

**ARTICLE 10
PLANNED UNIT DEVELOPMENT**

Sec. 10.01 PURPOSE

- 10.01.01 **Purpose.** The purpose of this Section is to permit the coordinated development on larger sites, protect significant natural features present which the property owner and Township wish to preserve, to provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space and natural features.
- 10.01.02 **Innovation in Land Use.** The PUD standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas. The PUD standards are not intended to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
- 10.01.03 **Flexibility in Design.** For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some specified situations the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD plan by the Planning Commission and Township Board in accordance with the requirements as herein set forth.
- 10.01.04 **Types of PUD's.** This article provides for ~~five-seven~~ (~~57~~) types of PUD: a residential overlay, a planned industrial/corporate district, a mixed use PUD district, a redevelopment PUD, ~~and~~ a non-residential PUD District, and two separate PUD Districts for the S. Latson Road interchange area. The residential PUD, planned industrial PUD and redevelopment PUD are overlay districts that include supplementary standards, which apply simultaneously, or replace, standards of the underlying residential zoning district. The mixed use PUD, ~~and~~ non-residential PUD, and two interchange PUDs are separate zoning districts.

(as amended 12/31/06)

Sec. 10.02 QUALIFYING CONDITIONS

The following provisions shall apply to all planned unit developments:

- 10.02.01 **Single Ownership.** The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- 10.02.02 **Initiated by Petition.** A PUD zoning classification may be initiated only by a petition.
- 10.02.03 **Minimum Site Area.** The site shall have a minimum area of twenty (20) acres of contiguous land, provided such minimum may be reduced by the Township Board as follows:
- (a) The minimum area requirement may be reduced to five (5) acres for sites served by both public water and sanitary sewer.
 - (b) The minimum lot area may be waived for sites zoned for commercial use (NSD, GCD or RCD) where the site is occupied by a nonconforming commercial, office or industrial building, all buildings on the site are proposed to be removed or rehabilitated and a use permitted within the underlying zoning district is proposed. The Township Board shall only permit the PUD on the smaller site where it finds that the flexibility in dimensional standards is necessary to allow for innovative design in redeveloping the site and an existing blighted situation will be eliminated. (as amended 12/31/06)
 - (c) Interchange Commercial and Campus PUDs: the Township Board may waive the minimum lot area where the design elements of a proposed development are integrated into and consistent with the broader Latson Road Subarea Plans with compatible land uses
- 10.02.04 **Benefits.** The PUD site plan shall provide one or more of the following benefits not possible under the standards of another zoning district, as determined by the Planning Commission:
- (a) preservation of significant natural or historic features;
 - (b) a complementary mixture of uses or a variety of housing types;
 - (c) common open space for passive or active recreational use;
 - (d) mitigation to offset impacts; or,
 - (e) redevelopment of a nonconforming site where creative design can address unique site constraints. (as amended 12/31/06)
- 10.02.05 **Sewer and Water.** The site shall be served by public sewer and public water. The Township may approve a residential PUD that is not served by public sewer or water, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department shall be met.

Sec. 10.03 TYPES OF PUD ZONING DESIGNATION

A property meeting the qualifying conditions may be rezoned to an appropriate PUD District, based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a PUD Conceptual Plan. The PUD designation shall be noted in the application, and on the Official Zoning Map upon approval.

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development (RPUD)	Overlay of a residential district	Open space or cluster housing projects with one or more types of residential uses	Same as underlying residential district	Sec. 10.03.01
Planned Industrial Parks (PID)	Overlay district of an Industrial District	Uses permitted in the Industrial and Office-Service Districts	Special land uses of the Industrial and Office-Service District	Sec. 10.03.02
Mixed Use Planned Unit Development (MU-PUD)	Separate zoning district	A mixture of public, residential, commercial, recreational or open space uses.	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.03
Redevelopment Planned Unit Development (RDPUD)	Overlay of a commercial district	Same as underlying district	Same as underlying district	Sec. 10.03.04
Non-residential Planned Unit Development (NR-PUD)	Separate zoning district	A mixture of public, office, commercial, light industrial, recreational and open space uses. See Sec. 10.03.05(c).	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.05
<u>Interchange Commercial PUD (ICPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.06 c</u>	<u>Special land uses of the General Commercial or Regional Commercial District, as may be approved by the Township, except those specifically listed in Sec. 10.03.06 c</u>	<u>Sec. 10.03.06</u>
<u>Interchange Campus PUD (CAPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.07 c</u>	<u>See Sec. 10.03.07 c</u>	<u>Sec. 10.03.07</u>

(as amended 12/31/06)

10.03.01 Residential PUD

- (a) **Density:** Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable township and county zoning and subdivision requirements. The Township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the RPUD. Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district and the definition of density. Where the Township Master Plan recommends a different zoning district that the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the Residential PUD overlay.
- (b) **Dimensional Standards:** The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the site plan indicating the cumulative reduction in lot areas and the corresponding

amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission may approve an RPUD without public water and sewer provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.

