public and adjoining property owners with the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnership, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 395**

**ARTICLE 22.00**

- Section 22.06.1 Describe the nature of the Residential Unit Development request.
- Section 22.06.2 Indicate the property which is the subject of the Residential Unit Development request.
- Section 22.06.3 State when and where the Residential Unit Development request will be considered.
- Section 22.06.4 Indicate when and where written comments will be received concerning the request.
- Section 22.06.5 Indicate the date, time and place for the public hearing.

**Section 22.07 APPROVAL BY THE PLANNING COMMISSION**

Within a reasonable time following the public hearing, the Planning Commission may, after reviewing the factors outlined in this Article and the relationship of the proposed R.U.D. to the intent and purpose of the Zoning Ordinance, its compatibility with adjacent uses of land, natural environment, and the capability of public services and facilities affected by the proposed R.U.D., recommend approval or recommend approval with conditions, regarding applying the R.U.D. option to the tract of land and the General Development Plan as described in the Metes and Bounds Survey submitted with the application. The Commission shall prepare a report stating the recommendation and the basis for the recommendations. The recommendations shall be forwarded to the Township Board along with any conditions upon which the approval is based.

**Section 22.08 DISAPPROVAL BY THE PLANNING COMMISSION**

If the Planning Commission recommends disapproval regarding applying the R.U.D. option to the tract of land as described in the Metes and Bounds Survey submitted with the application, it shall communicate in writing its recommendations to the applicant and to the Township Board with reasons therefore.

**Section 22.09 TOWNSHIP BOARD ACTION**

Upon receipt of the report and recommendations of the Commission, the Township Board shall review the application and may approve, approve with conditions, or deny the application.

**Section 22.10 DISAPPROVAL BY THE TOWNSHIP BOARD**

If the Township Board denies the request to apply the provisions of the R.U.D. option to the tract of land as described in the Metes and Bounds Survey submitted with the application, it shall prepare a report stating the decision and the basis for the decision. In

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

the case of a denial, development of the subject property can be made only in accord with

**FEBRUARY 10, 2004**

**PAGE 396**

**ARTICLE 22.00**

the provisions of the Zoning Ordinance governing the district in which the property is located.

### **Section 22.11**

#### **APPROVAL BY THE TOWNSHIP BOARD**

If the Township Board approves the request to apply the provisions of the R.U.D. option to the tract of land as described in the Metes and Bounds Survey submitted with the application, it shall prepare a report stating the decision and the basis for the decision. Approval by the Board shall confer approval to develop the subject property under the terms and requirements of the R.U.D. option, conditions established by the Board, conditions established in the Site Analysis and conditions established by the General Development Plan. Such approval does not constitute approval of the Preliminary Plat, Final Plat, site condominium project or site plan.

The approval of the Township Board further grants the applicant a period of two (2) years from the date of approval by the Board to submit and receive approval of a contract, Final Plat under the provision of the Subdivision Ordinance and such other requirements or conditions which are part of the R.U.D. approval. Extension of said time may be granted by the Township Board, upon written request of the applicant, if the Board finds that the applicant has acted in good faith and has made a substantial effort to complete the process within the established time lines established by the Ordinance. Failure to request such extension shall be deemed an abandonment of the proposed Residential Unit Development. Further, the R.U.D. contract must be approved and entered into prior to granting approval of any Final Preliminary Plat or Final Site Plan approval. If Final Plat and/or Final Site Plan approval is sought for only a phase of the total Residential Unit Development, a Tentative Preliminary Plat and Tentative Site Plan shall be approved for the entire R.U.D. proposed and shall be incorporated by reference as an exhibit of the contract.

