

## CHAPTER XII

### I-2, HEAVY INDUSTRIAL DISTRICT

#### SECTION 12.01 DESCRIPTION AND PURPOSE

These uses, which include the manufacture or treatment of goods from raw materials, are permitted in the heavy industrial zone.

#### SECTION 12.02 USE REGULATIONS

In the "I-2" Heavy Industrial District, land and buildings may be used for the following purposes only:

- (a) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products, except the rendering or refining of fats and oils.
- (b) The manufacture, compounding, assembly or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semiprecious metal or stones, shell rubber, tine, iron, steel, tobacco, wood, yarn.
- (c) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- (d) Motor freight terminal garaging and maintenance of equipment.
- (e) Warehousing and storage.
- (f) Machine shop.
- (g) Petroleum storage located at least five hundred (500) feet from any residentially zoned property.

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- (h) Transportation, communication, and utilities plants, towers, relay stations, and transmitters. Public & semi public utility plants and related facilities.
- (i) Private heliports.
- (j) Acetylene gas manufacture or bulk storage.
- (k) Alcohol manufacture.
- (l) Ammonia, bleaching powder or chlorine manufacture.
- (m) Asphalt manufacture or refining.
- (n) Brick, tile or terra cotta manufacture.
- (o) Chemical manufacture.
- (p) Concrete or cement products manufacture.
- (q) Electric power generating plants, buildings, structures and other related uses.
- (r) Iron or steel foundry or fabricating plants and heavyweight casting.
- (s) Lampblack manufacture.
- (t) Mining.
- (u) Oil cloth or linoleum manufacture.
- (v) Paint, oil, shellac, turpentine, lacquer or varnish manufacture.
- (w) Petroleum products manufacture.
- (x) Plastic manufacture.
- (y) Railroad repair shops and classification yards.
- (z) Rolling mills.

- (aa) Soap manufacture.
- (bb) Sodium compounds manufacture.
- (cc) Tar distillation or tar products manufacture.
- (dd) Wool pulling or scouring.
- (ee) Processing of junk, waste, discarded or salvaged materials, machinery or equipment, including the wrecking, disassembling or dismantling of used motor vehicles or trailers and the storage or sale of dismantled, obsolete or wrecked vehicles or their parts, provided such use is conducted within a completely closed building or is enclosed with a solid fence not less than six (6) feet high.
- (ff) And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, contaminants or toxic materials, vibration and the like and not allowed in any other zone; provided, however, that any use not herein specified shall be approved by the Board of Appeals after hearing with notice to all property owners within three hundred (300) feet and such approval shall be made only after a determination that all activity will be conducted in such a manner that no noise, smoke, dust, contaminants, toxic materials, or vibration or other similar nuisance shall exist so as to adversely affect the use of other properties in the vicinity.
- (gg) All uses permitted in the "I-1" Planned Enterprise District.

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- (hh) ~~Uses by special use permit - Commercial enterprises for the operation of recreational facilities to include, by way of example and not limitation snowmobiles, motorcycles and racetracks.~~

1. Commercial enterprises for the operation of recreational facilities to include, by way of

example and not limitation, snowmobiles,  
motorcycles, and racetracks.

2. Utility-Grid Wind Energy System, developed per the  
Special Use Permit requirements of Section 6.03(j).

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EFF: 11-29-01

- (ii) Adult book stores or adult entertainment establishments  
as defined in Sections 30.05 and 30.07.

SECTION 12.03                    AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard requirements are provided and maintained in connection with such building structure or enlargement:

- (a) Yard, Front

There shall be a minimum front yard of fifty (50) feet.

- (b) Yard, Side

There shall be a minimum side yard of twenty (20) feet except on the street side of a corner lot where fifty (50) feet shall be required.

- (c) Yard, Rear

There shall be a minimum rear yard of twenty-five (25) feet except that where such uses abut a residential zone, a minimum rear yard of fifty (50) feet shall be provided.