- (c) **Open Space:** All land within an RPUD that is not devoted to a residential unit, roadway or other improvement shall be set aside as common open space for recreation or conservation. The amount of open space shall be at least equal to the total area that proposed lots are reduced below the underlying zoning's minimum lot area; provided a minimum of twenty five percent (25%) of the site shall be open space. Common open space shall be planned in locations that are visible and accessible. The open space shall contain some form of active recreational facility such as a play-area. The common open space shall be located to preserve significant natural features, central to the residents of the development, along the county road frontage, adjacent to adjoining residential or to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The PUD agreement shall set forth open space protection measures as provided for in section 10.05.04.

10.03.02 Planned Industrial District (PID)

- (a) **Dimensional Standards:** All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District, as specified in the Table of Dimensional Standards, along the exterior boundaries of the PID site. Internal setbacks shall be determined by the Planning Commission during review of the PID concept plan. Maximum building height shall be consistent with the standards for the Industrial District.
- (b) **Lot Areas:** Minimum lot area shall be two (2) acres except up to twenty five percent (25%) of the total number of lots may be between one and one-half (1-1/2) and two (2) acres in area.
- (c) **Design Standards:** Buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use of masonry material, such as brick, stone or split face block, and glass on buildings and landscaping along internal roadways and around the perimeter of the PID. Metal paneling and plain concrete masonry units shall constitute no more than twenty-five percent (25%) of the facades of buildings visible from the internal roadway or any adjoining public roadway. (as amended 12/31/06)

10.03.03 Mixed Use PUD

- (a) **Uses:** A mixed use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A concept plan shall be prepared for the PUD that divides the PUD into components for various uses. Each component of the PUD shall be designated as a specific zoning district (e.g. Medium Density Residential or Office-Service). Areas devoted to each type of use shall be designated on the PUD Concept Plan. The concept plan may provide for vertical mixture of uses, such as office or residential above commercial. The mixed use PUD can be a mixture of housing types such as single family and multiple family or a mixture of uses such as residential and non-residential. The Planning Commission

shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, nonresidential uses, recreational area, or open space. The Planning Commission shall make this determination based upon the concept plan's ability to provide an integrated mixture of uses, maintain compatibility with surrounding uses, and meet the standards of section 10.07. The list of permitted uses shall be established by the Planning Commission in the PUD agreement. Not more than fifty percent (50%) of the PUD acreage shall be devoted to commercial, office or industrial and not less than fifty percent (50%) of the PUD acreage shall be devoted to open space, preserved natural features or residential use.

- (b) **Open Space:** A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors or located along road frontages. A minimum of 50% of the required open space shall be usable upland area.
- (c) **Dimensional Requirements:** All area and bulk dimensional standards shall comply with the dimensional standards for the associated zoning district designated on the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Residential portions of a PUD shall comply with section 10.03.01.
- (d) **Parking.** To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

10.03.04 **Redevelopment PUD**

- (a) A redevelopment PUD overlay shall only be applied to sites that have been previously developed for the purpose of a commercial, office, or industrial use, where redevelopment of the site will be an enhancement to the site and surrounding area, where all buildings on the site are proposed to be removed or renovated and a use permitted within the underlying zoning district is proposed. The redevelopment PUD shall only be applied to a site where the Township determines that flexibility in dimensional standards is necessary to allow for innovative design in redeveloping a site with constraints and where a clear public benefit is being derived.
- (b) To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A parallel plan shall be provided showing how the site could be redeveloped without the use of the PUD to allow the Planning Commission to evaluate whether the modifications to dimensional standards are the minimum necessary to allow redevelopment of the site, while still meeting the spirit and intent of the ordinance.

