

## **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, as authorized by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) as an optional method of development review and approval, for the purposes of:

1. Encouraging the use of land in accordance with its character and adaptability.
2. Conserving natural resources, natural features and energy.
3. Promoting innovation in land use planning.
4. Providing opportunities for a variety of housing choices, and enhanced employment, shopping, and recreational opportunities for the people of the Township.
5. Ensuring compatibility of design and use between neighboring properties.
6. Encouraging development that is consistent with the Township's Master Plan.

The provisions of this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable 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 14.03 (Eligibility Criteria). These regulations are not intended as a device for ignoring the more specific standards of the Township, or the planning upon which the standards are based. The PUD process shall not be used for the sole purpose of increasing the density or intensity of development, nor 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 Master 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 that the following criteria will be met:

1. **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, capacity of private septic or public sanitary sewer facilities, refuse disposal, and educational services.
2. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
3. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 14.01 (Intent).
4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses permitted by this Ordinance or planned in the Township's Master Plan.
5. **Unified control.** The proposed development shall be under single ownership or unified control, where a single entity has responsibility for completing the project.
6. **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.
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 removed or damaged by development otherwise permitted by this Ordinance.
8. **Sufficient land area for proposed uses.** The PUD site shall include a minimum of 40 acres of contiguous land. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project. The proposed development shall provide sufficient land area to comply with all applicable regulations of this Ordinance, adequately serve the needs of all permitted uses in the PUD project, and ensure compatibility between uses and the surrounding neighborhood.

### **Section 14.04 Use Standards.**

A planned unit development (PUD) project shall be consistent with the following use standards:

#### **A. Permitted Uses.**

The proposed PUD may contain any use or combination of uses listed in Article 3 (Land Use Tables), provided that all proposed uses satisfy the following criteria:

1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Township's Master Plan.

2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site and the surrounding area.
3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PUD, provided that such uses are carefully integrated to create a high quality living environment consistent with good site design and sound planning principles. Where the Township's Master Plan designation is residential, permitted non-residential uses shall be subject to the following:
  - a. Permitted non-residential uses shall be limited to the following use groups defined in Article 3 (Land Use Tables): OFFICE AND SERVICE USES, COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH AND LABORATORY USES.
  - b. Specific use groups or individual uses may be excluded by the Township Board from any PUD, upon recommendation by the Planning Commission.
  - c. Permitted non-residential uses shall be limited to three percent (3%) of the gross area of the residential land and three percent (3%) of the gross floor area of any building occupied by residential uses.
  - d. Permitted non-residential uses shall be primarily designed and operated for the use of the residents of the development.
4. **Use of common open space.** Dedicated open spaces included as part of a PUD project may be used for nature preserves, natural areas, passive recreation or any of the ANIMAL AND AGRICULTURAL USES listed in Article 3 (Land Use Table), with the exception of livestock production facilities as regulated by Section 5.105 (Livestock Production Facilities). A maximum of twenty-five percent (25%) of any required open space area may be used for active recreation facilities, such as riding stables or golf courses.
5. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project.

#### **B. Residential Use and Density.**

The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project, including detached and attached single-family dwellings, two-family dwellings, townhouses, and other multiple-family dwellings.

The number of dwelling units permitted within a PUD project shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with State, County, and Township requirements and design criteria for the type of dwelling unit proposed. The parallel plan shall meet all standards for lot size, lot width, and setbacks normally required for such development. The parallel plan shall also provide sufficient area for storm water detention. Lots in a parallel plan shall provide sufficient building size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

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 14.04C (Exemplary Project Density Bonus).

