

## ARTICLE 14

# PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

### Section 14.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by the Michigan Zoning Enabling Act as an optional method of development review and approval. This Article has been established for the purposes of:

1. **Conserving prime farmlands and rural open space.** It is the intent of this Article to promote and encourage the conservation of prime farmlands and rural open space in the Township through the transfer of residential development potential from areas planned for agricultural, open space or natural features preservation to areas planned for suburban residential uses.
2. **Implementing the General Development Plan.** It is the intent of this Article to encourage development that is consistent with the Township's General Development Plan.
3. **Promoting innovative development.** It is the intent of this Article to promote innovation in the development and use of land consistent with its location, character, and adaptability.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

### Section 14.02 Scope.

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 14.3 (Eligibility Criteria). These regulations are not intended as a device for ignoring specific Township standards or the planning upon which such standards are based.

The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Further, PUD projects shall not materially add public service or facility loads beyond those contemplated in the General Development Plan or other adopted policies or plans.

### Section 14.03 Eligibility Criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, where such land could otherwise be subdivided or converted to non-agricultural uses through development permitted by this Ordinance.
2. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
3. **Compatibility with the General Development Plan.** The proposed development shall be compatible with the Township's General Development Plan.
4. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and capacity of existing or planned utility facilities.
5. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.
6. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the General Development Plan.
7. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
8. **Sufficient land area for proposed uses.** The PUD site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.
9. **Brownfield classification.** Any site designated as a brownfield under state or federal law shall qualify for consideration as a PUD.

### **Section 14.04 Regulatory Flexibility.**

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses in a planned unit development. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be authorized, subject to the following:

1. Proposed deviations shall be identified on the PUD Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to yard and bulk standards; height requirements; use standards; or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall be consistent with the intent and scope of this Article, and shall result in a higher quality of development than would be possible without the granting of the deviation.

### **Section 14.05 Use Standards.**

Proposed uses within a PUD project shall be compatible with the goals, objectives, and policies of the Township's General Development Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted principal uses within the development area of a PUD project shall be limited to the following use groups defined in Article 4 (Land Use Table): RURAL USES; RESIDENTIAL USES; OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; and INDUSTRIAL, RESEARCH AND LABORATORY USES.
  - a. Use groups and specific uses proposed to be included as part of a PUD shall be identified on the PUD Area Plan.
  - b. The Township Board may exclude use groups or specific uses from a PUD after recommendation by the Planning Commission.
  - c. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.
  - d. INDUSTRIAL, RESEARCH AND LABORATORY USES, as defined in Article 4 (Land Use Table), shall only be permitted in a non-residential PUD project.
2. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project.
3. **Non-residential uses in a residential PUD.** Where the Township's General Development Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project after recommendation by the Planning Commission, subject to the following:
  - a. Permitted non-residential uses shall be limited to a maximum of five percent (5%) of the gross area of the residential land and ten percent (10%) of the gross floor area of any building occupied by residential uses.

- b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.

## **Section 14.06 Residential Development Standards.**

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in Saline Township. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

### **A. Permitted Residential Density.**

The maximum permitted density of a residential PUD project shall be determined as follows:

1. **Parallel plan preparation.** The number of dwelling units permitted within a PUD project shall be determined through review of a parallel plan prepared by the applicant, subject to the following:
  - a. The parallel plan for the project shall be consistent with all applicable requirements for the type of dwelling unit proposed.
  - b. The parallel plan shall meet all dimensional and use standards normally required for such development.
  - c. The parallel plan shall also provide sufficient area for storm water detention.
  - d. Lots in a parallel plan shall provide sufficient building size without impacting regulated wetlands.
2. **Planning Commission determination.** The Planning Commission shall review the design and determine the number of dwelling units that could feasibly be constructed and economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the Planning Commission per Section 14.06B (Density Bonus for Off-Site Open Space Preservation) or Section 14.06C (Density Bonus for Exemplary Project Design).
3. **Variety of housing types.** The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.