### **Section 22.12**

#### **CONTRACT REQUIREMENTS**

If the Township Board gives approval to proceed under the R.U.D. option in accord with the requirements as stated in this Article, the applicant shall submit to the Planning Commission and Township Board a proposed contract setting forth the conditions upon which said approval is based. Such contract, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the Developer prior to the approval of any Final Preliminary Plat or Final Site Plan approval. Said contract shall provide:

- Section 22.12.1      A Metes and Bounds survey of the acreage comprising the proposed Residential Unit Development.
- Section 22.12.2      The manner of ownership of the land.
- Section 22.12.3      The manner of the ownership and of the dedication of the open

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

land.

**FEBRUARY 10, 2004**

**PAGE 397**

**ARTICLE 22.00**

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

- Section 22.12.4      The restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the open land.
- Section 22.12.5      The stipulations pertaining to commencement and completion of the phases of the development, to construction, installation, repairs and maintenance of improvements, to obligations for payment of any cost, expenses or fees planned or reasonably foreseen, and the manner of assuring payment of obligations.
- Section 22.12.6      Provisions for the Township to effect construction, installations, repairs and maintenance and use of public utilities, storm and sanitary sewers and drainage ways, water, streets, sidewalks and lighting, and of the open land and improvements thereon, and any other conditions of the R.U.D. approval or the General Development Plan, and the manner for the assessment and enforcement of assessment for the cost, expenses, or fees incidental thereto against the applicant, or the future owners of occupants of the Residential Unit Development.
- Section 22.12.7      The General Development Plan shall be incorporated by reference and as an exhibit.
- Section 22.12.8      The Site Analysis shall be incorporated by reference and as an exhibit.
- Section 22.12.9      If Final Preliminary Plat Approval and/or Final Site Plan approval is sought for only a portion of the total Residential Unit Development, a Tentative Preliminary Plat and Tentative Site Plan for the entire R.U.D. must be approved by the Township and incorporated by reference as an exhibit.
- Section 22.12.10     Provisions reasonably and necessarily intended to effect the intent of this Article, or the conditions of the approval of the plan for the public health, safety, morale, and general welfare of the Township.

### **Section 22.13            GENERAL CONDITIONS**

This Article provides for two optional methods of developing residential property. When the gross area proposed for development is forty (40) acres or greater and the applicant provides at least the (10%) percent open space, development shall be permitted under the general conditions as found in Section 22.13 and further specific conditions as set forth in Section 22.14. When the gross area is eighty (80) acres or greater and the applicant provides at least ten (10%) percent open space, development shall be permitted under the general conditions as found in Section 22.13 and the further specific conditions set forth in Section 22.15.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 398**

**ARTICLE 22.00**

Section 22.13.1 The following uses shall be permitted in all projects developed under the Residential Unit Development option.

Section 22.13.1(a) All principal permitted uses, accessory uses and uses subject to special conditions (upon approval after public hearing) allowed within the current residential zoning for the subject property shall be permitted. Said uses shall be subject to the requirements of the applicable zoning district.

Section 22.13.1(b) Multiple family dwelling, as defined in Section 37.01.82(e) and limited to sixteen (16) dwelling units in any one building.

Section 22.13.1(c) Townhouse dwellings as defined in Section 37.01.82(h) and limited to six (6) dwelling units in any one building.

Section 22.13.1(d) Two (2) family dwellings, as defined in Section 37.01.82(k).

Section 22.13.1(e) Attached single family dwelling clusters, which shall be defined as the attaching of no more than four (4) single family dwellings. The method by which the units may be attached shall be limited to the following:

Section 22.13.1(e)(1) Attachment may occur by the use of a common party wall in the garage portion of the unit only.

Section 22.13.1(e)(2) Attachment may occur by the use of obscuring walls, architectural screens or fencing when the intent of these elements is to create a private outdoor area.

Section 22.13.1(e)(3) Attachment may occur by the use of a common party wall which defines interior living or storage space provided that each dwelling unit shall be provided with a private exterior entrance with visual and physical separation from adjacent dwelling units and the exterior design of the structure is compatible with existing Single Family structures located in the development and the adjacent properties in architectural style, size overall floor area, height and with

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

acoustic control standards as established by the Building Official for cluster housing.