**C. Exemplary Project Density Bonus.**

The Township Board may 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 14.04B (Residential Use and Density). Such a bonus shall be subject to review and recommendation by the Planning Commission, and a determination that the PUD project satisfies a minimum of three (3) of the following elements:

1. The proposed PUD includes innovations in energy efficient design, enhanced vehicular and pedestrian safety improvements or provisions for dedicated open space above the minimum required.
2. The proposed PUD includes an integrated mixture of housing types or lot sizes.
3. The proposed PUD includes extensive clean-up of a blighted site, contamination removal or demolition of obsolete structures.
4. The proposed PUD includes conservation of significant non-contiguous open space areas, recreation land, farm land or active agricultural land through a dedicated conservation easement acceptable to the Township.
5. The proposed PUD includes significant improvements to public facilities or utilities that enhance the long-term viability of the project and allow for more efficient use of land.
6. The proposed PUD includes dedicated open space areas along abutting public roads designed to preserve the rural appearance of the site from the road. Such open space areas shall:
  - a. Provide a minimum undisturbed width along the road right-of-way of 660 feet, unbroken by driveways or internal roads.
  - b. Have a minimum depth of 300 feet.
  - c. Such areas shall be protected by a dedicated conservation easement or other means of permanent preservation acceptable to the Township.

**Section 14.05 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 Administrator and a unified ownership remains.

**B. Dimensional and Use Standards.**

The area, height, lot, yard, and bulk standards of Article 4 (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 public and private 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 Gladwin County, as applicable.
2. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:
  - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium 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 condominium project.
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 7.12 (Traffic Impact Studies).

**D. Common Open Space.**

Open space shall be located on the parcel to preserve distinctive natural features and rural characteristics, preserve farm lands and active agricultural uses, conserve

recreational lands, minimize development impacts on wetlands, rivers, and sensitive environmental areas, and maintain open, rural character along main roads, subject to the following:

1. **Minimum area.** A minimum of fifty percent (50%) of the net land area of the PUD project shall be designated and maintained as common open space accessible and available to the residents of the PUD project.
2. **Continuity.** The location of such common open space areas shall be coordinated with surrounding uses and lands, as well as the natural characteristics of the project site.
3. **Wetlands, floodplains or open water.** A maximum of twenty-five percent (25%) of any required open space area may be occupied by wetlands, floodplains or open water.
4. **Dedication.** The applicant shall provide for a conservation easement or similar device satisfactory to the Township Attorney to ensure that the open space or common areas will be or have been irrevocably committed for that purpose. Such conveyance shall:
  - a. Indicate the proposed use(s) of the required open space, including specific restrictions regarding use, alteration, and permitted development activities.
  - b. Provide for privately-owned open space to be maintained by private property owners with an interest in the open space, including maintenance standards, and provisions for financing of maintenance and improvements.
  - c. 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.
  - d. Be recorded with the Gladwin County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the PUD.
5. **Not included as open space.** Open space areas shall not include road rights-of-way, driveways, off-street parking areas, required yard setbacks or other undeveloped portions of individual lots or areas accessory to individual uses within the PUD.

**D. 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 natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

**D. 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, the standards of this Ordinance shall apply to a PUD project.

**F. Other Impacts.**

The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects that may be associated with any proposed use will not adversely affect adjacent and neighboring lands and uses.

**Section 14.06 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 submitted to the Planning Commission.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, 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.
3. For PUD projects that include residential uses, a minimum of fifty percent (50%) of the total number of residential dwelling units shall be constructed and be ready for sale prior to the construction of any non-residential portion of the development.
  - a. Site grading, road construction, and infrastructure installations related to the non-residential portions of the PUD may be undertaken concurrent with the development of residential units.
  - b. The Planning Commission may authorize the early construction of non-residential uses upon determination that such construction is necessary for efficient development of the overall PUD project.

**Section 14.07 Conceptual PUD Plan Review.**

Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, or designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. **Planning Commission review.** Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the following minimum information:
  - a. **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).
  - b. **Proposed use.** 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.
  - c. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
  - d. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
  - e. **Structures and improvements.** The proposed layout of structures, parking areas, and other improvements.
  - f. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
  - g. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.
2. **Comments not binding.** Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

## Section 14.08 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 Zoning Ordinance to revise the official Zoning Map. PUD applications shall be subject to review and recommendation by the Planning Commission and approval by the Township Board in accordance with the following:



**A. Application Requirements.**

The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The PUD application and development plan shall be prepared in the manner specified in this Article.