SECTION 12.04                    REQUIRED CONDITIONS

- (a) All lighting shall be arranged to reflect any light away from residential or agricultural zoned property.
- (b) If any of the property abuts or adjoins residential or agricultural zoned property, a greenbelt shall be maintained along said abutting property line.

SECTION 12.05            OFF-STREET PARKING REQUIREMENTS

As regulated in Chapter XVIII.

SECTION 12.06 OFF-STREET LOADING FACILITIES

Off-street loading facilities shall be provided as follows:

| BUILDING FLOOR<br>AREA             | REQUIRED<br>SPACES  |
|------------------------------------|---------------------|
| Up to 20,000 sq. ft.               | 1                   |
| 20,000 - 50,000 sq. ft.            | 2                   |
| 50,000 - 100,00 sq. ft.            | 3                   |
| Each additional 100,000<br>sq. ft. | 1 Additional Space. |

SECTION 12.07 PHYSICAL STANDARDS FOR PARKING AND LOADING FACILITIES

- (a) Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles.
- (b) Each loading space shall be at least ten (10) feet in width and twenty-five (25) feet in length.
- (c) All off-street parking and loading areas shall be surfaced with asphalt, concrete or similar materials.
- (d) Adequate enclosed drainage outlets shall be provided to handle the needs of off-street parking and loading facilities.
- (e) All lighting provided for off-street parking and loading facilities shall be arranged to reflect away from adjoining residential districts.
- (f) Off-street loading and parking areas greater than one thousand (1,000) square feet in area shall be effectively screened on any side that adjoins a residential district by a solid, uniformly painted fence or wall not less than four (4) nor more than six (6) feet in height, maintained in good condition; provided, however, that where the adjacent owners agree in writing, a screening of hedge or other natural landscaping may be substituted for the required fence or wall.

## CHAPTER XIII

### PUD - PLANNED UNIT DEVELOPMENT DISTRICT

#### SECTION 13.01 DESCRIPTION AND PURPOSE

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The PUD - Planned Unit Development District is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Hampton Township Zoning Ordinance and for other exceptional uses not so provided.

It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

Under this Section, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

#### SECTION 13.02 OBJECTIVES

The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

- (a) To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
- (b) To encourage, with regard to a residential planned unit development, the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.
- (c) To encourage developers to use a more creative and imaginative approach in the development of residential, commercial and industrial areas.
- (d) To encourage underground utilities which can be more efficiently designed when master planning a larger area.
- (e) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
- (f) To promote flexibility in design and permit planned diversification in the location of structures.
- (g) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
- (h) To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
- (i) To insure a quality of construction commensurate with other developments within the Township.

Concept plan approval by the Hampton Township Planning Commission is required for a PUD which is larger than 50 acres in size, or will be developed in more than three phases.

(a) The concept plan shall include the following information:

1. A land use plan, showing the general land uses to which the land will be developed.
2. A written description sufficiently developed to explain these land uses.
3. The density of dwelling units per acre or for nonresidential development intensity parameters.
4. On-site and off-site infrastructure requirements and method for providing the same.
5. Any known or anticipated significant impacts on the natural environment or on the health, safety, or welfare of the Township. Planned mitigation measures also shall be included.
6. An analysis of the PUD's impact on the Township's economy.
7. A delineation of the PUD's phases and a general development schedule.
8. A legal description of the property.

(b) Concept plan approval also shall be a statement of the policy by the Township that final PUD approval will be granted for subsequent phases if they meet the intent and parameters of the approved concept plan. An approved PUD concept plan shall constitute an amendment to the Hampton Township General Development Plan.