### **B. Density Bonus for Off-Site Open Space Preservation.**

The Township Board may, after recommendation from the Planning Commission, permit a residential PUD project to include a density bonus above the number of dwelling units otherwise permitted by Section 14.06A (Permitted Residential Density), subject to the following:

1. **Designated development area.** The development area of the proposed PUD shall be located within an area designated in the Township’s General Development Plan for suburban or higher density residential development.
2. **Minimum conservation area.** The proposed PUD shall include conservation of a minimum of 20 acres of non-contiguous farmland or open space within an area designated in the Township’s General Development Plan for agricultural land, open space or natural resources preservation.
3. **Maximum residential density.** The maximum permitted dwelling unit density within a PUD project, including permitted bonus dwelling units, shall conform to the planned maximum residential density for the subject land, as designated in the General Development Plan.
4. **Bonus dwelling unit calculation.** The bonus dwelling unit potential of a proposed conservation area shall be equal to the greater of the following options:

Method of Calculation	Maximum Bonus Dwelling Unit Potential
Land Division Potential	Number of available lot splits for the subject parcel(s) per and Article 3 (Dimensional Standards)
Preservation Calculation	One (1) bonus dwelling unit for each ten (10) acres of conserved land

5. **Standards for areas to be conserved.** Land proposed to be conserved shall be located in the farmland and open space preservation area(s) designated in the General Development Plan, and shall be primarily used for farmland or active agricultural uses or set aside for preservation of open space or significant natural resources. Such land may include rural residential dwellings and structures accessory to an active agricultural use on the same parcel. The Township Board may, after recommendation from the Planning Commission, accept or reject any land area proposed for conservation.
6. **Conservation easement.** Non-contiguous land to be conserved as part of the PUD shall be protected by a dedicated conservation easement, subject to the following:
  - a. The conservation easement shall ensure to the Township Board’s satisfaction that conserved open space areas will be permanently preserved and irrevocably committed for that purpose.
  - b. The agency or entity intended to receive and hold the conservation easement holder shall be identified. The agency or entity shall demonstrate to the Township’s satisfaction that it has the capability to hold and maintain the easement.

- c. The conservation easement shall describe the permitted use(s) of the conserved open space, including specific restrictions regarding use, alteration, and permitted development activities.
- d. The landowner shall be responsible for maintaining the conserved land in accordance with the conservation easement provisions. Public access to the conserved land shall not be required for the conservation easement.
- e. The conservation easement shall include procedures for periodic verification by the easement holder that the conserved land has been maintained in compliance with the conservation easement.
- f. The conservation easement shall be recorded with the Washtenaw County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the conserved open space areas.

**C. Density Bonus for Exemplary Project Design.**

The Township Board may, after recommendation from the Planning Commission, permit a residential PUD project to include a density bonus of up to twenty percent (20%) above the number of dwelling units otherwise permitted by Section 14.06A (Permitted Residential Density), subject to the following:

- 1. **Designated development area.** The development area of the proposed PUD shall be located within an area designated in the Township's General Development Plan for suburban or higher density residential development.
- 2. **Maximum residential density.** The maximum permitted dwelling unit density within a PUD project, including permitted bonus dwelling units, shall conform to the planned maximum residential density for the subject land, as designated in the General Development Plan.
- 3. **Bonus dwelling unit calculation.** The PUD project shall include a minimum of three (3) of the following elements:
  - a. On-site or off-site pedestrian walkways and access improvements above the minimum required by this Ordinance.
  - b. Provisions for a minimum of fifty percent (50%) of the gross land area of the development site to be permanently preserved as dedicated open space.
  - c. Dedicated open space areas adjacent to the perimeter road rights-of-way that are designed to preserve the rural appearance of the site from the road, with a minimum undisturbed depth of 150 feet from the road right-of-way line.
  - d. Provisions for new or improved recreation facilities above the minimum required by this Ordinance.

