

**ARTICLE 23.00  
P.U.D. PLANNED UNIT DEVELOPMENT**

**Section 23.01 PURPOSE**

The Planned Unit Development is an optional method of development which may be applied only after mutual agreement of the Township, the land owner and the proposed developer. The Planned Unit Development option is intended to permit flexibility in the development of land by encouraging innovation in land use: 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 open space; and provide housing, employment and shopping opportunities which are best suited to the needs of the Frenchtown Township residents.

Further, it is intended that this Planned Unit Development option shall be consistent with the intent of this Article, is in conformity with the goals and objectives of the "Master Plan" for the Charter Township of Frenchtown and the overall plan proposed shall be developed and laid out in a manner which shall ensure the harmony of the various land uses proposed within the Planned Unit Development option and the existing and proposed land uses of the general area. The Planned Unit Development may contain a mixture of uses as defined in this Article. The mixture of uses may be horizontal or vertical.

**Section 23.02 STATEMENT OF PRINCIPLES**

The Planned Unit Development is an optional method of development which may be permitted only after review and recommendation by the Planning Commission, approval of the Township Board and mutual agreement of the land owner and developer. Prior to forwarding their recommendations to the Board, the Planning Commission shall hold a public hearing. The Township Planning Commission and the Township Board shall ensure that any Planned Unit Development being considered for approval shall reflect the following basic principles:

Section 23.02.1 The proposed development is consistent and in conformity with the spirit and intent of the Planned Unit Development option as established in the Purpose Section of this Article.

Section 23.02.2 The proposed Planned Unit Development shall consist of a minimum of 150 +/- acres of contiguous land. (See procedure and application information Section 23.05.2 for waiver procedures).

Section 23.02.3 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 if developed

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under the specific requirements of the existing Zoning District. 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.

Section 23.02.4 The site contains certain existing "natural" or manmade features which could, with sound site planning, be incorporated into the project to minimize any negative impact the proposed project might have on adjacent properties and the community as a whole.

Section 23.02.5 The general concept proposed and the specific development plan as laid out shall be in conformity with the future land use plan for the specific site and shall further the development or stability of adjacent lands and the general planning area consistent with the future land use plan for the community.

Section 23.02.6 The proposed height, bulk, location and character of structures, open space and landscape areas proposed shall be in harmony with the existing and proposed structures of adjacent lands, and the general planning area, and shall ensure the stability and the orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.

Section 23.02.7 The proposed type and density of uses shall be compatible with the overall availability of utilities (sewer, water, electrical, roads, etc.) as designed for the area.

Section 23.02.8 The proposed uses and the location of said uses on the subject property shall be such that traffic to and from the site will not be hazardous or adversely impact abutting properties or conflict with the normal traffic flow of the general area.

Section 23.02.9 The intensity of uses associated with the proposal and such noises, vibrations, odors, glare, reflection of light, heat, hours of operation and other external effects which would normally be a product of the proposed uses, shall be compatible with the existing land uses of the abutting properties and shall ensure the stability and the orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.

### **Section 23.03 APPLICATIONS**

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

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**Section 23.04 APPLICATION INFORMATION**

Application for approval shall contain the following information:

Section 23.04.1 Proof of ownership. Documentation shall be submitted and reviewed by the Township attorney clearly indicating ownership of the property proposed to be developed under this option.

Section 23.04.2 A Metes and Bounds Survey of the acreage comprising the proposed Planned Unit Development.

Section 23.04.3 Topographic survey including natural and manmade features at a scale of 1" = 100' or larger showing greater detail with a contour interval not to exceed two (2') feet.

Section 23.04.4 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 Board as to the impact of the proposed Planned Unit Development on the general planning area in which the Planned Unit Development is located. The analysis shall include as a minimum the following:

Section 23.04.4(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 23.04.4(b) Topography

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

Section 23.04.4(c) Drainage

Natural watershed (direction), drainage swales and swamp areas.

Section 23.04.4(d) Soils

Depth of topsoil and type of soils.

Section 23.04.4(e) Vegetation

Locate and identify existing tree masses, locate and identify specimen plant material and indicate type of ground cover.