**FEBRUARY 10, 2004**

**PAGE 399**

**ARTICLE 22.00**

Section 22.13.1(f) Detached single family dwelling clusters, which shall be defined as a group of two (2) or more detached single family dwellings located on a common parcel of land held in one ownership or in condominium ownership, pursuant to the Horizontal Real Property Act, and having any yard or court in common.

Section 22.13.2 The area used in computing overall density shall be the gross site area including any dedicatedly interior right-of-way less than eight-six (86) feet in width and twenty-five (25%) percent of the water area of water located within the boundaries of the parcel. The Planning Commission may vary the percentage of water area to be used in the density calculation if, upon determination that such a decrease or increase would be within the spirit and intent of the residential unit option as established in harmony with the existing and proposed land patterns of adjacent properties and the general planning area. The following shall be excluded from the area used in computing overall density:

Section 22.13.2(a) Dedicated or dedicatedly interior and exterior right-of-way equal to eighty-six (86) feet in width or greater.

Section 22.13.2(b) Seventy-five (75%) percent of the water area of water located within the boundaries of the parcel. The Planning Commission may vary the percentage of water area to be excluded from the density calculation if, upon determination that such a decrease or increase would be within the spirit and intent of the residential unit option as established in harmony with the existing and proposed land patterns of adjacent properties and the general planning area.

Section 22.13.3 All dwellings defined and allowed pursuant to Section 22.13.1 (b) through (f) shall require a land area for the specific area of development for the defined housing units of not less than four thousand (4,000) square feet for each such dwelling unit with not more than one (1) bedroom, and shall provide an additional one thousand (1,000) square feet for each additional bedroom. As a guide only the densities based upon such minimum land area will not exceed the following:

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

1 Bedroom Units	10.9 Dwelling Units per Acre
2 Bedroom Units	8.7 Dwelling Units per Acre
3 Bedrooms Units	7.3 Dwelling Units per Acre

**FEBRUARY 10, 2004**

**PAGE 400**

**ARTICLE 22.00**

Section 22.13.4 All single family dwellings shall be subject to the following:

Section 22.13.4(a) Standard lots shall conform to the requirements of ARTICLE 21.00 SCHEDULE OF REGULATIONS, of this Ordinance

or

Section 22.13.4(b) Modified lots shall conform to the following lot size and yard requirements (see Section 22.13.5 for exceptions).

	R-1-E	R-1-D	R-1-A	R-1-B	R-1-C & R-1-R
Minimum Lot Area	30,000	16,000	12,000	8,000	6,600
Minimum Lot Depth	150 Ft.	140 Ft.	120 Ft.	120 Ft.	110 Ft.
Minimum Lot Frontage	125 Ft.	100 Ft.	80 Ft.	70 Ft.	60 Ft.
Minimum Front Yard	45 Ft.	35 Ft.	35 Ft.	30 Ft.	25 Ft.
Minimum Side Yard					
One	15 Ft.	12 Ft.	12 Ft.	10 Ft.	6 Ft.
Two	30 Ft.	25 Ft.	25 Ft.	25 Ft.	15 Ft.
Minimum Rear Yard	45 Ft.	45 Ft.	45 Ft.	40 Ft.	35 Ft.
Minimum Yard Abutting Open Space	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.

Section 22.13.4(c) For each square foot of land gained in a residential subdivision through the reduction of lot size as permitted in Section 22.13.4(b) above, at least equal amounts of land shall be dedicated to the common use of the owners and/or residents of the land as open space, and developed in a manner

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

approved by the Planning Commission. A complete table illustrating the amount of square footage gained for each proposed lot shall be submitted with the proposal. Square footage gained for each lot shall be determined by subtracting the proposed reduced lot area from the standard lot area as found in the Schedule of Regulations for the zoning of the subject property.