- e. An integrated mixture of housing types or lot sizes.
- f. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
- g. Improvements to public facilities, access, or utilities above the minimum required by this Ordinance, other Township ordinances, or other governmental agencies with jurisdiction.
- h. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project.

## **Section 14.07 Development Standards.**

A planned unit development (PUD) project shall be consistent with the following general standards for the type, bulk, design and location of structures, common space, and public facility requirements. The Township Board may waive or modify the standards of this Section, upon determination that an alternative standard would be in accordance with the intent of this Article.

### **A. Unified Control.**

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Inspector and a unified ownership remains.

### **B. Dimensional and Use Standards.**

The area, height, lot, yard, and bulk standards of Article 3 (Dimensional Standards) shall apply to uses permitted within a PUD project. These requirements may be modified within the PUD project, subject to approval by the Township Board after recommendation by the Planning Commission.

### **C. Roads and Access.**

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or agency with jurisdiction.
2. **Pedestrian pathways.** To provide access to all common areas and uses, the following pedestrian facilities shall be provided within and through a PUD project:

- a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving the development.
  - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.
  - c. Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the PUD project area.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require the applicant to submit a traffic impact study for review, per Section 7.14 (Traffic Impact Studies).

**D. Common Recreation Areas.**

PUD projects that include residential uses shall provide one (1) or more areas of land reserved for passive or active recreational uses, or for the preservation of natural features within the development area. Such common recreation areas shall subject to the following:

1. **Minimum area.** A minimum of twenty percent (20%) of the net contiguous land area of the PUD project shall be designated and maintained as common recreation areas accessible and available to the residents of the PUD project.
2. **Continuity.** The location of such common recreation areas shall be coordinated with surrounding uses and lands, as well as the natural features of the site.
3. **Wetlands, floodplains or open water.** A maximum of twenty-five percent (25%) of any required common recreation area may be occupied by wetlands, floodplains or open water.
4. **Use of common recreation areas.** Common recreation areas may be used for nature preserves, passive recreation (walking paths, trails, etc.) or active recreation (riding stables, playgrounds, ball fields, golf courses, etc.).
5. **Not included as recreation areas.** Common recreation areas shall not include land areas occupied by road rights-of-way, driveways, off-street parking areas, required setback areas or the lot area of individual lots within the PUD.
6. **Dedication.** The applicant shall provide for a conservation easement, deed restriction, Master Deed or similar device satisfactory to the Township Board to ensure that the common recreation areas will be irrevocably committed for that purpose. Such conveyance shall:



- a. Indicate the proposed use(s) of the common recreation areas.
- b. Include a long-term maintenance plan for the common recreation areas, including standards and provisions for financing of future maintenance and improvements. Such areas shall be maintained by the private property owners with an interest in the open space.
- c. State whether public access will be allowed for such common recreation areas.
- d. Provide notice of possible assessment to the private property owners by the Township for the cost of necessary maintenance, in the event that a lack of maintenance causes the open space to become a public nuisance.
- e. Be recorded with the Washtenaw County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the PUD.

**E. Infrastructure.**

Road, drainage, and utility design shall meet or exceed the applicable Township, county, and state requirements. All utilities shall be installed underground, where feasible. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

**F. Other Site Improvements.**

Exterior lighting, signs, structures, landscaping, and other improvements shall be designed and constructed to be consistent with the rural character of the Township, existing and planned land uses, and the site's natural features. Except where specifically permitted by the Township Board as a modification, all standards of this Ordinance shall apply to a PUD project.

