

ARTICLE 20.0

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 20.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by Section 503 of the Michigan Zoning Enabling Act as an optional method of development review and approval to achieve the following objectives:

1. To allow for development that is consistent with the Township's Master Plan; and encourages the long-term preservation of open space, agricultural land, unique rural character, and natural features.
2. To promote flexibility and creativity in land development and land use consistent with the Master Plan and the site's location, character, and adaptability.
3. To establish planning, review, and approval procedures that will properly relate the type, design, and layout of development to the site and neighborhood.

The provisions of this Article are intended to result in land development substantially consistent with Ordinance 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 20.02 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 20.03 (Eligibility Criteria). Approval of a PUD application shall require an amendment to the Official Zoning Map. 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.

Section 20.03 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. **Single ownership or control.** The development shall be under the ownership or control of a single person or entity having responsibility for completing and maintaining the project in conformity with this Article and Ordinance.
2. **Location.** The proposed development is located in an area of the Township suitable and desirable for such development, and consistent with Master Plan policies regarding land uses and residential density.
3. **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.

4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted under this Ordinance or planned for in the Township's Master Plan.
5. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
6. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
7. **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.
8. **Additional eligibility criteria.** The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:
 - a. **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.
 - b. **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 otherwise permitted by this Ordinance.
 - c. **Public benefit.** Recognizable and material benefit(s) will be realized by the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under this Ordinance.
 - d. **Remediation and redevelopment.** The development includes remediation and redevelopment of a site classified as a brownfield under state or federal law, containing one (1) or more functionally obsolete buildings, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of this Ordinance.

Section 20.04 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 approved as part of Area Plan approval by the Township Board after recommendation by the Planning Commission, 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.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.

Section 20.05 Use Standards.

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

1. **Permitted uses.** Permitted principal and accessory uses in a PUD District shall be limited to the land uses listed in Article 6.0 (Land Use Table), subject to the standards of Articles 7.0 - 12.0 (Use Standards...) and the following use limitations:
 - a. Uses in a PUD District shall be limited to those that are compatible with the Township's adopted Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
 - b. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
 - c. A residential area as designated on the approved Area Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
 - d. Home occupations shall be permitted in single-family dwellings.
 - e. 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.

- f. INDUSTRIAL, RESEARCH AND LABORATORY USES, as defined in Article 6.0 (Land Use Table), shall only be permitted in a non-residential PUD project.
2. **Use standards.** The specific standards of Articles 7.0 - 12.0 (Use Standards...) shall apply to all uses permitted within a PUD project, subject to any approved deviations per Section 20.04 (Regulatory Flexibility).
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.
4. **Non-residential uses in a residential PUD.** Where the Township's Master 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 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 20.06 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in the 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 shall be determined as follows:

1. The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district(s) that the Planning Commission determines most nearly reflect(s) the policies of the Master Plan. If the Master Plan does not show a residential density for land included in a PUD rezoning application, the residential density and character of the surrounding area and maximum net residential density permitted in the standard zoning district most nearly reflecting the Master Plan policies for the area in question shall be used as the density limit.
2. The applicant shall prepare and present to the Planning Commission as part of the PUD application a parallel design for the project consistent with state and Township requirements.
 - a. This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies of the Master Plan.
 - b. The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall

be considered by the Planning Commission, in addition to the other requirements of this subsection, in calculating the maximum net residential density of the PUD District.

3. The standards of Article 5.0 (Schedule of Regulations) shall apply to the parallel plan design and dwelling unit calculation.
4. The Planning Commission shall review the design and determine the number of dwelling units that may feasibly be constructed 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 20.06B (Density Bonus).

