

**ARTICLE 18**  
**REVIEW AND APPROVAL OF SPECIAL CONDITION USES**

**SECTION 18.00 APPLICATION**

This Article is intended to provide regulations for Special Condition Uses as authorized in Section 502 of P.A. 110 of 2006 as amended, known as the “Michigan Zoning Enabling Act. Special Condition Uses are those that may be appropriate in some but not all, locations within a particular zoning district. Special Condition Uses are recognized as possessing characteristics of such a special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Development Standards for Special Condition Uses are detailed in Article 16, Site Development Requirements. The standards of this Article are intended to accomplish the following:

1. Establish general review standards for uses identified as Special Condition Uses to be used in addition to the use specific standards provided in Article 16;
2. Set forth a procedure for public input on decisions involving more intensive land uses;
3. Provide a mechanism to examine the impact of the use on the Township overall, and adjacent properties in particular.

The Township Board of Trustees, as provided herein, shall have the authority to approve Special Condition Use permits, subject to such conditions of design, operation and appropriate and reasonable safeguards as the Township may require for any Special Condition Use included in the various provisions of this Zoning Ordinance. The Planning Commission, as provided herein, shall hold a public hearing, review the application and make a recommendation to the Township Board of the appropriateness of the special use permit.

**SECTION 18.01 DATA REQUIRED**

Application for any Special Condition Use permit as provided under the provision of this Ordinance shall be made to the Township Clerk by filing an official Special Condition Use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such shall be reimbursable to the applicant. An application for a Special Condition Use permit shall contain the following:

1. Applicant’s name, address and telephone number.
2. Address and tax description number of the subject parcel.
3. Signature of the legal owner and the applicant (including basis of representation).
4. A certified survey drawing of the subject parcel.

5. A complete site plan containing all of the applicable data outlined in Article 17, Site Plan Review.
6. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing Special Condition Use permit applications outlined in Section 18.03, below. The Planning Commission may require a traffic impact assessment or traffic impact study prepared in accordance with Section 15.21 if deemed necessary to adequately evaluate the appropriateness of a use at a given location.

## **SECTION 18.02 PUBLIC HEARING REQUIREMENTS**

Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually, even if in another jurisdiction, but in structures containing four or fewer dwelling units, only one occupant of each unit must be given notice. If a structure has more than four dwelling units, a single notice may be given to the manager or owner of a structure to be posted at the primary entrance of the structure. The notice shall :

1. Describe the nature of the Special Condition Use request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses with the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. NOTE: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identifications are required to be listed.
3. State the date, time and place of the public hearing.
4. Indicate when and where written comments concerning the request will be received.

## **SECTION 18.03 STANDARDS FOR APPROVAL**

1. After a review and recommendation by the Planning Commission, the Township Board shall review the particular circumstances and facts applicable to each proposed Special Condition Use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
  - a. Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.
  - b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.

- c. Will not be hazardous or disturbing to existing or future neighboring uses.
  - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  - e. Will be served adequately by essential public service and facilities, such as highways, street, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  - g. Will not involve uses, activities, processes, material, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
  - h. Will be consistent with the intent and purposes of this Ordinance.
  - i. Will be compatible with the natural environment.
2. The Township Board may approve, deny, or approve with special conditions a request for Special Condition Use Approval. The decision on a Special Condition Use shall be incorporated in a statement containing the conclusions relative to the Special Condition Use under consideration, which specifies the basis for the decision, and any conditions recommended. If the facts regarding the Special Condition Use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met, the Township Board shall not approve the Special Condition Use.

#### **SECTION 18.04 CONDITIONS OF APPROVAL**

1. Prior to granting a Special Condition Use permit, the Township Board may impose such reasonable conditions or limitations upon the use as it deems necessary to protect the best interest of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.
2. The findings of the Township Board shall include a record of those conditions, which are recommended to be imposed. Any decision on such a request shall state the findings of fact and specify the conclusions drawn there from and any conditions imposed thereon. Conditions shall ensure compliance with the standards in this zoning ordinance, other township ordinances and applicable state or federal regulations. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all

conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

3. A Special Condition Use permit shall be issued by the Township Board of Trustees upon approval. The Clerk shall forward a copy of the permit to the owner/applicant and Building Inspector. The Building Inspector shall not issue a building permit until he has received a copy of the Special Condition Use Permit approved by the Township Board.

### **SECTION 18.05 VALIDITY OF PERMIT**

1. Any Special Condition Use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said Special Condition Use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.
2. An approved Special Condition Use which ceases to continually operate for a one (1) year period shall be considered abandoned, and the permit shall become null and void.
3. A Special Condition Permit including any conditions shall run with the property described in the application and not to the owner of such property. Upon sale of the property the permit must be transferred if the Special Condition Use is to continue.
4. A violation of any requirements, conditions, or safeguards imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted Special Condition Use permit in accordance with Section 18.07 below.