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- (c) The concept plan shall be submitted with the preliminary development plan for the first phase. It shall be subject to all of the processing requirements and of those review requirements applicable to the concept plan as outlined in Sections 13.05, 13.06, 13.07, 13.09, 13.10, 13.11, and 13.12. In addition, the concept plan adoption procedure shall conform to the requirements of the ~~Township Planning Act, being P.A. 168 of 1959~~ Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Subsequent phases of the PUD shall not require the submission and review of a preliminary development plan. Subsequent phases shall be submitted and reviewed as final development plans, provided that the information required on a preliminary development plan shall be shown on the final development plan.

Revisions to an approved concept plan may be approved according to the procedure for adoption of concept plan.

SECTION 13.04 PRELIMINARY DEVELOPMENT PLAN

Submission and Content: Except as provided in Section 13.03(c), applicants shall submit to the secretary of the Planning Commission four (4) copies of a preliminary development plan for the phase or phases being submitted for approval - one (1) copy for the Planning Commission, one (1) copy for the Township Board, one (1) copy for the Planning Consultant, and one (1) copy which shall be returned to the applicant. Said plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following information for the phase or phases being submitted for approval.

- (a) Legal description of the property.
- (b) Small scale sketch of properties, streets and uses within one-half (2) mile of the area.
- (c) A map to scale showing any existing or proposed arrangement of:
1. Streets

2. Lots
3. Access points
4. Other transportation arrangements
5. Buffer strips
6. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets
7. Signs - location and lighting
8. Buildings

(d) A narrative describing:

1. The overall objectives of the PUD
2. Source of financing and statement of total estimated development costs of each stage
3. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and necessary yards
4. Densities
5. Proposed method of providing sewer and water service as well as other public and private utilities
6. Proposed method of providing storm drainage

(e) A statement indicating the existing zoning of the property.

In addition to the above required information, said applicant shall submit a fee in accordance with the fee schedule established by the Township Board to cover the normal and specially incurred expenses of the Planning Commission and Township Board. One-half (2) of said fee shall be paid upon submission of the preliminary development plan and the balance upon application for rezoning.

SECTION 13.05                      PLANNING COMMISSION REVIEW OF  
PRELIMINARY DEVELOPMENT PLAN

The Planning Commission shall review the preliminary development plan and make recommendations to the applicant based on the purposes, objectives and requirements of this Ordinance and specifically the following considerations where applicable:

- (a) Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe or emergency.
- (b) Off-street parking and loading areas where required, with particular attention to the items in Sections 19.01 and 19.02 above and the economic, noise, glare, and odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD.
- (c) Refuse and service areas with particular reference to the items in Sections 13.01 and 13.02.
- (d) Sewer, water and storm drainage with reference to locations, availability and compatibility.
- (e) Screening and buffering with reference to type, dimensions and character.
- (f) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD.
- (g) Required yards and other open space. For the purposes of this Article, the term "open space" shall mean a unified, usable area or areas of sufficient size, shape and location to provide recreational opportunities, either active or passive, for residents of the Township and/or the PUD district. Examples of open space areas include: open fields, wooded areas, streams, ponds, landscaped areas, and recreational facilities (i.e. tot lots, ball fields, swimming pools, tennis courts, golf courses, etc.). That area used for public or private streets or drives, parking lots, necessary yards, and buildings or structures shall not be used to comprise the required open space.
- (h) General compatibility with adjacent properties and other property in the proposed PUD.
- (i) The general purposes and spirit of this Ordinance and the Master Plan of the Township.

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SECTION 13.06                      ADVISORY PUBLIC HEARING AND TRANSMITTAL OF  
PLANNING COMMISSION RECOMMENDATIONS

During this time period, the Planning Commission shall call an advisory public hearing for the purpose of receiving comments relative to the preliminary development plan giving notice by publication in a newspaper of general circulation in the Township at least ~~eight (8) days, but not more than~~ fifteen (15) days, prior to the hearing. Notice shall also be 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 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. If the name of the occupant is unknown, the term "occupant" may be used in making notification. The notice shall:

- a. Describe the nature of the request.
- b. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

The Planning Commission shall transmit its recommendations for changes or modifications in the preliminary development plan to the applicant. A copy of the Planning Commission's recommendations shall also be transmitted to the Township Board.