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Any tree of statute standing alone in the open; or any woodlot tree which stands obviously apart from its neighbors by size, form or species shall be designated a landmark tree. Trees equal to or greater than the diameters shown below will generally be considered a landmark tree regardless of location.

<u>Species</u>	<u>Diameter at 4 feet</u>
American Hornbeam	8"
Arborvitae	18"
Ash	24"
Basswood	24"
Beech, American	18"
Beech, Blue	8"
Birch	18"
Black Walnut	24"
Catalpa	24"
Cedar, Red	12"
Chestnut	18"
Crabapple/Hawthorne	8"
Dogwood, Flowering	24"
Elm	18"
Fir	18"
Ginkgo	24"
Hackberry	24"
Hemlock	18"
Hickory	18"
Honey Locust	24"
Kentucky Coffeetree	18"
Larch/Tamarack	12"
London Plane/Sycamore	24"
Maple	18"
Oak	18"
Pine	18"
Redbud	8"
Sassafras	18"
Serviceberry	8"
Spruce	18"
Sweetgum	16"
Tulip Poplar	24"
Wild Cherry	18"
Witch Hazel	8"

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Landmark trees shall be identified during the site analysis. Landmark trees shall be retained as part of the Planned Development District (P.U.D).

Section 23.04.4(f) Existing Conditions  
Structures, utilities and circulation.

Section 23.04.4(g) Special Features  
Lakes and ponds, special land features, dramatic views.

Section 23.04.5 A General Development Plan which indicates the type of uses proposed, their location, the general building masses to include proposed height and relationship to abutting uses, circulation (vehicular and pedestrian), parking, open space, buffer areas (dimension and general treatment proposed as related to site analysis) signs and any special features. Said plan shall be of sufficient detail to define the proposed location of buildings, parking, interior circulation, landscape areas and method of handling storm water runoff, sanitary sewer and water facilities. The General Development Plan shall convey the general intent and special form of the proposal so as to permit the Commission and the Board to evaluate the acceptability of the development as it relates to the principals and purpose requirements of this Article.

Section 23.04.6 The application shall include a written narrative of the development plan proposed describing in detail the type of uses proposed, their location, height of structures, landscaping, project populations, traffic generated, etc.

Section 23.04.7 The application shall include plans, sections and elevations which shall establish the architectural style and building materials which will be used within the Planned Unit Development option. This information will not define the specific elevations but will as indicated earlier, establish the general architectural style and building materials to be used.

Section 23.04.8 Any additional information, drawings, elevations, sections, studies or reports which the Board or Commission determines essential to determine the suitability of the proposal.

Section 23.04.9 General style, size, height and materials of signs to be used throughout the development.

**Section 23.05 PROCESSING OF APPLICATION**

Section 23.05.1 Upon receipt of an application for a Planned Unit Development option, the application shall be placed upon the next available Township Planning Commission agenda for a preliminary presentation by the applicant, a determination regarding the minimum site size requirement and to establish a public hearing.

Section 23.05.2 If the minimum site size requirement has not been met no other processing shall be made until this aspect is resolved. The Township Board may permit a smaller Planned Unit Development option after a favorable recommendation of the Planning Commission if it is determined that:

Section 23.05.2(a) The proposed project provides unique characteristics and benefits to the community and the general area which would not be otherwise attainable under current zoning or an acceptable zoning for the area.

Section 23.05.2(b) The proposed project would further the spirit and intent of the Master Plan and would not be contrary to it.

Section 23.05.2(c) All requirements and standards of this Article can be achieved except for the minimum size requirement.

Section 23.05.3 Upon initial presentation and determination of site size requirements being met, the Commission shall establish date, time and place for a public hearing and direct the Township Planning Consultant and Engineer to review the application and provide a written report at the public hearing.

Section 23.05.4 After the public hearing, the Planning Commission may table the application for additional study and/or request additional information, recommend approval, recommend approval with conditions or recommend denial.

Section 23.05.5 Upon receipt of the written report from the Planning Commission, the Board shall review the application and deny, approve or approve with conditions the request for Planned Unit Development option.