B. Density Bonus.

At its discretion and after recommendation from the Planning Commission, the Township Board may authorize a residential PUD project to include additional dwelling unit density above that otherwise permitted by Section 20.06A (Permitted Residential Density), in accordance with one (1) or more of the following options:

1. **Open space preservation.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon a demonstration by the applicant that not less than fifty percent (50%) of the gross area of the PUD shall be permanently preserved for open space, including outdoor recreational use. The purpose of this development technique is to encourage further preservation of natural features such as mature trees, water and wetland areas, floodplains, and agricultural areas, and to create permanent open spaces or recreation facilities. To be eligible for the density increase under this option, the proposal must comply with the following:
 - a. These preserved open space areas shall include land areas abutting a primary road as defined in the master transportation plans of the Township or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
 - b. The area(s) of the parcel to be preserved as open space shall contain one or more of the following:
 - (1) Streams, lakes, ponds or other watercourses, and associated upland areas.
 - (2) Designated wetlands or floodplains.
 - (3) Agricultural lands.
 - (4) Tree stands or woodlands.
 - (5) Other areas as determined appropriate for open space preservation by the Planning Commission.

- c. Open space areas intended for recreational use shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.
 - d. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes.
 - e. All open space shall be conserved and maintained in perpetuity by any of the following methods, or other method accepted by the Township Board:
 - (1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
 - (2) Dedication of open space to a public body or private land conservancy or trust.
 - (3) Conservation easement granted to a public body or private land conservancy or trust.
 - f. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
 - g. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.
2. **Exemplary project design.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon determination by the Township Board after recommendation by the Planning Commission that the PUD project design significantly exceeds the minimum requirements of this Ordinance and includes a minimum of three (3) of the following elements:
- a. On-site or off-site pedestrian access improvements substantially above the minimum required by this Ordinance.
 - b. Improvements to public facilities, access or utilities above the minimum required by Township ordinances or other agencies with jurisdiction.
 - c. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
 - d. An integrated mixture of housing types or lot sizes.
 - e. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
 - f. 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 not otherwise achievable under the minimum standards of this Ordinance.

Section 20.07 Development Standards.

All planned unit development (PUD) projects shall conform to the following general development standards:

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 Administrator and a unified ownership remains.

B. Dimensional Standards.

The standards of Article 5.0 (Schedule of Regulations) for the zoning district most nearly reflecting the Master Plan policies for the area in question shall apply to uses permitted within a PUD project.

1. **Lot area and setbacks for individual lots.** Minimum lot area and required yard setbacks for individual lots shall be specified on the approved PUD Area Plan. Such standards shall conform to the requirements of the zoning district most nearly reflecting the Master Plan policies for the area in question, subject to any approved deviations per Section 20.04 (Regulatory Flexibility).
2. **Building height and location.** The proposed height of each building shall be indicated on the Area Plan. Building location(s) and separation distances shall be sufficient to meet fire protection requirements; and to provide for natural light, air circulation, and solar access. Unless approved as a deviation per Section 20.04 (Regulatory Flexibility), no building shall exceed a height of three (3) stories or 40 feet. Larger lot areas or deeper setbacks may be required to make a taller building more compatible with surrounding land uses.

C. 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. The PUD shall demonstrate that the design minimizes traffic impact on the Township road network, and shall include all on-site and off-site improvements necessary to mitigate the impact of the PUD in accordance with a traffic impact study accepted by the Township.

Where planned future road rights-of-way for existing roads within and along the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.

D. Infrastructure.

Drainage, and utility design shall meet or exceed the applicable requirements of the regulatory agencies with jurisdiction. 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.

In the event publicly owned and operated sanitary sewer or water service is not available at the time of development, a PUD may temporarily utilize a private water system or private community wastewater systems (PCWS), as defined in Section 25.03 (Definitions), subject to the following:

1. Each private water system or PCWS shall be approved by the Township Engineer, the Township Board, and all outside agencies with jurisdiction.
2. At such time as publicly-owned and operated sanitary sewer or water service is available, the developer shall connect to the sewer or water system, shall close and remove all elements of the private system that are no longer needed, and shall restore the site. The Township may require a performance guarantee per Section 2.07C (Performance Guarantees) for the removal and restoration work.