## **Section 14.08 Project Phasing.**

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

1. A narrative description of the phased process that describes all work to be done in each phase shall be depicted in conceptual form on the PUD Area Plan, and shown in the intended final form on the PUD preliminary site plan.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, utilities, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

### Section 14.09 Fees and Performance Guarantees.

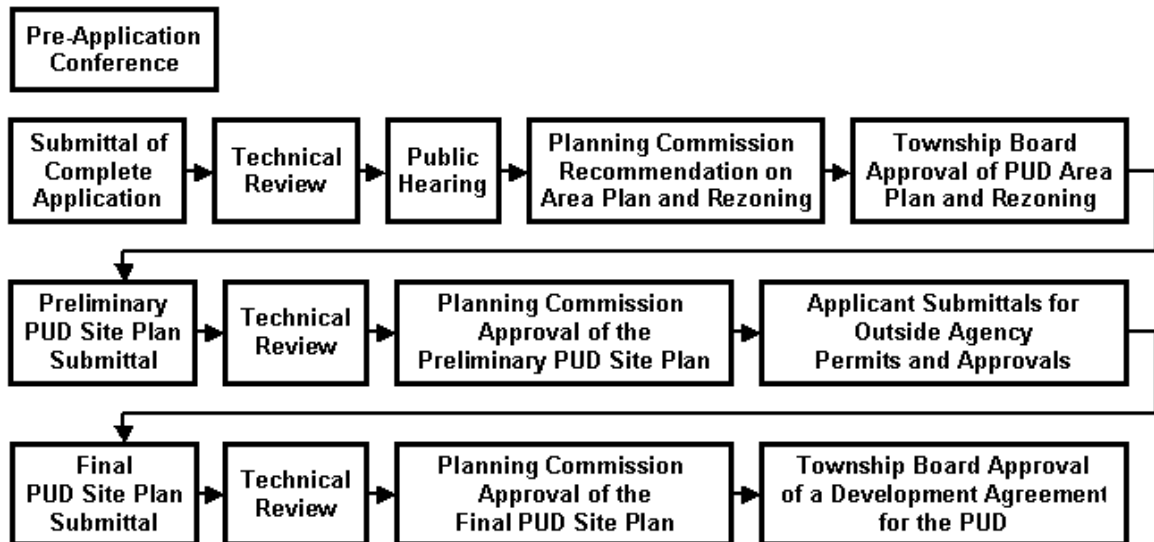
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by resolution of the Township Board and Section 1.08 (Fees and Performance Guarantees). The applicant shall reimburse the Township for any outstanding review costs and fees, prior to any PUD approval. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.08C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

### Section 14.10 PUD Review Procedures.

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) applications per the standards of this Ordinance. Approval of a PUD application shall require an amendment to the Official Zoning Map. PUD applications shall be subject to review and approval in accordance with the following:

#### A. PUD Review and Approval Process.

Final approval of a PUD application shall include approval of a rezoning of the subject property, approval of a PUD final site plan, and approval of a development agreement for the project. The PUD review and approval process shall be as follows:



### PUD Approval Process

#### B. Subdivision Plats or Site Condominiums.

Planned unit developments that require condominium or subdivision plat approval shall be subject to the following:

1. Where a PUD includes a site condominium development, the regulations and procedures of Article 13 (Condominium Regulations) shall apply in parallel with the provisions of this Article.
2. Where a PUD includes a subdivision plat, the regulations and procedures of the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations shall apply in parallel with the provisions of this Article.
  - a. The preliminary PUD site plan shall include the tentative preliminary plat.
  - b. The final PUD site plan shall include the final preliminary plat.
  - c. The development agreement for the PUD project shall the final plat.

### **Section 14.11 Pre-Application Conference.**

A potential applicant for planned unit development (PUD) approval shall request a pre-application conference with Township officials prior to filing a PUD application.

#### **A. Purpose.**

The purpose of the conference is to inform Township and other officials of the concept of the proposed development, and to provide the potential applicant with information regarding applicable land development policies, procedures, standards, and requirements of the Township and other agencies. Statements made in a pre-application conference shall not be legally binding commitments.

#### **B. Pre-application Conference Procedure.**

The request shall be made to the Township Clerk, who shall convey the request to the Planning Commission Chair. The Chair shall set a date for the conference and shall inform the Township Board of Trustees and Planning Commissioners of the conference and invite their attendance. The Planning Commission Chair shall also invite other Township and County officials, employees, and consultants who may have an interest in the proposed development or who may assist the Township in the review process.