Section 23.05.6 Upon approval of the application, the applicant shall immediately prepare a contract and exhibits thereto consistent with Section 23.12 of this Article. The contract shall be submitted to the Township Attorney and Planning Consultant for review and approval prior to being placed on the Board agenda for approval.

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Upon approval of the contract, it shall be recorded with the Register of Deeds and shall run in perpetuity with the land.

Section 23.05.7 Approval of the Planned Unit Development option shall constitute an amendment to the Zoning Ordinance. Any improvements and uses of the site shall be consistent with the Planned Unit Development option. The Zoning Map of the Township shall be amended indicating Planned Unit Development option for the site described in the approved application. The Clerk of the Township shall publish the adoption of the amendment in accordance with requirements of Michigan Public Acts as amended.

Section 23.05.8 Upon approval of a contract and the modification of the Zoning Map, no development shall take place on the subject property nor use made of any part thereof except in accordance with the General Development Plan and accompanying documents as originally approved or as appropriately amended.

Section 23.05.9 Approval to the General Development Plan and associated document shall not constitute site plan approval or Tentative Preliminary Plat approval for the site or any part thereof. The contract, General Development Plan, and all exhibits thereto shall serve as a guide in the preparation and review of the various final plans and plats.

## **Section 23.06 PUBLIC HEARING REQUIREMENTS**

A public hearing shall be held by the Planning Commission on a proposed Planned Unit Development option in order to acquaint the public and adjoining property owners with the proposal prior to furnishing of detailed plans and specifications by the applicant. Notice of the public 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. 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, partnerships, 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:

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Section 23.06.1 Describe the nature of the Planned Unit Development option request.

Section 23.06.2 Indicate the property which is the subject of the Planned Unit Development option request.

Section 23.06.3 State when and where the Planned Unit Development request will be considered.

Section 23.06.4 Indicate when and where comments will be received concerning the request.

### **Section 23.07 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 PUD to the intent and purpose of the Zoning Ordinance, its compatibility of public services and facilities affected by the proposed PUD, recommend approval or recommend approval with conditions regarding applying the Planned Unit Development option to the tract of land as described in the Metes and Bounds Survey submitted with the application. The Commission shall prepare a report stating the recommendations 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 23.08 DISAPPROVAL BY THE PLANNING COMMISSION**

If the Planning Commission recommends disapproval regarding applying the Planned Unit Development 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 23.09 TOWNSHIP BOARD ACTION**

Upon receipt of the report and recommendations of the Commission, the Township Board shall review the application and shall take action thereupon.

### **Section 23.10 DISAPPROVAL BY THE TOWNSHIP BOARD**

If the Township Board denies the request to apply the provisions of the Planned Unit Development 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 the case of a denial, development of the subject property can be made only in accord with the provisions of the Zoning Ordinance governing the district in which the property is located.

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**Section 23.11 TOWNSHIP BOARD APPROVAL**

If the Township Board approves the request to apply the provisions of the Planned Unit Development 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 requirements of the Planned Unit Development option and the conditions established in the Site Plan Analysis, General Development Plan,, and all exhibits thereto. Upon approval by the Township Board a contract shall be developed by the applicant and approved by the Board. No work shall commence at the subject property until said contract has been executed. The contract shall be filed with the Register of Deeds.

**Section 23.12 CONTRACT REQUIREMENTS**

After Planned Unit Development option approval, the application shall submit to the Township Board for approval a proposed contract setting forth the conditions upon which approval of the Planned Unit Development option is based. The contract, after review by the Planning Consultant, Township Attorney, and approval by the Township Board, shall be entered into between the Township and the applicant. The contract upon execution shall be filed with the register of deeds. Said contract shall provide:

- Section 23.12.1 The manner of ownership of the land.
- Section 23.12.2 The manner of the ownership and of the dedication of any common space or private parks.
- Section 23.12.3 The restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for any common open land, private parks or other features of the P.U.D.
- Section 23.12.4 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 costs, expenses or fees planned or reasonably foreseen, and to the manner of assuring payment of obligation.
- Section 23.12.5 Provisions for the Township to effect construction, installation, 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 plan, and the manner for the assessment and enforcement of assessments for the costs, expenses, or fees incidental thereto against the applicant, or the future owners or occupants of the Planned Unit Development option.
- Section 23.12.6 The Final Development Plan, Site Analysis and General Development Plan elevations, sections, etc., shall be incorporated by reference and as exhibits.