The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator for review. PUD applications or development plans that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed.

**B. Required Information.**

The following written documentation and graphical information shall be included as part of any PUD application submitted for review and recommendation by the Planning Commission, and authorization by the Township Board:

1. Documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
2. Detailed descriptions and documentation for all proposed uses, per Section 14.04 (Use Standards). If the PUD will contain a residential component, a parallel plan shall be included, per Section 14.04B (Residential Use and Density).
3. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses. If a density bonus is proposed, documentation shall be including indicating how the project meets the criteria listed in Section 14.04C (Exemplary Project Density Bonus).
4. Identification and descriptions of any proposed modifications from the standards of this Ordinance.
5. A detailed development plan, as applicable to the type of project proposed, shall be submitted by the applicant in accordance with the following:
  - a. A detailed site plan, per the requirements of Section 18.03 (Required Information for Site Plans).
  - b. A final preliminary plat in conformance with the Land Division Act (P.A. 288 of 1967, as amended).
  - c. A condominium subdivision plan as provided by Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).
6. Depiction of proposed development phases and estimated schedule for completion, per Section 14.06 (Project Phasing).
7. Other data and graphics that will serve to further describe the proposed PUD, and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.

**C. Technical Review.**

Prior to Planning Commission consideration, the PUD application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated Township consultants for review.

**D. Public Hearing.**

Upon receipt of a complete preliminary PUD submittal, a public hearing shall be scheduled and held before the Planning Commission 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.

**E. Planning Commission Recommendation.**

After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Article and Ordinance, and shall submit a report on the public hearing and the Planning Commission's recommendation to the Township Board in accordance with the following:

1. **Tabling.** Upon determination by the Planning Commission that the PUD application or development plan 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 PUD application and development plan until a later meeting.
2. **Recommendation of approval.** Upon determination that the PUD application and development plan conforms with the standards of this Article and Ordinance, the Planning Commission may recommend to the Township Board that the PUD application, development plan, and Zoning Map amendment be approved.
3. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD application, development plan, and Zoning Map amendment to the Township Board, subject to reasonable conditions necessary to:
  - a. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
  - b. Protect the natural environment and conserve natural resources and energy.
  - c. Ensure compatibility with adjacent uses of land.

- d. Promote the use of land in a socially and economically desirable manner.
  - e. Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
  - f. Achieve the intent and purpose of this Article and Ordinance.
4. **Recommendation of denial.** Planning Commission shall recommend to the Township Board that the PUD application be denied upon determining that the PUD application or development plan:
- a. Fails to meet the PUD eligibility standards of Section 14.03 (Eligibility Criteria);
  - b. Fails to conform with specific provisions of this Article or Ordinance;
  - c. May be injurious to the public health, safety, welfare or orderly development of the Township; or
  - d. Is otherwise not in conformance with the intent of this Article.

A written record shall be provided to the applicant and the Township Board listing the reason(s) for such denial.

**F. County Review of the proposed PUD rezoning.**

The proposed Zoning Map amendment associated with the PUD application shall be subject to review and recommendation by the Gladwin County Planning Commission in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Following Township Planning Commission action on the PUD application, the Zoning Administrator shall transmit a copy of the PUD application materials to the County Planning Commission, along with a copy of the public hearing record and Township Planning Commission recommendations.

**G. Preparation of a Development Agreement.**

Upon a recommendation of approval or approval with conditions by the Planning Commission, the applicant shall prepare a written agreement setting forth all conditions of approval of the PUD application, development plan, and Zoning Map amendment to ensure that the PUD project will conform with the standards of this Article and Ordinance.