- (c) A table shall be provided on the site plan that specifically details all deviations from the zoning regulations. This specification should include ordinance provisions from which deviations are sought, the reasons the deviations are necessary and mechanisms to be utilized to mitigate any impacts. Only those deviations consistent with the intent of this ordinance shall be considered. As a condition of approving such deviations, the Township may attach such additional conditions deemed necessary for the protection of the public health, safety, and welfare in lieu of the regulations. (as amended 12/31/06)

10.03.05 Non-residential Planned Unit Developments

- (a) Size of Uses:
 - (1) A maximum sixty percent (60%) of the site, exclusive of public rights of way shall contain retail commercial uses such as shopping centers or freestanding retail/department stores including areas required for storm water, setbacks, parking and landscaping associated with such uses. The remainder of the site shall include open space, manufacturing, research and development, office, lodging, restaurants and/or entertainment related uses.
 - (2) No more than two retail uses shall have an individual floor area of 100,000 square feet or more, and no other individual commercial use shall have a floor area over 60,000 square feet.
- (b) A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors. Open space is defined as undisturbed areas of key natural features, landscaped open space or pedestrian plaza areas, which commonly include outdoor seating and gathering areas. Detention areas shall comprise no more than 50% of the required open space and if visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall only be counted toward this requirement if designed to provide a natural appearance as described below.
- (c) Permitted Uses: All uses permitted by right or by special land use approval in the Commercial, Office and Public and Recreational Facilities Districts (NSD, OS, GCD, RCD and PRF) are permitted by right or special use under the PUD. Permitted uses shall also include Manufacturing Research or Research and Development Uses, defined as low intensity industrial uses that include a large office or laboratory component and that manufacture, package, assemble or treat finished or semi finished products from previously prepared material but do not process raw materials. The following are exceptions to the list of permitted uses:
 - (1) Auto sales, new and used
 - (2) Auto/gasoline service stations of any type, principal or accessory
 - (3) Auto maintenance or repair establishment of any type
 - (4) Automobile wash, automatic or self serve

- (5) Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or similar places of assembly except where accessory to a permitted office or lodging use
 - (6) Carnivals, fairs, commercial cider mills and amusement parks
 - (7) Churches
 - (8) Convenience stores with gasoline sales
 - (9) Permanent or temporary dome structures
 - (10) Fruit stands (outdoor sales of fruit and nursery goods) except when accessory to a permitted use
 - (11) Kennels, of any kind
 - (12) Laundromats
 - (13) Leasing or sales or display of trucks, trailers, boats, recreational vehicles, construction equipment and similar vehicles
 - (14) Mini storage warehouses
 - (15) Outdoor commercial display, sales, storage or temporary staging of items as a principal or accessory use, unless screened from public view
 - (16) Outdoor private recreation facilities such as, but not limited to, miniature golf, driving ranges, batting cages, go cart tracks, and in line skating rinks
 - (17) Restaurants with drive through facilities, except Township Board may approve up to one upon determination that the project shall be integrated into the design concept for the overall PUD
 - (18) Educational establishments including public schools, parochial schools, vocational trade schools, colleges, universities and commercial schools such as dance academies or martial arts studios
 - (19) Industrial uses, except for a research and development uses, and micro breweries associated with a restaurant
 - (20) Any other use not specifically authorized under the appropriate zoning district
- (d) Traffic Circulation, Operations and Access
- (1) A traffic impact study shall be provided as described in Article 18. Such study shall evaluate the impact of the project at each access point and existing major intersections where volumes from the PUD are projected increase daily or hourly volumes by 5% or more. The traffic study shall include methods to mitigate impacts, and describe timing and responsibility for funding such improvements.

- (2) Access shall be limited to one major entrance along any arterial, excluding an entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved.
 - (3) Access points shall be at least 600 feet from the intersection of arterial roadways or interchange ramps provided the spacing may be modified by the Township, with input from road agency staff, to minimize conflicts with traffic operations at intersections or existing access points, or to meet signal spacing standards if it is determined the access may require signalization.
 - (4) Main access points shall be spaced from existing signalized intersections to ensure proper spacing and progression if the main access point is signalized in the future. The site design shall direct traffic flow to use the main access points.
 - (5) Interior drives shall provide circulation between uses.
 - (6) Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
 - (7) Additional right of way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.
 - (8) A pedestrian circulation system shall be provided throughout the site and along existing arterials.
- (e) Site Design. The following site elements shall be provided:
- (1) An extensively landscaped greenbelt shall be provided along existing public streets. Said greenbelt shall include closely spaced street trees and hedge rows to screen the parking lot. Low, undulating (horizontal and vertical) berms or an architectural feature (decorative stone or brick wall, wrought iron fencing, or combination) may be permitted.
 - (2) Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets
 - (3) A Township entranceway landmark shall be provided near the intersection of any arterial streets or expressway ramps. The type and design of said landmark shall be determined as part of the conceptual plan approval.
 - (4) Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improve traffic operations and views.
 - (5) One parking lot tree shall be provided for each 2000 square feet of paved parking, including aisles, service areas, driveways and drives. At least 1/2 of

the parking lot trees shall be within the parking lot inside islands or medians. A majority of the islands shall be a minimum 18 feet wide. Landscape areas shall be irrigated.