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Section 23.12.7 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 23.13 SITE PLAN APPROVAL**

Section 23.13.1 Final Site Plan approval shall be within the duties and powers of the Planning Commission.

Section 23.13.2 In reviewing a Final Site Plan for a specific use within the Planned Unit Development option or a phase of it, the Commission shall insure that the Final Site Plan is in conformity with the General Development Plan as previously approved; and in the case where only a phase is being presented for review the phase contains the necessary components to insure the health, safety and welfare of the users of the Planned Unit Development and residents of the surrounding properties.

Section 23.13.3 Final Site Plans shall reflect and generally adhere to those use patterns as approved in the General Development Plan. The Commission shall use as a guide in reviewing the Final Site Plans for a specific use within the General Development Plan the standards set forth in this Article, the General Development Plan and the exhibits thereto.

Section 23.13.4 All dedications of public right-of-way or planned public open spaces shall be made prior to any construction taking place on the site unless otherwise provided for by the Planning Commission in a manner approved by the Township Attorney.

**Section 23.14 GENERAL CONDITIONS**

A proposed Planned Unit Development shall comply with the following general conditions:

Section 23.14.1 Permitted Uses

The following uses (separate or in combination) may be permitted in a Planned Unit Development, upon determination by the Planning Commission and the Board that the proposed uses meet the criteria as established in the Purpose and Statement of Principles Section of this Article. Particular attention shall be paid to the relationship of said use to other uses.

Section 23.14.1(a) Office uses including the following:

Section 23.14.1(a)1 Medical and dental offices and clinics excluding veterinary clinics.

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Section 23.14.1(a)2 Professional, administrative, executive and editorial offices.

Section 23.14.1(a)3 Real estate and other general business offices.

Section 23.14.1(a)4 Schools for arts and crafts, photography and studios for music or dancing.

Section 23.14.1(b) Commercial uses including the following:

Section 23.14.1(b)1 Department stores, specialty shops and restaurants.

Section 23.14.1(b)2 Retail establishments whose principle activity is the sale of merchandise in an enclosed building; outdoor storage or display is prohibited.

Section 23.14.1(b)3 Hotels and motels.

Section 23.14.1(c) Research, testing and training uses including the following:

Section 23.14.1(c)1 Industrial or scientific research, development and testing laboratories and offices.

Section 23.14.1(d) Industrial manufacturing facilities only if it is determined that said uses will not impact in a negative manner on the Planned Unit Development as a whole and/or adjacent uses.

Section 23.14.1(e) Residential uses

Section 23.14.2 Location

A Planned Unit Development option may be permitted in any location of the Township provided it is consistent with the Master Plan for the community and is consistent with all requirements, standards and criteria established in this Article.

Section 23.14.3 Vehicular and Pedestrian Circulation

The exterior and interior vehicular and pedestrian circulation system planned for the proposed Planned Unit Development District shall be in the best interests of the public health, safety and welfare in regards to the general public and the future users of the

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Planned Unit Development District. The circulation systems proposed shall take into consideration the overall circulation of the community as a whole, egress/ingress to the site, vehicular turning movements related to interior circulation, street intersections and street gradients and site distance and potential hazards to the normal flow of traffic.

Section 23.14.3(a) In reviewing the proposed interior circulation system for the proposed Planned Unit Development District, the Planning Commission shall determine the necessity for public roads and the potential future extension of such roads to adjacent properties.

Section 23.14.3(b) All interior roads (both those designated as public and private) shall be constructed in compliance with current standards adopted by the Monroe County Road Commission or standards established by the Township from time to time.