#### **C. Required Information for Conceptual PUD Plans.**

The conceptual plan of the proposed PUD shall include the following minimum information:

1. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the PUD project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed uses.** The proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed recreation areas, and gross floor area and land area of any non-residential uses.

3. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the location of existing roads and pedestrian paths adjacent to the development, and the location and design of interior roads, paths, and access drives, and proposed connections to abutting properties.
4. **Structures and improvements.** The proposed layout of structures, parking areas, and other improvements.
5. **Drainage.** Site drainage patterns, including generalized topography and flow directions.
6. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as woodlands, steep slopes, streams, and groundwater recharge areas.
7. **Conservation areas.** The location and gross land area of any proposed off-site open space conservation areas, if available.

**D. Pre-Application Conference Fee.**

The Township Board may establish and require payment of a fee or escrow deposit to cover the costs of a pre-application conference.

## **Section 14.12 PUD Area Plan and Rezoning Review.**

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) Area Plan and rezoning applications per the standards of this Ordinance. PUD Area Plan and rezoning applications shall be subject to review and approval in accordance with the following procedures:

**A. PUD Area Plan and Rezoning Application Requirements.**

PUD Area Plan and rezoning applications shall be filed with the Township Clerk by the owner of an interest in land for which PUD approval is sought, or by the owner's duly designated agent. The following written documentation and graphical information shall be included as part of a PUD Area Plan and rezoning application:

1. The applicant shall provide evidence of ownership of all land in a proposed PUD, such as legal title or execution of a binding sales agreement. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the PUD application.
2. The required review fee and escrow deposit, per Section 1.08 (Fees and Performance Guarantees).
3. Fifteen (15) full-size copies of the PUD Area Plan, which shall include all information required by this Section and Section 14.11C (Required Information for Conceptual PUD Plans).

4. Documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
5. Detailed descriptions and documentation for all proposed uses, per Section 14.05 (Use Standards). If the PUD will contain a residential component, a parallel plan and dwelling unit density calculations shall be included per Section 14.06 (Residential Development Standards).
6. Total site acreage and percent of total PUD project in various uses.
7. Depiction of proposed site improvements; general concept for screening elements and landscape plantings, mounds, berms, and similar features; lot and road layout; and the type, bulk, design and location of structures, common space, and public facilities per Section 14.07 (Development Standards).
8. Identification and descriptions of any proposed modifications from the standards of this Ordinance per Section 14.04 (Regulatory Flexibility).
9. Depiction of proposed development phases per Section 14.08 (Project Phasing).
10. Description and depiction of existing and proposed covenants, easements, rights-of-way or other restrictions to be imposed upon land or buildings; and a general description of the organization that will own and maintain common open space.
11. Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures in a PUD.
12. Other data and graphics that will serve to further describe the proposed PUD, and any additional information required by the Planning Commission to ensure complete and efficient review of the proposed development.

**B. Confirmation of a Complete and Accurate Application.**

The Clerk shall transmit one (1) copy of the application and all materials to the Township Planner for a determination of completeness, as follows:

1. PUD applications or development plans that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed until revised to be substantially complete.
2. Upon determination by the Township Planner that the PUD application is complete and accurate, the Clerk shall transmit the application to the Planning Commission for review and report to the Township Board.

**C. Technical Review.**

Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Inspector or

Planning Commission may also request comments from outside agencies with jurisdiction.