- (6) Ornamental lighting shall be provided along arterials and throughout major circulation drive within the site.
 - (7) Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters or streetscape elements to separate mainline buildings from the parking lots.
 - (8) Any detention areas visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall have a maximum 6:1 slope and be designed to have a natural appearance, such as variable shape, natural arrangement of landscape materials, aerated fountains, and use of boulder accent walls or other similar design features.
 - (9) Unless otherwise provided in the PUD agreement, Signs shall comply with the standards of Article 16, provided sign types and materials shall be consistent with the overall architectural design of the PUD, and all freestanding signs shall be monument type with a base to match the building materials and landscaping around the sign integrated into the overall landscape plan. Wall and monument signs shall be channel cut letters on non illuminated background panels. Temporary window signs shall be prohibited.
- (f) Architecture. Information on architecture and building design (elevations or perspectives, materials and description of design standards) shall be submitted with the concept plan and comply with the following:
- (1) Architecture throughout the development shall be compatible based on a design theme established with the Concept Plan and described in the PUD Agreement.
 - (2) Buildings shall utilize high quality architecture with variable building lines, peaked roofs, architectural accents, and brick facades. Peaked roof lines shall not be designed to create false, parapet style facades.
 - (3) The depth of the front building line shall be varied to break up the building massing.
 - (4) The predominant material utilized on facades that are visible from a public right of way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.
 - (5) A building or buildings shall face (front facade or side elevation with appearance of a front facade) the intersection of existing arterial streets. The building(s) shall have distinct architecture that creates a prominent landmark at the intersection, with no loading or utility areas that face the intersection. There shall be a landscaped plaza in front of the building or between buildings. Parking shall be behind this building where practical.

- (g) Utilities. The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for the layout, size and phasing of utilities.

10.03.06 Interchange Planned Unit Developments (Commercial and Campus)

(a) Intent. The intent of the Interchange PUDs is to promote comprehensive and long-term planning of appropriate land uses, innovative architectural design, high quality building materials, and a walkable environment for visitors and travelers.

(b) Master Plan and Subarea Plans. All Interchange PUD proposals shall demonstrate conformance to the land use, site design, and access management strategies and recommendations of the Genoa Township Master Plan and Subarea Plans.

(c) Land Use.

(1) ICPUD: permitted land uses include restaurants (fast food, sit-down, and take out), auto/gasoline service stations, retail/service, hotels, entertainment (movie theaters, indoor commercial recreation, etc.), conference centers, financial institutions, and offices. The Township may permit additional uses as part of the approval process. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township. All proposed uses shall comply with the conditions of Section 7.02.02.

(2) CAPUD: principal permitted uses include medical and dental offices, hospitals, professional office, colleges, universities and specialized training, and indoor commercial recreation.

Special land uses shall include manufacturing research or research and development uses, defined as low intensity industrial uses that include a large office or laboratory component and that manufacture, package, assemble or treat finished or semi-finished products from previously prepared material, but do not process raw materials.

Restaurants (those permitted by right in the NSD) and professional and business service establishments (as identified in Table 7.02) are allowed, but must be ancillary to a principal permitted use or special land use.

(d) Site Design. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 e above

(e) Architecture. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 f above.

(f) Access Management and Connectivity.

(1) ICPUD:

a. No access points other than Beck Road are permitted along South Latson Road between the interchange and the rail line.

- b. Development shall incorporate shared access points to limit the number of driveways along Beck Road and shall comply with Section 15.06 Access Management.
- c. Acceptable road levels of service (LOS) shall be maintained by careful access management strategies and road improvements.
- d. Sites shall be designed to incorporate cross-access easements and connectivity for vehicular, bicycle, and foot traffic.

(2) CAPUD:

- a. The primary access to the area west of South Latson Road, south of the railroad, shall be aligned with Sweet Road.
- b. Secondary access points shall be limited and/or restricted. Restricted driveways shall be designed to be intuitive with minimal signage. All access points shall be aligned with access points across the road and shall be separated from other intersections and access points on the same side of the road by at least 500 feet.
- c. Sites shall be designed to incorporate frontage roads, service roads, and cross-access easements to allow connectivity for vehicular, bicycle, and foot traffic. The use of landscaped boulevards is encouraged.