SECTION 13.07                    FINAL DEVELOPMENT PLAN AND SUBMISSION AND  
APPLICATION FOR REZONING

After receiving the recommendations of the Planning Commission on the preliminary development plan, an applicant proceeding under the PUD Planned Unit Development District section shall submit five (5) copies of the final development plan to the Secretary of the Planning Commission, one (1) copy for the Planning Commission, one (1) copy for the Township Board, one (1) copy for the Building Inspector, one (1) copy for the Planning Consultant, and one (1) copy which shall be returned to the applicant under Section 13.11.

SECTION 13.08                    FINAL DEVELOPMENT PLAN CONTENT

In addition, the applicant shall submit an application for rezoning according to the final development plan. The final development plan shall include the following information and such items as may be requested by the Planning Commission from its review of the preliminary development plan.

- (a) A plot plan based on an accurate certified property survey showing:
  - 1. Location, size and type of present buildings to be retained or removed
  - 2. Location of proposed buildings
  - 3. Location of existing and proposed streets, drives, loading areas, and parking lot
  - 4. Location of water, sewer and other utility lines
  - 5. Storm drainage
  - 6. Topographical features, including contour intervals no greater than five (5) feet
  - 7. Ditches, water courses and floodplains
  - 8. Ground cover and other pertinent physical features of the site such as trees
  - 9. Proposed landscaping and screening
  - 10. Location of existing improvements
  - 11. Location of lot lines
  - 12. Signs
  - 13. Exterior lighting
  
- (b) Preliminary architectural sketches or a general statement as to the type of construction and materials to be used in

the proposed buildings. Height and area of buildings and structures shall be described.

- (c) The period of time within which the project will be completed.
- (d) Proposed staging of the project, if any.
- (e) Gross area in building structures, parking, public and/or private streets and drives, necessary yards and parking ratios.
- (f) Densities.
- (g) Delineation of the one hundred (100) year floodplain and any proposed uses therein.
- (h) Current proof of ownership of land to be utilized or evidence of contractual ability to acquire this land such as an option or purchase contract.
- (i) Any update of financing procedures and development costs for each stage.

SECTION 13.09 PUBLIC HEARING

The Planning Commission shall hold a public hearing giving notice as required by statute for rezoning.

SECTION 13.10 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

The Planning Commission shall consider the final development plan based on all the requirements of this Chapter and shall, when appropriate, recommend that specific changes be made to conform with the purpose of Section 19.01, the objectives of Section 13.02, the intent and provisions of this Ordinance, and the intent and purpose of the General Development Plan.

If the Planning Commission shall determine that the proposed use of the land as shown on the final development plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, obnoxious gases, glare and heat, vibrations, fire or explosion hazards, liquid or solid industrial wastes, traffic or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission, the Commission may recommend that such control devices be incorporated as a part of the final development plan.

SECTION 13.11                    TRANSMITTAL OF PLANNING COMMISSION  
RECOMMENDATION

The Planning Commission shall transmit its recommendations concerning the final development plan and the requested rezoning along with any recommended changes or modifications to the Township Board and the applicant.

SECTION 13.12                    FINAL APPROVAL

- (a) The Township Board shall review the final development plan as transmitted by the Planning Commission. The Township Board may require such considerations, restrictions and regulations for the PUD as it determines are in the best interest of the Township. The requirements or restrictions made by the Township Board shall be predicated on the requirements of this Ordinance. If the Township Board approves the final development plan with any change it deems appropriate, it shall approve the rezoning request. Upon approval of the rezoning, the final PUD development plan shall be incorporated into, and become part of, the zoning ordinance text and map. The Township Clerk shall forward a copy of the Township Board's requirements, if any, and a copy of the final PUD development plan as approved to the applicant.
- (b) Any building permit shall be valid only so long as the final PUD development plan as adopted by the Township is conformed with. Deviations from this Ordinance shall be

deemed a violation of this Ordinance, unless approved as follows:

