

**BATH CHARTER TOWNSHIP  
CLINTON COUNTY, MICHIGAN**  
**Code of Ordinances Section 19.08 Planned Unit Developments (PUD) Amendment**

Ordinance No. 31.66

At a duly scheduled meeting of the Township Board of Bath Charter Township, Clinton County, Michigan, held at the Bath Charter Township Hall on January 4, 2021 at 6:00 p.m., Township Board Member Fewins-Bliss moved to adopt the following ordinance, which motion was seconded by Township Board Member Benzie:

*An Ordinance to amend the Bath Charter Township Code of Ordinances, Appendix A - Zoning, Article XIX. - Special Use Permits, Section 19.08. - Planned unit developments (PUD), to improve site design standards, allow for mixed uses, and permit the Planning Commission additional flexibility in changing site design requirements.*

THE CHARTER TOWNSHIP OF BATH, CLINTON COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO APPENDIX A – ZONING, ARTICLE XIX. - SPECIAL USE PERMITS, SECTION 19.08. - PLANNED UNIT DEVELOPMENTS (PUD):**

Appendix A – Zoning, Article XIX. - Special Use Permits, Section 19.08, entitled “Planned unit developments (PUD),” shall be amended in its entirety to read as follows:

**Sec. 19.08. - Planned unit developments (PUD).**

- A. *Intent.* It is the intent of this section to provide for an added degree of flexibility in the placement and interrelationship of buildings and uses, encourage a more creative approach to development, and furnish a beneficial and productive means to design development plans within the township. Such criteria are further intended to:
- (1) Promote the efficient and thoughtful use of the land by providing a balanced land use pattern for residential, business, industry, and community facilities that is harmonious with surrounding uses;
  - (2) Preserve existing natural assets, such as stands of trees, floodplain, open fields and the like;
  - (3) Provide flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare;
  - (4) Encourage a diversity of uses and mixed uses where appropriate;
  - (5) Provide for better design and planning of land uses by making the geography and environment of the area the standards and determinants of design, rather than the singular enforcement of lot sizes and standard setbacks; and

- (6) Maintain the high degree of quality control necessary to preserve and improve the character of the township.

*B. General requirements, restrictions and standards.*

- (1) *Minimum project area.* Minimum project area allowable for a PUD shall be 3 acres. This requirement may be waived by the Planning Commission if not deemed necessary to ensure the objectives of this section, subject to final approval by the Township Board.
- (2) *Location.* Generally, PUD's are allowed in all zoning districts. Restrictions on uses allowed within a PUD depend on the underlying zoning of the parcel and the uses permitted in that zoning district.
- (3) *Uses permitted.* Only the following land and/or building uses may be permitted under the provisions of this section:
  - (a) All uses permitted in the district for which the PUD is approved.
  - (b) Any additional uses which can be shown to be compatible with the general objectives of the Township's Comprehensive Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a day care center which serves primarily the needs of residents of the development.
- (4) *Performance objectives:*
  - (a) The Planning Commission or Township Board may determine that certain requirements be reduced or increased within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the purpose clause of this section. The requirements that the Planning Commission may increase or decrease are setbacks, dwelling types, building height, road frontage, number of parking spaces required, use restrictions, and other standards as the Planning Commission deems necessary.
  - (b) In the case of a mixed-use structure within the PUD, the ground floor shall generally contain only commercial and other non-residential uses, with residential uses allowable on upper floors; accessible residential units shall be allowed on the ground floor. Where residential uses are included, the plan must demonstrate a sustainable plan for harmony between residential and non-residential uses. Non-residential uses will not be permitted on the same floor as or above residential uses.
  - (c) *Land usage.* The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental

to existing or proposed structures within the development or the surrounding properties. Designs should include features demonstrating efforts to mitigate any potential negative impacts of the PUD on surrounding properties.

- (d) *Streets.* All streets within the proposed PUD shall be improved to Township and County Road Commission standards and specifications. All streets abutting the PUD which provide access to the PUD must be improved to county standards and specifications.
- (e) *Access.* Every structure or dwelling unit shall have access to a public street. Walkways and other common use areas shall be accessible to every structure or dwelling unit.
- (f) *Utilities.* All utilities within a PUD shall be placed underground, unless such a requirement is determined to be infeasible by the Planning Commission or Township Board. If total underground utility installation is not possible, any above-ground utilities shall be placed in the most unobtrusive manner possible, with as much of the utility as possible being placed underground. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm waters, and to prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize stormwater runoff.
- (g) *Off-street parking.* Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of article XVII of this ordinance unless otherwise permitted by the planning commission. When possible, parking shall be placed in the rear of structures to shield it from the street and improve aesthetics. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to ensure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- (h) *Privacy.* Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
- (i) *Development concept.* All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to

utilize natural topography, existing vegetation and views within and beyond site.