(g) Utilities. The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for the layout, size, and phasing of utilities, which shall include water, sewer and stormwater.

(h) Future Transition Area. Appropriately timed incremental southward expansion of the CAPUD is anticipated. Evaluation factors for expansion include the following considerations:

- (1) Amount and capacity of undeveloped land remaining within the growth framework areas, which shall be used to satisfy the demand for development prior to expanding boundaries.
- (2) Projected population growth within the Township and demand for additional land areas for development.
- (3) Present and planned sewer capacity.
- (4) The capacity and condition of the road system.
- (5) The ability of the Township, County and other public agencies to provide necessary services to the new growth areas and the additional resulting population.
- (6) Impact on public health, safety and welfare.
- (7) Changes to conditions considered at the time of the subarea plan.

- (8) Inclusion of integrated open space for active and passive recreation.
- (9) Environmental constraints and sensitivity.
- (10) Adverse impact to adjacent or nearby property.
- (11) Sensitive transitions to residential and agricultural land can achieved.
- (12) Other relevant criteria deemed appropriate by the Township.

Sec. 10.04 APPLICATION AND REVIEW PROCEDURE

10.04.01 Process for rezoning to appropriate PUD designation, Conceptual PUD Plan, Environmental Impact Statement and PUD Agreement.

- (a) An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- (b) The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to the appropriate PUD designation. The application shall include all Conceptual Submittal items listed in Section 10.05 and shall be submitted in accordance with the procedures and requirements set by resolution of the Township Board.
- (c) The Planning Commission shall review the rezoning request, the Conceptual PUD Site Plan, the Impact Statement and PUD Agreement, conduct a public hearing, and make a recommendation to the Township Board and Livingston County Planning Commission based on the review standards of Section 10.07. Notice of public hearing shall be provided for in accordance with section 21.05.
- (d) Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County Planning Commission shall conduct a public hearing on the requested PUD rezoning and make a recommendation for approval or denial to the Township Board.
- (e) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
- (f) Within ninety (90) days following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall conduct a public hearing on the requested PUD rezoning, Conceptual PUD Site Plan and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. Notice of public hearing shall be provided for in accordance with section 21.05. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 12/31/06)

10.04.02 **Expiration:** Approval of the Conceptual PUD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final PUD Site Plan approval is not requested within this time period, resubmittal of a new PUD concept plan and application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

10.04.03 **Process for Final PUD Site Plan(s)**

- (a) The applicant shall submit the required copies of all necessary information meeting the requirements of Section 10.06 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. If the PUD involves a platted subdivision, the Final Site Plan may be processed concurrently as a Preliminary Plat.
- (b) Upon submission of all required materials and fees, the Planning Commission shall review the Final PUD Plan, the Impact Statement, and PUD Agreement and make a recommendation to the Township Board based on the review standards of Section 10.08.
- (c) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
- (d) Within ninety (90) days following receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing on the requested Final PUD Plan, the Environmental Impact Statement, and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 3/5/10)
- (e) If the Final PUD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator for approval prior to the issuance of any building permits.

Sec 10.05 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. The required number of copies of each of the following items shall be submitted by the applicant or as required by the Township:

- 10.05.01 Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- 10.05.02 A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.

- 10.05.03 An Impact Assessment meeting the requirements of Article 18. A traffic impact study may be required at the discretion of the Township or as otherwise stated in this ordinance which meets the requirements of Article 18.
- 10.05.04 A complete PUD Agreement for review which shall:
- (a) Set forth the conditions upon which the approval is based, with reference to the approved Site Plan or Plat Plan and Impact Statement and a description of all deviations from Township regulations that have been requested and approved.
 - (b) When open space or common areas are indicated in the PUD plan for use by the residents, the open space or common areas shall be conveyed in fee, placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.
 - (c) Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
 - (d) Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.
 - (e) Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the PUD project through construction by the developer, bonds or other satisfactory means, for any and all phases of the PUD. In the case of phased PUD's this requirement shall be reviewed at the time of any final site plan approval.
 - (f) Address any other concerns of the Township regarding construction and maintenance.
- 10.05.05 Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer's scale.
- 10.05.06 Cover Sheet providing:
- (a) the applicant's name;
 - (b) the name of the development;
 - (c) the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
 - (d) date of preparation and any revisions;
 - (e) north arrow;
 - (f) property lines and dimensions;
 - (g) complete and current legal description and size of property in acres;
 - (h) small location sketch of the subject site and area within one-half mile; and scale;

- (i) zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site;
- (j) lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;
- (k) location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.