1. Changes in size or location of improvements of less than five (5) feet and minor changes necessitated by good engineering, architectural or construction practice, as approved by the Zoning Administrator.
2. Changes in building size or location of more than five (5) feet, provided the density or use intensity of the area is not substantially increased; as approved by the Planning Commission according to the site development plan requirements of Chapter XIV.
3. Other changes shall require a revision to the approved final development plan. Where applicable, these changes also shall require a revision to the concept plan.

SECTION 13.13                    GENERAL PROVISIONS

- (a) Maximum Densities - For the purpose of this Chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD.
- (b) Sewer and Water Service - In the event public sewer and/or water service is not available at the time of development, a PUD may be allowed to utilize a private sewage and/or water system; provided such sewer and/or water system meets the approval and specifications of the Bay County Health Department and the Township Engineer and provided such sewer lines and water lines so installed meet the specifications of the Township for public water and/or sewer lines and are such that said systems can be readily connected to public water and/or sewer when they become available. At such time when public water and/or sewer service is within 500 feet of the PUD development, the developer or subsequent owner or owners shall connect to said sewer and/or water system within the time specified by the respective utility ordinance.
- (c) Performance Bonds - The Township Board, in connection with reviewing any application for a final PUD development plan, shall require reasonable undertakings by the applicant to guarantee and assure, by agreement, including a performance bond, letter or credit, or certified check in an amount

equal to the estimated cost of improvements associated with the phase. In making its determination as to the form of financial guarantee or deposit required hereunder, the Township Board shall take into account the following factors: (1) previous experience with the applicant; (2) the applicant's financial condition; (3) the nature and size of the proposed development; and (4) any other factors deemed by the Township Board to be reasonably related to its determination under the facts and circumstances existing in the individual case. Such bond or surety shall be posted with the Township Clerk at the time of issuance of a building permit or the beginning of site preparation, whichever shall occur first, in order to insure that the development will be executed in accordance with the approved final PUD development plan. The Township shall rebate a proportional share of the deposit when requested by the depositor based on the percent of improvements completed, as attested by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his discretion, call upon professional assistance from the Township Engineer or the Township Planner. Deviations from the approved final PUD development plan, except as provided for in Sections 13.03(c) or 13.12(b), shall be grounds for forfeiture of the performance bond, letter of credit or certified check.

In those cases where the aforementioned performance bond or certified check have been forfeited, they shall be used by the Township to render the property to be in a safe and healthy condition.

- (d) Time Limitation on Development - Each PUD phase shall be under construction within one and one-half (1 1/2) years after the date of final PUD development plan approval by the Township. However, if final PUD development plan approval is granted, the Township may specify a specific time limitation on development for each stage so approved. Should the aforementioned time limits not be met, no building permit shall be issued without the developer first obtaining a new site plan review and approval from the Planning Commission. The developer may request an additional site plan review even if his time of commencing development has not expired. The Planning Commission has the discretionary authority to deny, approve, or approve with conditions this site plan. The objectives of this additional site plan review are to insure that the development still fulfills the needs of the Township as

outlined in this ordinance and is suitable for the land under development, taking into regard all changes in character and circumstances of surrounding properties.

- (e) Required Improvements Prior to issuance of Occupancy Permit - The Planning Commission 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 residents, but are not fully completed, the Zoning Administrator 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 issuance of the occupancy permit. In the event the provisions herein are not complied with, the bond shall be forfeited and shall be used by the Township to construct the required improvements yet to be made.