**D. Planning Commission Recommendation.**

The Planning Commission shall review the PUD Area Plan and rezoning application in accordance with the following:

1. **Public hearing.** A public hearing shall be held for the PUD Area Plan and rezoning application in accordance with Section 12.03 (Public Hearing Procedures). The Planning Commission and Township Board may hold a joint public hearing on a PUD application. The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for amendment of the Zoning Ordinance.
2. **Planning Commission review.** Subsequent to the hearing, the Planning Commission shall review the PUD Area Plan and rezoning application at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and outside agencies with jurisdiction. As part of its review, the Planning Commission shall make specific findings regarding the standards of this Article and Ordinance, including Section 14.12F (PUD Area Plan and Rezoning Standards of Review).
3. **Recommendation to the Township Board.** The Planning Commission shall make a determination on the PUD Area Plan and rezoning application based on the requirements of this Article and Ordinance. The Commission shall submit a record of the public hearing and a report of findings, conclusions, and recommendation(s) relevant to the action to the Township Board in accordance with the following:
  - a. **Tabling.** Upon determination by the Planning Commission that the PUD Area Plan and rezoning application is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the application until a later meeting.
  - b. **Recommendation of approval.** Upon determination that the PUD Area Plan and rezoning application conforms to the standards of this Article and Ordinance, the Planning Commission may recommend to the Township Board that the PUD Area Plan and rezoning be approved.
  - c. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD Area Plan and rezoning to the Township Board, subject to reasonable conditions necessary to:

- (1) Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
  - (2) Protect the natural environment and conserve natural resources and energy.
  - (3) Ensure compatibility with adjacent uses of land.
  - (4) Promote the use of land in a socially and economically desirable manner.
  - (5) Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
  - (6) Achieve the intent and purpose of this Article and Ordinance.
- d. **Recommendation of denial.** Planning Commission shall recommend to the Township Board that the PUD Area Plan and rezoning application be denied upon determining that the application:
- (1) Fails to meet the PUD eligibility standards of Section 14.03 (Eligibility Criteria);
  - (2) Fails to conform with specific provisions of this Article or Ordinance;
  - (3) May be injurious to the public health, safety, welfare or orderly development of the Township; or
  - (4) Is otherwise not in conformance with the intent of this Article.

**E. Township Board Action.**

Following review and recommendation of the PUD Area Plan and rezoning application by the Planning Commission, the applicant shall submit sufficient copies of the PUD Area Plan and rezoning application to the Township Board for consideration. The Township Board shall review the PUD Area Plan and rezoning application, together with the Planning Commission report and recommendation(s), and any reports and recommendations from Township officials, consultants, and other reviewing agencies.

1. **Additional public hearing.** The Township Board may, at their discretion, schedule and hold an additional public hearing in accordance with Section 12.03 (Public Hearing Procedures).
2. **Determination.** The Township Board may approve, approve with modifications, or deny the PUD Area Plan and rezoning application, or may refer the application back to the Planning Commission for further review. The

applicant shall be notified of the Township Board's action in writing, which shall identify all findings and conclusions relevant to the action.

**F. PUD Area Plan and Rezoning Standards of Review.**

The Planning Commission shall determine and provide evidence in its report to the Township Board that the petition meets the following standards:

1. The proposed development meets the standards of Section 14.03 (Eligibility Criteria).
2. The proposed development shall conform to the intent and to all regulations and standards of this Article and Ordinance.
3. The proposed development shall be adequately served by public facilities and services, or that the persons or agencies responsible for the proposed development shall be able to provide such facilities and services in a manner acceptable to the Township Board.
4. The common open space, any other common properties, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations and suitably related to the site and surrounding land.
5. The applicant shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the financing and maintenance of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development.
6. The location of the proposed uses, layout of the site, and its relation to roads, intersections, and access shall be such that traffic to, from, and within the site will not be hazardous or inconvenient to the project or the area. In applying this standard, the Planning Commission shall consider convenient routes for pedestrian traffic, and the general character and intensity of existing and planned development in the area.
7. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, and compatibility.
8. The proposed development shall create a minimum disturbance to natural features and landforms; and noise, odor, light, or other external effects connected with the proposed use will not adversely affect adjacent and neighboring lands and uses.
9. Internal roads and access drives shall follow topography, be properly spaced, and be located and aligned in accordance with their intended function. The PUD shall



have adequate access to public roads, and shall provide for suitable and logical extensions of public roads to adjacent parcels, where applicable.

10. Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site, and shall provide pedestrian connections to the edges of the site, where applicable.

**G. Effect of PUD Area Plan and Rezoning Approval.**

Approval of a PUD Area Plan and rezoning application shall constitute an amendment to the Zoning Ordinance. The approved PUD Area Plan and any conditions of PUD Area Plan approval shall constitute an inseparable part of the Zoning Map amendment.

1. The Township Clerk shall designate the subject property on the Official Zoning Map as "PUD#" using a sequential numbering system that identifies each PUD project.
2. The Township Clerk shall publish notice of the adoption of the Zoning Map amendment in accordance with the requirements of Section 12.04 (Amendments).
3. Approval of a PUD Area Plan and rezoning shall authorize the applicant to file a preliminary PUD site plan for each phase of the proposed development as delineated on the approved PUD Area Plan.
4. No construction shall begin within any phase until after a final PUD site plan and development agreement is approved per the requirements of this Article.

**Section 14.13 PUD Preliminary Site Plan Review**

A preliminary PUD site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of Section 12.01 (Site Plan Review) for preliminary site plan approval.

1. The preliminary PUD site plan shall be consistent with the layout, design, and proposed use(s) depicted on the approved PUD Area Plan. Changes in the site layout or design from the approved PUD Area Plan shall be subject to the standards of Section 14.18 (Amendments).
2. A preliminary PUD site plan shall be submitted for approval for each phase of development as delineated on the approved PUD Area Plan. The applicant may submit and the Planning Commission may approve one (1) preliminary PUD site plan for all phases of the proposed development.

**Section 14.14 Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

Copies of all written approvals shall be provided to the Zoning Inspector for the official Township record.

### **Section 14.15 PUD Final Site Plan Review.**

A final PUD site plan shall be submitted for approval for each phase of development as delineated on the approved PUD Area Plan. The final PUD site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of Section 12.01 (Site Plan Review) for final site plan approval.

1. The final PUD site plan shall be consistent with the layout, design, and proposed use(s) depicted on the approved PUD Area Plan and preliminary PUD site plan. Changes in the site layout or design from the approved PUD Area Plan shall be subject to the standards of Section 14.18 (Amendments).
2. Each phase depicted on a final PUD site plan shall conform to the approved PUD Area Plan and preliminary PUD site plan.
3. The Planning Commission shall transmit the approved final PUD site plan to the Township Board for its information. The applicant and all owner(s) of record or the legal representative(s) of the owner(s) shall sign the approved plan.
4. No construction shall begin within any phase until after a final PUD site plan and development agreement is approved per the requirements of this Article.

### **Section 14.16 Development Agreement.**

Upon approval of a final PUD site plan by the Planning Commission, a written development agreement shall be prepared setting forth all conditions of approval of the PUD Area Plan and final PUD site plan to ensure that the PUD project will conform with the standards of this Article and Ordinance. The development agreement shall be subject to Township Board approval.

#### **A. Technical Review.**

Prior to consideration by the Township Board, the Township Attorney and Township Planner shall review the proposed agreement, and may recommend revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance.

#### **B. Minimum Contents.**

The agreement shall at a minimum:

1. Incorporate by reference the final approved PUD Area Plan, final PUD site plan, and any associated development documents.
2. List all conditions of PUD approval.

3. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
4. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open space conservation areas.
5. Identify and describe all conservation easements, maintenance agreements, and dedications for common recreation areas, rights-of-way, utilities, and other infrastructure associated with the PUD.
6. Detail a program and related financing mechanisms for maintaining common areas and other site improvements as shown on the PUD plan.
7. Detail a program and related financing mechanisms for maintenance of any private roads and infrastructure improvements required to serve the PUD project as shown on the approved PUD plan.
8. Verify that the site will be developed in strict conformance with the approved PUD plan and any conditions of approval, and that existing site features will be preserved as shown on the approved plan.
9. Provide a detailed timeline for completion of all components of the PUD project, as shown on the approved PUD Area Plan and final PUD site plan.