Section 20.08 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:

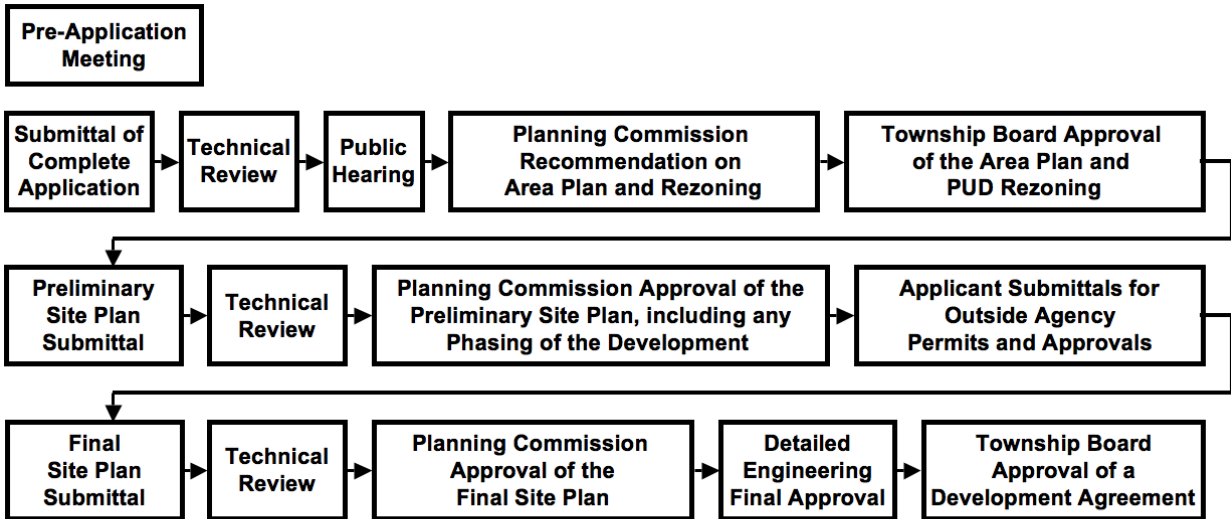
1. A narrative description of the phased process that describes all work to be done in each phase shall be depicted in conceptual form on the PUD Area Plan, and shown in the intended final form on the PUD preliminary site plan.
2. A phase shall not be dependant upon subsequent phases for safe and convenient 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 20.09 Fees and Performance Guarantees.

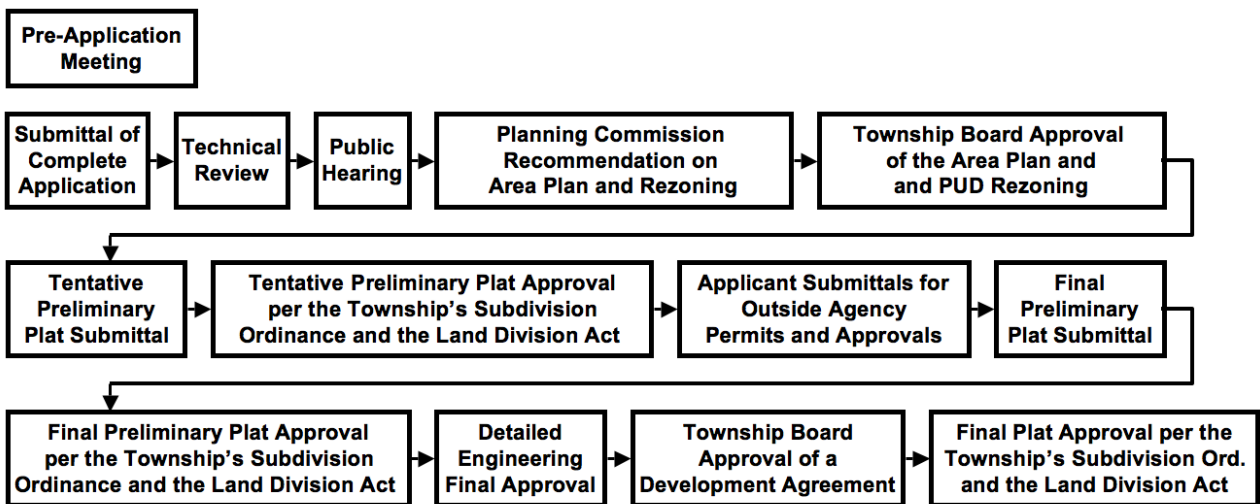
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by Township Board resolution per Section 2.07 (Fees and Performance Guarantees). Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 2.07C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

Section 20.10 Summary of the PUD 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 - Site Plans



Special District Approval Process - Subdivision Plats

Section 20.11 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Zoning Administrator, Planning Commission Chair or designee, and/or Township Planner to discuss conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and

adequacy of access, parking, and other facilities. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent Area Plan review.