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- (f) Recording of Plats - The Planning Commission and the Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the ~~Subdivision Control Act of 1967~~ Land Division Act, as amended, for the State of Michigan.
- (g) Additional Provisions - All of the provisions of the Zoning Ordinance and the appropriate district(s) therein, and other Ordinances of the Township shall control the PUD except where inconsistent therewith, in which case the provisions of this article shall supersede and control any other such provisions.
- (h) Validity - In the event that any section, clause or provision of this PUD Section shall be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Section as a whole, or any part thereof, other than the part so declared to be invalid.

- (i) Common Area Utilities - For any areas that are to be held under common ownership, a document showing future maintenance provisions shall be submitted to the Planning Commission. Such document shall require mandatory membership to all property owners in an association designed for maintenance of common area and common utility systems, and shall be recorded with the Bay County Register of Deeds and shall be a restriction on all sales of the property within the PUD.
- (j) Public Spaces - Where a proposed public playground, school or other public use shown in the Master Plan, or amendments thereto, is located in whole or in part in a proposed PUD, the Planning Commission shall bring the same to the attention of the proprietor and the Township Board so that they may address the question of acquiring such areas by dedication, reservation or payment.

SECTION 13.14                    RESIDENTIAL PLANNED UNIT DEVELOPMENT  
DISTRICT

Over the past decade a need for an alternative, economical family housing has arisen. Among the housing concepts which have emerged to meet this need are townhouses, apartments, condo- minimums and similar types of housing units with common property areas; cluster types of single family subdivisions in which housing units are arranged in cluster forms, with clusters separated from each other by common open space, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreation facilities. There is hereby created an R-1 PUD District, an R-2 PUD District, an R-3 PUD District, an R-4 PUD District, an R-5 PUD District, an R-6 PUD District, and an R-7 PUD District.

- (a) Qualifying Conditions - Any application shall meet the following conditions to qualify for consideration as a residential PUD district:
  - 1. The PUD site shall not be less than three (3) acres in area.
  - 2. PUD must have direct access to a state highway, county primary, collector or local street as designated in the Hampton Township General Development Plan.

- (b) Permitted Uses - the following uses of land and structures may be permitted within a residential PUD district:
1. Within an R-1 PUD District, any use allowed within the R-1 District, including accessory uses, and two (2) family duplexes, including accessory uses.
  2. Within an R-2 PUD District, any use allowed within the R-2 District, including accessory uses.
  3. Within an R-3 PUD District, any use allowed within the R-3 District, including accessory uses.
  4. Within an R-4 PUD District, any use allowed within the R-4 District, including accessory uses.
  5. Within an R-5 PUD District, any use allowed within the R-5 District, including accessory uses.
  6. Within an R-6 PUD District, any use allowed within the R-6 District, including accessory uses.
  7. Within an R-7 PUD District, any use allowed within the R-7 District, including accessory uses.
  8. Golf courses, tennis clubs, athletic clubs, and other recreational uses.
  9. Personal services intended for the residents of the PUD including barber and beauty shops, florist and gift shops, self-service laundry and dry cleaning pick-up stations, shoe repair and tailor. Other establishments which supply convenience commodities or perform services intended primarily for residents of the PUD may be permitted when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
    - a. The size of the PUD, including acreage and the number of dwelling units;
    - b. The proximity of the proposed use to adjoining properties and its location relative to major streets and the balance of the PUD;

- c. The parking facilities provided for the proposed use;
- d. Any traffic congestion or hazard which will be created by the proposed use;
- e. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhoods;
- f. The need or necessity for the proposed use to serve the needs of the PUD residents; and
- g. The effect of the proposed use on adjoining properties and this surrounding neighborhood. It is further required that the area designated for commercial use including parking, loading access ways and yards or open space shall not exceed ten (10) percent of the area of the PUD.