**FEBRUARY 10, 2004**

**PAGE 401**

**ARTICLE 22.00**

<b>EXAMPLE:</b>			
<b>LOT NUMBER</b>	<b>STANDARD LOT SIZE</b>	<b>REDUCED LOT SIZE</b>	<b>SQUARE FOOTAGE GAINED</b>
1.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
2.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
3.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
4.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
5.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
6.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
7.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
8.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
9.	43,560 sq ft.	30,000 sq ft.	13,560 sq ft.
		<b>TOTALS</b>	<b>122,040 sq ft 2.8 Acres</b>

Section 22.13.5

Yard requirements for attached single family dwelling clusters and detached single family dwelling clusters shall be provided based on the following Sections. The actual arrangements of buildings, distance between buildings and intended use of yard areas shall be reviewed by the Planning Commission. The Planning Commission, after review of the proposed plan and based on the proposed use of yard areas and arrangements of buildings, may require additional distance between units or clusters of units in order to insure that the intent of the Ordinance and this Article is carried out and the public health, safety and welfare of the community is adequately served.

Section 22.13.5(a)

A minimum of ten (10) feet shall be provided between each detached unit except that the distance between garages or between a garage and living area may be reduced to six (6) feet. In the above mentioned situations the applicant shall clearly indicate the intended use of the area and the proposed elevations facing each other. Where the space between units is intended for use as an outdoor living space, the area shall be a minimum of twenty (20) feet.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

Section 22.13.5(b) Minimum spacing between clusters shall be determined by the number of living units that are arranged in any cluster group as shown in the following table:

**FEBRUARY 10, 2004**

**PAGE 402**

**ARTICLE 22.00**

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

<u>No. of Living Units Per Cluster</u>	<u>Minimum Distance (Feet) Between Cluster</u>
Between a	
1 Unit Cluster and 1 Unit Cluster	10
1 Unit Cluster and 2 Unit Cluster	15
1 Unit Cluster and 3 Unit Cluster	20
1 Unit Cluster and 4 Unit Cluster	25
2 Unit Cluster and 2 Unit Cluster	20
2 Unit Cluster and 3 Unit Cluster	25
2 Unit Cluster and 4 Unit Cluster	30
3 Unit Cluster and 3 Unit Cluster	30
3 Unit Cluster and 4 Unit Cluster	40
4 Unit Cluster and 4 Unit Cluster	40

Section 22.13.6      Yard requirements for townhouse dwellings and multiple family structures shall comply with ARTICLE 21.00 SCHEDULE OF REGULATIONS for R-3-A and R-3-B Zoning Districts.

**Section 22.14            CONDITIONS SPECIFIC TO 40 ACRES OR GREATER**

Residential Unit Developments of forty (40) acres or greater, and developed pursuant to this Section, shall conform to the following requirements:

Section 22.14.1      Overall density shall not exceed the following dwelling units per acre:

Zoning District	R-1-E	R-1-D	R-1-A	R-1-B	R-1-C
&					R-1-R
Dwelling Units Per Acre	.86	1.70	2.40	3.80	5.00

Section 22.14.2      Open space shall be provided in at least the amount gained by lot size reduction as provided in Section 22.13.4(b), but in no case shall it be less than ten (10%) percent of the Residential Unit

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

Development.

**FEBRUARY 10, 2004**

**PAGE 403**

**ARTICLE 22.00**

Section 22.14.3 The total number of dwelling units as defined in Section 22.13.1 (b) through (f) combined, shall be limited to thirty-five (35%) percent of the total number of dwelling units in the development.

**Section 22.15 CONDITIONS SPECIFIC TO 80 ACRES OR GREATER**

Residential Unit Developments of eighty (80) acres or greater, and developed pursuant to this Section, shall conform to the following requirements:

Section 22.15.1 Overall density shall not exceed the following dwelling units per acre:

Zoning District	R-1-E	R-1-D	R-1-A	R-1-B	R-1-C
Dwelling Units Per Acre	1.30	2.20	3.00	3.80	5.00

Section 22.15.2 Open space shall be provided in at least the amount gained by lot size reduction as provided in Section 22.13.4(b), but in no case shall it be less than ten (10%) percent of the Residential Unit Development.