**C. Recording of Approved Development Agreement.**

The applicant shall record the approved PUD agreement with the Washtenaw County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township.

**Section 14.17 Appeals.**

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned unit development (PUD) application.

**Section 14.18 Amendments.**

Amendments to an approved planned unit development (PUD) shall be subject to the following:

1. **Minor amendments.** The following amendments to an approved PUD plan shall be considered minor amendments, which shall be subject to review and approval by the Planning Commission:
  - a. Substituting screening or landscape materials, provided that the substituted materials are of a similar nature or quality.

- b. Limited alterations to the location or design of structures, signage, fencing, exterior light fixtures, and similar site improvements, provided that the revised design or location is consistent with the overall PUD site design and the requirements of this Ordinance.
  - c. Similar changes that, in the determination of the Planning Commission, will not adversely impact the overall PUD site design, intensity of proposed uses, general configuration of structures and uses on the site, demand for public services or intent of this Article.
2. **Other amendments.** All other amendments to an approved PUD shall be subject to review and approval in accordance with the procedures specified in this Article for approval of a new PUD Area Plan.

### **Section 14.19 As Built Plans.**

As built plans for all site improvements shall be submitted to the Zoning Inspector and approved by the Township Planner and other designated Township consultants prior to issuance of any zoning compliance for occupancy permits or release of performance guarantees.

- 1. The as-built drawings shall show, but shall not be limited to, such information as structures; site improvements; the exact size, type, and location of utilities and fire hydrants; and the depth and slopes of retention basins. The drawings shall show plan and profile views of any sanitary and storm sewer lines and plan views of all water lines.
- 2. The as-built drawings shall show all work as actually installed and as field-verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing, shall be signed and dated by the owner of the development or the owner's legal representative, and shall bear the seal of a professional engineer.

### **Section 14.20 Expiration of PUD Approval.**

Expiration of PUD approvals shall be subject to the following:

**A. Expiration of the PUD Area Plan.**

PUD Area Plan approval shall expire two (2) calendar years after the date of approval by the Township Board unless a preliminary PUD site plan has been approved by the Planning Commission.

**B. Expiration of Preliminary and Final PUD Site Plans.**

Expiration of approved preliminary and final PUD site plans shall be subject to the provisions of Section 12.01M (Expiration of Site Plan Approval).

**C. Effects of Expiration**

If an approved PUD Area Plan, preliminary or final PUD site plan expires as set forth in this Section, the Township Board shall be authorized to revoke the approved PUD Area Plan and rezoning in accordance with Section 14.22 (Rescinding Approval of a PUD).

1. The Township Board may require that a new PUD Area Plan be submitted and reviewed in accordance with the requirements of this Article.
2. The expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate.
3. If an approved PUD Area Plan or approved final PUD site plan has expired as set forth in this Section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this Section have been met.

**D. Extension of PUD Area Plan Approval.**

Upon written request received prior to the expiration date, Township Board may grant an extension of PUD Area Plan approval for up to 365 calendar days, provided that the approved PUD Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

**E. Extension of Preliminary or Final PUD Site Plan Approval.**

Extension of preliminary or final PUD site plan approval shall be subject to the provisions of Section 12.01M (Expiration of Site Plan Approval).

**Section 14.21 Compliance Required.**

No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under application for PUD approval until the requirements of this Article have been met. Any violation of the approved PUD Area Plan, final PUD site plan or development agreement shall be a violation of this Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

**Section 14.22 Rescinding Approval of a PUD.**

Approval of a planned unit development may be rescinded by the Township Board upon determination that the approved PUD Area Plan or development agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with the approved final PUD site plan. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in

Section 12.03 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.