(c) Development Requirements - Under the PUD procedure, density increases are made possible in return for improvements in the design and amenities of the planned development, subject to such increase not producing adverse traffic conditions or undue burden on public facilities and also subject to the following additional conditions:

- 1. General Regulations - The regulations of the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 Districts shall apply respectively to the R-1 PUD, R-2 PUD, R-3 PUD, R-4 PUD, R-5 PUD, R-6 PUD, and R-7 PUD Districts except as altered by this Section.
- 2. Site Acreage Computation - Maximum density shall be determined on that portion of the PUD proposed for residential use and shall not include any area proposed for use pursuant to Section 13.14(b)9.

3. Maximum Density - Maximum densities are as follows:

| <u>District</u> | <u>Density<br/>(Dwelling Units Per Acre)</u> | <u>Required Reservation<br/>of Open Space<br/>Per Dwelling Unit</u> |
|-----------------|----------------------------------------------|---------------------------------------------------------------------|
| R-1 PUD         | 4.0                                          | 1,200 square feet                                                   |
| R-2 PUD         | 5.0                                          | 1,000 square feet                                                   |
| R-3 PUD         | 12.0                                         | 400 square feet                                                     |
| R-4 PUD         | 12.0                                         | 400 square feet                                                     |
| R-5 PUD         | 12.0                                         | 400 square feet                                                     |
| R-6 PUD         | 12.0                                         | 1,000 square feet                                                   |
| R-7 PUD         | 12.0                                         | 400 square feet                                                     |

If the project is located in more than one zoning district, the density must be calculated separately for each zoning district, then combined to determine the total project density. The required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open space shall remain open. That area used for public or private streets or drives, parking lots, necessary yards, and buildings or structures shall not be used to comprise the required open space. The open space shall be provided with ground cover suitable to control erosion and shall be maintained monthly.

4. Permissive Requirements:

- a. Lot dimensions including width, setbacks, and yard requirements shall be determined by the Planning Commission. In determining the appropriate requirements, the Planning Commission shall take into consideration the surrounding uses of land, the objectives of a PUD as contained herein, and the regulations of the Zoning District in which the PUD is to be located.
- b. Private roads may be permitted within a PUD when specifically approved in accordance with Chapter XVI. The Planning Commission may recommend modifications to the requirements for private roads contained herein and in doing so the following criteria shall be considered:

- 1) Number and type of dwelling units served by the private road.
- 2) Traffic generation.
- 3) Existing topography and vegetation.
- 4) Security provisions.
- 5) Inter-relationship with the public street network.
- 6) Future provision of public utilities.
- 7) Likelihood of public dedication of the roadway.

c. Minimum Floor Area - The minimum required floor area shall be provided in the following amounts:

| <u>Structure</u>         | <u>Area Per Unit</u> |                       |
|--------------------------|----------------------|-----------------------|
|                          | <u>All Areas</u>     | <u>Other Than R-1</u> |
| Single Family            | 850 square feet      | 1200 square feet      |
| Two Family (duplex)      | 720 square feet      | 1200 square feet      |
| Multiple Family Dwelling | 600 square feet      | Not allowed.          |

5. Signs - As provided in Chapter XVIII.
6. Off-Street Parking - As provided in Chapter XV.
7. Greenstrip - Wherever a residential PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip of no less than ten (10) feet in width in accordance with Section 17.03.

SECTION 13.15 COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT

Hereby created are B PUD Districts. They shall be regulated by the respective requirements of the B District, except as otherwise specified by this Section.

- (a) Qualifying Conditions - Any B PUD shall meet the following conditions to qualify for rezoning to a commercial PUD.