1. **Review and recommendation.** The Township Attorney and Zoning Administrator shall review the proposed agreement, and may require revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance. The Zoning Administrator may also submit the proposed agreement to applicable outside agencies and designated Township consultants for review.
2. **Minimum contents.** The agreement shall, at a minimum:
  - a. Incorporate by reference the final approved PUD plan.

- b. List all conditions of approval, as recommended by the Planning Commission.
- c. 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.
- d. 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 spaces.
- e. Identify and describe all conservation easements, maintenance agreements, and dedications for open space, rights-of-way, utilities, and other infrastructure associated with the PUD.
- f. Detail a program and related financing mechanisms for maintaining common areas, pen space, and other site improvements, as shown on the approved PUD plan.
- g. Detail a program and related financing mechanisms for the construction and maintenance of all necessary roadways and infrastructure improvements required to serve the PUD project, as shown on the approved PUD plan.
- h. 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.
- i. Provide a detailed timeline for completion of all phases or components of the PUD project, as shown on the approved PUD plan.

#### **H. Township Board Authorization.**

Following review and recommendation of the PUD application by the Township and County Planning Commission, and review of the proposed PUD agreement by the Zoning Administrator and Township Attorney, the applicant shall submit sufficient copies of the PUD application, development plan, and agreement to the Township Board for review and final action. The Township Board shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, and any public comments from the public hearing record.

1. **Additional public hearing.** Upon receipt of the PUD application and Planning Commission recommendation, Township Board, solely at their option, may schedule and hold an additional public hearing.
2. **Determination.** The Township Board may approve, approve with modifications, or deny the PUD application, development plan, and Zoning Map amendment, or may refer the PUD application back to the Planning Commission for further consideration or revision. The applicant shall be notified of the Township Board's action in writing, which shall identify all findings relevant to the action.

**I. Effect of PUD Approval.**

Approval of a planned development application shall constitute an amendment to the Zoning Ordinance. The approved PUD plan, development agreement, and any conditions of approval, shall constitute an inseparable part of the zoning amendment, and all improvements and land uses shall conform with the approved PUD plan and agreement.

1. The Township Clerk shall designate the subject property on the Official Zoning Map as "PD# \_\_," 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 set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
3. The applicant shall record the approved PUD agreement with the Gladwin County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township.

**J. 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.

**K. Construction Plans.**

Where detailed construction or engineering plans are required by the Township, Gladwin County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved PUD plan and agreement, except for changes that do not materially alter the approved site design, or that address any conditions of approval.

Construction or engineering plans that are determined by the Zoning Administrator to be inconsistent with the approved PUD plan and agreement shall be subject to review and approval as an amendment to the approved PUD, per Section 14.11 (Amendments), prior to the start of development or construction on the site.

**Section 14.09 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 development application.

**Section 14.10 Amendments.**

Amendments to an approved 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 landscape materials, provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature or quality.
  - b. Limited alterations to the location or design of exterior light fixtures, signage, fencing, accessory structures, and similar site improvements, provided that the design and location are consistent with the overall 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 buildings 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 application.

### **Section 14.11 Expiration of PUD Approval.**

If construction has not commenced within two (2) years of final PUD approval by the Township Board, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, Township Board may grant one (1) extension of up to 365 calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

### **Section 14.12 Fees and Performance Guarantees.**

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board and Section 1.09 (Fees and Performance Guarantees). The applicant shall reimburse the Township for any outstanding review costs and fees, prior to PUD approval. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.09 (Fees and Performance Guarantees). Costs estimates for completing such improvements shall be made or verified by the Township Engineer.

### **Section 14.13 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 petition for PUD approval until the requirements of this Article have been met.

Any violation of the approved PUD plan or agreement shall be considered a violation of this Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

### **Section 14.14 Rescinding Approval of a PUD.**

Approval of a planned development may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. 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.