- (j) *Pedestrian circulation.* The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
  - (k) *Planting.* The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
  - (l) *Screening & Buffering.* The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features. Appropriate screening along the perimeter of the PUD, or parking and service areas, shall be added if deemed necessary by the Planning Commission.
- (5) *Density.* The density (dwelling units per acre) in a PUD shall not exceed the allowed dwelling units per acre for the zoning district in which it is located. When more than one zoning district is involved, the density of the project will be the average of the zoning districts, weighted in direct proportion to the size of the property within the project in each zoning district. Only one-half of the total portion of the site comprised of floodplain, swamps, (wetland) or a water body, may be used in the calculation of densities of a project. The Planning Commission shall have the ability to adjust the limit on dwelling units per acre within a particular project as they deem appropriate. In general, the following limits on dwelling units per acre shall apply:
- (a) *Rural (R)* – 0.5 dwelling units per acre
  - (b) *Low Density Residential (LDR)* – 2 dwelling units per acre
  - (c) *Medium Density Residential (MDR)* – 4 dwelling units per acre
  - (d) *High Density Residential (HDR)* – 7 dwelling units per acre
  - (e) *Development (D)* – 4 dwelling units per acre
  - (f) *High Density Development (HDD)* – 7 dwelling units per acre
- (6) *Bonus densities.* The Township Board may approve PUDs developed at densities in excess of the allowed maximum, when the developer can compensate for the increased densities by providing unique and extraordinary amenities, incorporating special site planning and landscape design techniques or preserving substantial areas of natural assets. Increased densities permitted through various bonus density provisions shall be cumulative, but not exceed fifty percent (50%). Criteria for reviewing bonus density requests shall include:

- (a) *Design.* Up to fifteen percent (15%) for distinctiveness and desirable variations in design, including landscaping, siting and design features.
  - (b) *Open space.* Common open space amenities, including up to fifteen percent (15%) for dedicated public open space, ten percent (10%) for commercial recreation (golf course, etc.), or open space in excess of the stated requirements.
  - (c) *Natural assets.* Preservation or provision of unique amenities, including up to five percent (5%) for woodlot preservation or provision of a permanent pond, both of which must be 20,000 square feet or larger in size.
- (7) *Open spaces.* A PUD site must contain a minimum of thirty percent (30%) of the total land area of the project as open space, as defined under section 19.08(A)(2)(g), including, but not limited to gathering spaces, gardens, courtyards, pavilions, pocket parks, or similar open areas. "Common open space" does not include proposed street rights-of-way, open parking area, or commercial areas. The Planning Commission may adjust the percentage of open space required as deemed necessary.
- (a) All landscaped areas shall be maintained in a healthy condition and kept free of refuse and debris. Dead, diseased, or missing vegetation shall be replaced within thirty (30) days or as soon as weather permits.
  - (b) All common open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.
  - (c) Roads and drives may be located within the required open space; however, open space land shall not be occupied by required parking.
- (8) *Circulation facilities.* The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.

**SECTION 2: SEVERABILITY:** The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the ordinance which shall continue in full force and effect.

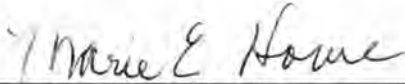
**SECTION 3: REPEAL:** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in their entirety.

**SECTION 4: EFFECTIVE DATE:** This ordinance shall take effect thirty (30) days after publication as required by law.

YEAS: Benzie, Fewins-Bliss, Rosekrans, Wiswasser, Howe  
NAYS: None

ABSENT/ABSTAIN McQueen

ORDINANCE DECLARED ADOPTED

  
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Marie Howe, Bath Charter Township Supervisor

**CERTIFICATION**

I, Brenda Butler-Challender, Deputy Clerk of Bath Charter Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 31.66 adopted by Bath Charter Township on January 4, 2021. A summary of the Ordinance was duly published in the DeWitt-Bath Review newspaper, a newspaper that circulates within Bath Charter Township, on December 27, 2020. Within one week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Clinton County Clerk on February 2, 2021.

  
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Brenda Butler-Challender, Bath Charter Township Deputy Clerk