1. The proposed PUD shall be designed and developed with a unified architectural treatment.
  2. Utilities, roads and other essential services must be available for immediate use of occupants purchasing or leasing sites in the PUD.
  3. Compatibility of site use with nearby residential areas must be evidenced and can be determined in relationship to the following criteria:
    - a. The PUD site has direct access to a state highway, county primary, or collector street.
    - b. The distances separating all proposed uses and buildings from the surrounding area shall be no less than ten (10) feet and shall meet the requirements for greenstrips as contained in Section 17.03.
    - c. Loading docks and truck maneuvering areas and terminals should be farther removed from residential lot lines than the principal building.
- (b) Permitted Uses - The following uses of land or structures may be permitted within a commercial PUD:
1. Within the B PUD District, any use allowed within the B District.
- (c) Development Requirements - In addition to the qualifying conditions, the following requirements shall be met:
1. Minimum Site - The PUD site shall not be less than three (3) acres in area.
  2. Minimum Requirements - The requirements of the B District except as altered by this Section.
  3. No side yards are required where buildings are constructed immediately adjacent and attached to each other.
  4. Circulation and Parking -

- a. Streets, building location parking areas, pedestrian ways, and utility easements shall be designed to promote the public safety, compatibility of uses, and minimize friction between uses.
  - b. Private streets may serve circulation and parking purposes if providing adequately for fire and police protection, rubbish collection, lighting and snow storage.
  - c. Adequate access for fire and emergency vehicles shall be provided on the site.
  - d. Driveways and circulation roadways shall be designed to minimize traffic and congestion within the PUD and to minimize the amount of paving.
- 5. Open Space - At least five (5) percent of the total land area shall be open space unused for buildings, roads, drives or parking and loading facilities. All open space and landscaping shall be provided in conformity with an approved site plan to be included as a condition of the PUD.
  - 6. Signs - As provided in Chapter XVIII.
  - 7. Off-Street Parking and Loading - As provided in Chapter XV.
  - 8. Greenstrip - Wherever a commercial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip of no less than ten (10) feet in width in accordance with Section 17.03.

SECTION 13.16                      INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT

- (a) This type of PUD is intended to permit and control the development of preplanned, exclusively industrial areas and research and development centers. It is intended that this type of PUD afford industry reasonable protection from encroachment by retail commercial, residential and other incompatible land uses, and that reasonable protection will be afforded to adjacent uses.

(b) Qualifying Conditions -

1. The minimum area of an Industrial Planned Unit Development District shall be twenty (20) acres with direct access to a state highway, county primary, or collector street.
2. Utilities and roads must be available for the immediate use of occupants purchasing or leasing sites in the Industrial Planned Unit Development District.

(c) Permitted Uses within the Industrial Planned Unit Development District -

1. Any use permitted in the I-1 or I-2 Districts.
2. Offices that are in conjunction with an industrial use or offices providing services to industry located within the Industrial Planned Unit Development District.
3. Research and development laboratories, offices and facilities for the development of new products and processes.

(d) Development Requirements -

1. The application process set forth herein shall be followed and the provisions of the I-1 and I-2 Districts shall apply unless altered by this Section.
2. Whenever a building is to be constructed within this district, a site development plan must be submitted for approval.
3. Any private covenants or restrictions applying to the parcels within the Industrial Planned Unit Development District shall be submitted to the Planning Commission for review.
4. All business, services or processing shall be conducted wholly within enclosed buildings with the exception of outdoor contractor's storage yards which must be screened from view by a six (6) foot fence or other similar screening device of a like height.

5. Minimum Lot Area and Width - A minimum lot area of one (1) acre and lot width of two hundred (200) feet shall be required for each lot.
6. Minimum Yard Requirements -
  - a. Front Yard - A front yard of twenty-five (25) feet is required which must be landscaped with grass and shrubbery or trees. For buildings with parking in front, there shall be a front setback of sixty (60) feet, the front twenty-five (25) feet of which shall be landscaped with grass and shrubbery or trees.
  - b. Side Yard - A side yard shall be no less than twenty (20) feet wide.
  - c. Rear Yard - A rear yard of no less than twenty (20) feet shall be required.
- 7 Greenstrip - Wherever an industrial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip in accordance with Section 17.03.
8. Signs - As provided in Chapter XVIII.
9. Off-Street Parking and Loading - As provided in Chapter XV.