Section 20.12 PUD Area Plan and Rezoning Review.

PUD applications shall be subject to review and approval in accordance with the following:

A. PUD Area Plan and Rezoning Application Requirements.

Application for PUD approval shall be as an amendment to the Official Zoning Map, subject to the following review procedures:

1. **Initiating application.** Application for PUD approval shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and Area Plan with the Township Clerk or designee, along with the required review fee and escrow deposit. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
 - a. The application shall be submitted by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The applicant shall provide evidence of ownership of all land in a proposed PUD District, such as legal title or execution of a binding sales agreement, prior to Township Board action.
 - b. An Area Plan shall be required as part of an application for PUD approval, with the minimum required information for such plans as specified in Section 17.07 (Required Site Plan Information).
2. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application in accordance with Section 2.10 (Public Hearing Procedures). At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:
 - a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.
 - b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
 - c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.

Evidence and expert opinion describing the nature and extent of the proposal shall be submitted by the applicant, including maps, charts, reports, other materials, and expert testimony. Materials shall be submitted in sufficient quantity for public display and review by the Planning Commission, Township officials, and consultants.

4. **Optional development impact assessment.** Following the public hearing and before making a report and recommendation to the Township Board, the Planning Commission may also require that the applicant prepare and present a more detailed assessment of the economic feasibility of the proposed uses; potential environmental impacts from the development; demand for public and private utility services; and anticipated impacts to public roads and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township.
5. **Planning Commission report and recommendation.** Following the public hearing and review of all application materials, the Planning Commission shall take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for PUD Area Plan and rezoning approval; including:
 - a. Confirmation that the proposed PUD meets the requirements of Section 20.02 (Eligibility Criteria);
 - b. An analysis of proposed deviations from applicable Zoning Ordinance standards per Section 20.04 (Regulatory Flexibility);
 - c. Confirmation that the proposed PUD Area Plan conforms to all other applicable standards of this Article and Ordinance; and
 - d. Recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the Planning Commission's report and recommendation(s), public hearing record, and application materials. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the PUD Area Plan and rezoning; or to deny the application or postpone action to a date certain for future consideration.
 - a. As part of its action, the Township Board shall state the basis for its decision and any conditions imposed on an affirmative decision.
 - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time period specified by the Township Board.
 - c. Reasonable conditions may be required with the approval of a PUD Area Plan. Conditions imposed shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure Ordinance compliance.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

7. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the PUD Area Plan, a notice of adoption shall be published in accordance with Section 24.06 (Notice of Adoption). Once the amendatory ordinance is effective, the PUD designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 4.205B (Changes to Official Zoning Map).

B. Effect of Application and Area Plan Approval.

Approval of the PUD Area Plan and rezoning by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from Zoning Ordinance requirements. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects.

1. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan per Section 20.13 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 20.14 (Subdivision Plat Approval).
2. Where new or additional information required for site plan or subdivision plat approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units or permitted land uses on the site, such changes shall be subject to approval per Section 20.18 (Amendments).

Section 20.13 Site Plan Approval.

Review and approval of preliminary and final site plans shall be required for all PUD projects in accordance with the requirements of Article 17.0 (Site Plan Review). Preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission, and to all applicable requirements of this Ordinance and other Township ordinances. Nonconformance to the approved Area Plan shall be considered grounds for denial of site plan approval. The preliminary site plan shall include the entire PUD District, and shall include details of any phasing per Section 20.08 (Project Phasing).

Section 20.14 Subdivision Plat Approval.

Following approval of the Area Plan by the Township Board, a preliminary plat for all or part of a PUD District may be submitted for review and approval in accordance with the Township's Subdivision Control Ordinance. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development

of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 20.15 Development Agreement.