Section 23.14.4 Area Determination for Eligibility

The site area used to determine eligibility of the site for development shall be the gross site area exclusive of public right-of-way, presently or ultimately equal to eighty-six (86') feet in width or greater.

Section 23.14.5 Residential Density

Section 23.14.5(a) When a residential use is proposed to be a part of a Planned Unit Development option the overall density of the area designated as residential shall not exceed the overall density as designated on the Future Land Use Plan. When a range is given in the Future Land Use Plan, in general the low side of the range shall be used to determine the appropriate density. This does not preclude the ability to concentrate the units by design of the type of unit. For example, 20 +/- acres of a Planned Unit Development is designed as residential. The Future Land Use Plan permits a density range of two (2) to four (4) dwelling units per acre. Total units permitted are 2 dwelling units x 20 acres = 40 units. The forty units may be permitted on five +/- acres of the area with the remaining fifteen +/- acres developed as open space, park, etc. If the Master Plan does not designate a residential density the overall density of the area designated as residential shall be determined by the Commission and the Board but shall in no case exceed

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twelve (12) dwelling units per acre.

Section 23.14.5(b) The area used in computing overall residential density shall be the gross site area, including any deductible interior right-of-way excluding the following:

Section 23.14.5(b)(1) Public right-of-way presently or ultimately equal to eighty-six (86') feet in width or greater.

Section 23.14.5(b)(2) 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 23.14.6 Parking and Loading Requirements

Off-street parking and loading requirements shall be provided consistent with ARTICLE 24.00 OFF-STREET PARKING REQUIREMENTS, LAYOUT, STANDARDS, AND OFF-STREET LOADING AND UNLOADING of this Ordinance. Mixed uses may have varied demands therefore minor modification to the requirements may be granted by the Board after recommendation by the Commission. The Commission and the Board shall address the impact any change could ultimately have on the development as a whole and existing and future uses of adjacent properties.

Section 23.14.7 Desirable Site Amenities

During the site analysis stage, emphasis shall be placed on incorporating desirable site amenities such as trees, waterways, scenic or historic points or other community assets or land marks into the overall development.

Section 23.14.8 Utilities

Section 23.14.8(a) The Planned Unit Development option shall be so located in relationship to sanitary sewers, watermains, storm and

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surface drainage systems and other utilities that neither extensions nor enlargement of such systems will be required that would result in a higher net public cost than would ordinarily occur under development within the existing zoning classification provided, however, that the developer may install said facilities at his/her own expense.

Section 23.14.8(b) All utility lines or similar facilities intended to serve any use in a Planned Unit Development whether designed for primary service from main lines or for distribution of services throughout the site, shall be placed and maintained underground at all points within the boundaries of the site.

Section 23.14.9 Access

The Planned Unit Development shall be located, with respect to major streets and highways, so as to provide direct access to the Planned Unit Development without increasing significantly the amount of traffic along minor streets or introducing commercial or industrial traffic along a residential oriented roadway.

Section 23.14.10 Landscaping

Section 23.14.10(a) General Site Requirements

All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, trees, and suitable live plant material which shall extend to the abutting street pavement edge. Type, size and location of materials shall take into consideration site distance of vehicles at all times.

Section 23.14.10(b) Right-of-way

Right-of-way plantings shall, in general, be restricted to deciduous trees. A planting plan can be approved by the Commission providing more extensive landscape materials if the applicant can show that additional proposed plants would not be impacted by the utility repairs or installation and site distance would not be impaired.

Section 23.14.10(c) Parking Lots

Section 23.14.10(c)1

Front yard setback shall be landscaped and parking shall be restricted from the entire front yard except for a corner lot. In the case of a corner lot, one of the two street sides shall be designated as the front yard by the Commission. The designated front yard shall be landscaped and parking shall be

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restricted from the entire front yard. The secondary (undesignated) front yard may include parking within the front yard setback provided a minimum twenty (20') foot landscape strip is located between the street setback line and the proposed parking. The landscape strip shall include extensive landscaping.

Section 23.14.10(c)2 A minimum of one tree shall be incorporated within the parking area for each twenty (20) parking spaces provided.