Section 22.15.3 The total number of multiple family dwelling units and townhouse dwelling units, as defined in Section 22.13.1 (b) through (f) combined, shall not exceed thirty-five (35%) percent of the total number of dwelling units in the development.

Section 22.15.4 The total number of conventional single family dwelling units shall be not less than fifty-five (55%) percent of the total number of dwelling units in the development.

Section 22.15.5 A perimeter strip of not less than three hundred sixty (360) feet in depth shall be placed around the outer boundaries of the total area where the proposed Residential Unit Development abuts, in whole or in part, land in a Single Family Residential Zoning District. The perimeter strip shall be developed in complete conformity with the requirements of ARTICLE 21.00 SCHEDULE OF REGULATIONS applicable to the abutting Single Family Residential Zoning District, and shall contain only single family dwellings; all other permitted uses or uses subject to special approval otherwise applicable to the zoning district shall be prohibited in the perimeter strip, provided, however, that a reduction in lot size may be permitted in accordance with

# **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

ARTICLE 21.00 SCHEDULE OF REGULATIONS, based upon the applicable abutting zoning district requirements. Provided

**FEBRUARY 10, 2004**

**PAGE 404**

**ARTICLE 22.00**

further that the perimeter strip may be permitted to be penetrated by an elementary school, park, golf course or other related open space which is recorded in perpetuity for said purpose. The perimeter strip may be permitted to be more or less than the required three hundred sixty (360) foot depth when the total area of the development would be more properly related to a greater or lesser strip due to topography or existing development on the abutting land as determined by the Planning Commission.

Section 22.15.6 The perimeter strip required above may contain attached single family dwelling clusters and detached single family dwelling clusters where the proposed Residential Unit Development abuts a major thoroughfare having an existing or ultimate right-of-way of one hundred twenty (120) feet or more. The density of such clusters shall not be greater than three and one-half (3.5) dwelling units per acre. The depth of the perimeter strip shall be measured from the nearest edge of the street setback line, and shall not be less than three hundred sixty (360) feet in depth.

## **Section 22.16 ALTERATION, TERMINATION OR REVOCATION OF PERMIT**

Section 22.16.1 Final approval by the Township Board of the General Development Plan and contract signifies the completion of the Residential Unit Development application process. The applicant shall comply with all conditions and requirements of the General Development Plan and contract, which shall be recorded in the record of the Township Board's approval action and shall remain unchanged except upon the mutual consent of the Township and the landowner.

Section 22.16.2 An approved General Development Plan and contract may be amended in the same manner provided in this Article for approval of the original General Development Plan and contract.

Section 22.16.3 Once an area has been included within a General Development Plan for Residential Unit Development, and such plan has been approved by the Board, no development may take place in such area nor may any use thereof be made except in accordance with the approved General Development Plan unless the Plan is terminated as provided herein.

Section 22.16.4 An approved General Development Plan and contract may be

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

terminated by the applicant **prior to any development** within the Residential Unit Development area involved by filing with the Township Clerk and recording in the Monroe County Records an

**FEBRUARY 10, 2004**

**PAGE 405**

**ARTICLE 22.00**

affidavit so stating. The approval of the General Development Plan and contract shall terminate upon said recording. No approved General Development Plan and contract shall be terminated **after any development commences** within the Residential Unit Development area, except with the approval of the Township Board and of all parties of interest in the land.

Section 22.16.5

A Residential Unit Development permit may be revoked by the Township Board in any case where the conditions of such permit have not been or are not being complied with. The Township Board shall give the permitted notice of its intention to revoke such permit at least ten (10) days prior to review of said permit by the Board. After conclusion of such review the Township Board may revoke such permit if it finds that a violation in fact exists and has not been remedied prior to such hearing.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**FEBRUARY 10, 2004**

**PAGE 406**

**ARTICLE 22.00**