Upon Township approval of a PUD final site plan or preliminary plat and prior to the start of construction of the PUD project, a written development agreement shall be prepared setting forth all conditions of approval of the PUD Area Plan and PUD final site plan or preliminary plat 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 approved PUD Area Plan, PUD final 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.
7. Detail a program and related financing mechanisms for maintenance of any private roads and infrastructure improvements required to serve the PUD project.
8. Verify that the site will be developed in strict conformance with the approved PUD and any conditions of approval, and that existing site features will be preserved as shown on the approved plans.
9. Provide a detailed timeline for completion of all components of the PUD project, as shown on the approved PUD Area Plan and final site plans.

C. Recording of Approved Development Agreement.

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

Section 20.17 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 application.

Section 20.18 Amendments.

Changes to an approved PUD Area Plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the meeting minutes.

A. Request for Major/Minor Change.

Requests for approval of a major or minor change to an approved Area Plan shall be made by the applicant in writing to the Planning Commission. The request shall be filed with the Township Clerk or designee, who shall transmit the request to the Planning Commission for review and action. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.
2. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

B. Major Changes.

The Planning Commission shall determine whether the requested amendment is a major or minor change. Major changes shall require an amendment to the approved Area Plan following the procedures and standards of this Article for a new application. Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved Area Plan.
4. Change in the number of dwelling units.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in development area lot coverage of more than one percent (1%).

7. Rearrangement of lots, blocks or building tracts.
8. Change in the character or function of any road or street.
9. Reduction in land area set aside for common area open space or the relocation of such area(s).
10. Increase in building height.
11. A change in residential floor area of plus or minus ten percent (10%).
12. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

D. Changes Following Completion of the Development.

After the completion of any development within an approved PUD, alterations to existing uses or structures shall be consistent with the intent and character of the approved Area Plan and final site plan(s).

Section 20.19 Conforming to Construction Drawings.

Conforming to construction drawings depicting all site improvements as constructed shall be submitted to the Zoning Administrator, subject to the requirements of Section 17.14 (Conforming to Construction Drawings).

Section 20.20 Expiration of PUD Approval.

Approval of a PUD Area Plan, preliminary site plan, and final site plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

A. Expiration of Area Plans.

An approved PUD Area Plan shall only expire under the following circumstances:

1. A final site plan has not been submitted to the Planning Commission for review and approval of the first phase of the project, or of the entire property in the PUD if the development is not to occur in separate phases within three (3) years of the date of Area Plan approval; or
2. If the development is to occur in separate phases, a final site plan for each subsequent phase has not been submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

The Township Board may take action to revoke the PUD Area Plan and rezoning approval per Section 20.21 (Rescinding PUD Approval), and initiate a zoning amendment

to place the subject property into one or more zoning districts per Article 24.0 (Amendments). If no action is taken by the Township Board, the Area Plan shall remain in effect, but new preliminary and final site plan approvals shall be required in accordance with the then current standards of this Article and Ordinance.

B. Effects of Expiration.

If an approved Area Plan or final site plan expires as set forth in this Section, no further permits for any development or use shall be issued until applicable requirements of this Article and Ordinance have been met.

C. Extension of Area Plan Approval.

Upon written request received prior to the expiration date and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

D. Expiration and Extension of PUD Site Plan Approval.

Extension of preliminary or final site plan approval shall be subject to the provisions of Section 17.08 (Expiration of Site Plan Approval).

Section 20.21 Rescinding PUD Approval.

Approval of a PUD Area Plan and rezoning may be rescinded by the Township Board upon determination that the Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the Area Plan has expired per Section 20.20 (Expiration of PUD Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. 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 2.10 (Public Hearing Procedures), at which time the developer of the 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.** After 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.

Section 20.22 Violations.

Violation of any plan approved under this Article, or failure to comply with any provision of this Article, any Development Agreement or conditions attached to any approved plan shall be deemed a violation of this Ordinance; and shall be grounds for the Township Board or Zoning Administrator to order that all construction be stopped and all permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of such removal is provided to the Board.