Section 23.14.10(d) Interface of Uses

When two different uses interface within the Planned Unit Development option or adjacent to it, screening in the form of landscaped berms, evergreen tree plantings, walls, preservation of existing trees or a combination of any of the above shall be provided and approved by the Commission.

Section 23.14.11 Signs

All proposed signs shall be subject to review by the Commission as part of the Final Development Plan of the Planned Unit Development. The Planning Commission in their review shall ensure that all proposed signs are in harmony with the existing land uses of adjacent properties and shall not adversely impact the orderly development of adjacent properties and the general planning area.

Section 23.14.12 Building Height

The maximum height of structures shall be reviewed on the basis of the Planned Unit Development option proposed and the principals established in the Purpose Section and Statement of Principles Section of this Article. In no case shall the height of structures be permitted to exceed the following:

Residential:	3 stories	35 feet
Commercial:	4 stories	48 feet
Office:	4 stories	48 feet
Industrial:	3 stories	45 feet

Section 23.14.13 Distance Between Buildings

Section 23.14.13(a) Detached single family shall be located at least fifty (50') feet front to front, front to rear or rear to rear, side to side shall be thirty (30') feet.

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Section 23.14.13(b) Conventional single family, the Planned Unit Development option shall establish the yard setback. In general the Commission shall use the adjacent zoning or equivalent from the Master Plan to establish the yard setbacks.

Section 23.14.13(c) Multiple family units shall be located at least seventy (70') feet front to front, front to rear, rear to rear. Front to side or rear to side shall not be less than fifty (50') feet. Side to side twenty (20') feet.

Section 23.14.13(d) Non-residential buildings shall be a minimum of one hundred (100') feet from any residential building with appropriate screening.

Section 23.14.13(e) The minimum distance between non-residential buildings shall equal thirty (30') feet plus four (4') feet for each story of the higher structure plus two (2') feet for each ten (10') feet of length of the facing wall of the higher structure provided that no part of a structure in a building group shall be less than fifty (50') feet from any other structure. In reviewing the spacing between buildings, the Commission and Board shall ensure that the spacing proposed shall provide for adequate light and air to each structure and that privacy is maintained.

### **Section 23.14.14 Building Setbacks Related to Roads, Streets and Adjacent Properties**

Section 23.14.14(a) Along perimeter adjacent to public road  
--50 feet

Section 23.14.14(b) Along perimeter but not adjacent to a road  
--50 feet

Section 23.14.14(c) Along an internal major thoroughfare road (proposed 120 feet right-of-way)  
--50 feet

Section 23.14.14(d) Along an internal collector or local road  
--40 feet

Section 23.14.14(e) The building setback requirement may be required to be increased and/or additional buffer treatment in the form of tree plantings and/or screening walls may be required by the Commission. The Commission shall have the authority to vary the specific requirements of this Section provided

the alternative proposed by the applicant ensures the spirit and intent of this Section and the Ordinance as a whole.

**Section 23.15            ALTERATION, TERMINATION OR REVOCATION OF PERMIT**

Section 23.15.1            Final approval by the Township Board of the Final Development Plan and contract signifies the completion of the Planned Unit Development application process. The applicant shall comply with all conditions and requirements of the Final 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 23.15.2            An approved Final Development Plan and contract may be amended in the same manner provided in this Article for approval of the original Final Development Plan and contract.

Section 23.15.3            Once an area has been included within a Final Development Plan for Planned Unit Development and such plan has been approved by the Board, no development may take place in such area nor may any use be made thereof, except in accordance with said plan, or in accordance with a Board approved amendment thereto, unless the plan is terminated as provided herein.

Section 23.15.4            An approved Final Development Plan and contract may be terminated by the applicant prior to any development within the Planned Unit Development area involved by filing with the Township Clerk and recording in the Monroe County Records an affidavit so stating. The approval of the Final Development Plan and contract shall terminate upon said recording. No approved Final Development Plan and contract shall be terminated after any development commences within the Planned Unit Development area, except with the approval of the Township Board and of all parties of interest in the land.

Section 23.15.5            A Planned 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 permittee 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.

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