10.05.07 A Plan Sheet(s) labeled Existing Site Conditions, including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the Impact Statement.

10.05.08 For projects with a residential component, a concept plan that illustrates how the site could be practically developed under current zoning standards. This drawing may be used to determine the base density of the project.

10.05.09 A Conceptual PUD Site Plan Sheet including:

- (a) Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Calculations of the size of uses to confirm compliance with Section 10.03.04 for the Non-residential PUD option.

Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and MDNR regulated wetlands.

- (b) Building setbacks and spacing.
- (c) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD.
- (d) A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
- (e) Calculations to demonstrate compliance with minimum open space requirements shall be provided.
- (f) Preliminary architectural design information shall be provided to the satisfaction of the Township.

- (g) If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
- (h) A Utility Master Plan shall be required based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.

Sec. 10.06 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS

The final submittal shall include the required number of copies of each of the following items:

- (a) All materials required by Article 18, Site Plan Review, including an Impact Statement and Traffic Impact Statement as required.
- (b) A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.
- (c) A final copy of the approved PUD Agreement that meets the requirements outlined in Section 10.05.04.
- (d) Non-Residential Projects: Additional information required for a complete review under the standards of Section 10.03.04.
- (e) Any other additional information deemed appropriate by the Township.

Sec. 10.07 STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN

10.07.01 **Standards for Approval.** Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.

- (a) The planned unit development meets the qualification requirements.
- (b) The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (c) The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.
- (d) Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.

- (e) Public water and sewer facilities are available or shall be provided for by the developer as part of the site development. The Planning Commission may approve an RPUD without public water and sewer, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.
- (f) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission standards and the private road regulations of Article 15, as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.
- (g) Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
- (h) Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

10.07.02 **Conditions.** The Township Board may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.

Sec. 10.08 FINAL PUD SITE PLAN APPROVAL STANDARDS

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or approval with conditions, and the Township Board may deny, approve with conditions the proposed planned unit development.

10.08.01 **Consistency with Preliminary PUD.** The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Conceptual PUD Plan, PUD Agreement and associated documents and any conditions required by the Township.

10.08.02 **Final Site Plan Review.** The Final PUD Plan and associated documents shall be reviewed in accordance with Article 18 Site Plan Review, Township Subdivision Regulations, Township Condominium Ordinance and any other applicable regulatory document.

10.08.03 **Non-residential.** Non-residential PUD projects shall be reviewed for compliance with the standards set forth in Section 10.03.04.

10.08.04 **Conditions.** The Township may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.

10.08.05 **Phases.** For a PUD that is being developed in phases, final site plan approval for each phase shall be conditioned upon continued compliance of all phases with the Conceptual PUD Plan and PUD Agreement, as may be amended by the Township. The Township Board may postpone the approval of any final site plan for subsequent phases until previously approved phases of the PUD are brought into compliance with the requirements of the Conceptual PUD Plan and PUD Agreement.

Sec. 10.09 SCHEDULE OF CONSTRUCTION

10.09.02 **Construction.** Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

10.09.04 **Residential Phasing.** In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

Sec. 10.10 APPEALS AND VIOLATIONS

10.10.01 **Zoning Board of Appeals:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Genoa Township Zoning Ordinance following final approval of the PUD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a PUD concept, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the PUD site plan, written PUD agreement or the requirements of this article.

10.10.02 **Violations:** A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.

Sec. 10.11 AMENDMENTS AND DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN

10.11.01 **Deviations following approval:** Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.

- 10.11.02 **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- 10.11.03 **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.
- (a) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
 - (b) Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
 - (c) Floor plans may be changed if consistent with the character of the use.
 - (d) Horizontal and/or vertical elevations may be altered by up to five percent (5%).
 - (e) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 - (f) Designated "Areas not to be disturbed" may be increased.
 - (g) Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
 - (h) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (i) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - (j) Slight modification of sign placement or reduction of size.
 - (k) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (l) Changes required or requested by the Township, County or state for safety reasons.
- 10.11.04 **Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final PUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD Site Plan significantly alter the intent of the Conceptual PUD Site Plan, a revised conceptual PUD Site Plan shall be submitted according to the procedures outlined in Section 10.04 illustrating the modification shall be required.