### **SECTION 18.06 AMENDMENTS, EXPANSIONS, RESUBMITTALS**

1. Any proposed amendment to the approved site plan of a Special Condition Use shall require the approval of the Planning Commission.
2. The expansion of, change in activities, reuse or redevelopment of any approved Special Condition Use shall comply with the application, review and public hearing procedures contained in this Article. Multiple Special Condition Uses on one site shall require separate Special Condition Use permits.
3. An application for a Special Condition Use which has been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except where new evidence or proof of changed conditions relating to all of the findings noted by the Planning Commission are presented. A resubmitted application shall be considered a new application.

### **SECTION 18.07 REVOCATION OF PERMIT**

A Special Condition Use Permit may be revoked if the permit holder fails to abide by its terms and conditions. The revocation procedure shall proceed as follows:

1. The permit holder shall be notified by the Township in writing of any violations to Township codes or provisions of the approved Special Condition permit;
2. The permit holder shall have thirty (30) days to correct all deficiencies to the satisfaction of the Township Board, or its designated administrators;
3. If after thirty (30) days any deficiencies remain, the Township Board shall conduct a public hearing following the same notification procedures in Section 18.02. Following the public hearing, the Township Board may then revoke the Special Condition Use Permit, or if the conditions warrant, allow a specified amount of additional time for the use to be brought into compliance.
4. A repeat violation shall be grounds for immediate revocation of the Special Condition Use by the Township Board following a public hearing.
5. The Building Inspector has the authority to issue a cease and desist order, until such time as a public hearing can be conducted, upon finding that the violation constitutes a serious threat to public health, safety, and welfare.

## **PLANNED UNIT DEVELOPMENT REGULATIONS**

### **SECTION 18.08 PURPOSE**

It is the purpose of this Article to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide better housing opportunities particularly suited to the needs of the residents of Clyde Township, provided such opportunities do not unreasonably create any adverse economic, social or environmental impact on surrounding land uses.

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, including but not limited to condominium, townhouse, and apartment developments, these requirements might result in design and land use arrangements with multiple buildings on a lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The PUD – Planned Unit Development is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Township Zoning Ordinance and for other uses not so provided. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The zoning district does not change if a PUD is approved, but like a special land use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are complied with.

It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

## **SECTION 18.09 OBJECTIVES**

The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning and development of such Planned Unit Development:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, riparian areas, floodplains, hills, and similar natural assets.
2. To encourage the provision of open space and the development of recreational and, where included in the site plan, other support facilities in a generally central location within reasonable distance of all living units.
3. To encourage developers to use a more creative and imaginative approach in the development of areas.
4. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
5. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the Township.
6. To promote flexibility in design and permit planned diversification in the location of structures.
7. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities.
8. To combine and coordinate architectural styles, building forms, and building relationships within the Planned Unit Development.
9. To ensure a quality of construction commensurate with other new developments within Clyde Township.
10. To ensure that there is a recognizable and substantial benefit to the community achieved by the PUD.

## **SECTION 18.10 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **“Agreement”** means prepared by the landowner, reviewed by the Township Attorney and approved by the Township Board which specifically details the development plans of the PUD, the covenants and restrictions proposed for the PUD, the staging of developments and the improvements to be placed in the development.
2. **“Common open space”** means a parcel of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended for the use and enjoyment of residents of the PUD. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the PUD.
3. **“Developer”** means synonymous with the term "landowner" for the purposes of this article.
4. **“Homeowners' association”** means an association to which all residents are required to belong as a condition of the deed, and which is set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provisions of other necessary internal services.
5. **“Landowner”** means the legal or beneficial owner of all the land proposed to be including in a PUD. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this chapter. (See “Developer”).
6. **“Plan”** means any or all of the three possible plan stages of a planned unit residential development , which are defined as follows:
  - a. ***Proposal for PUD designation.*** The proposal of a landowner for the designation of an area for planned unit development.
  - b. ***Tentative development plan.*** Any plan submitted for approval to the Board subsequent to or together with the submission of an application for PUD and prior to submission of a final development plan for approval.
  - c. ***Final development plan.*** That plan for development of a PUD or divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation and the tentative development plan by the Board under the provisions of this chapter.
7. **“Planned Unit Development”** means an area of land controlled by a landowner, to be developed as a single entity containing a minimum of 80 acres, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district of this chapter.
8. **“Single ownership”** means the proprietary interest of a single individual, partnership, or corporation, or other legally recognized entity in the state.

9. **“Tentative preliminary plat”** means a map showing the salient features of a proposed subdivision of land submitted to the Planning Commission for the purposes of preliminary consideration in accordance with the Township Subdivision Regulations.

## **SECTION 18.11 MINIMUM REQUIREMENTS**

1. A Planned Unit Development shall be considered a unique use of land, which, although comprised of numerous structures of varying types, shall be accorded regulatory treatment under this Ordinance as a single entity. Subject to the limitations and requirements in this Article, the Township Planning Commission may, upon application, approve a Planned Unit Development through issuance of a special land use permit. Within each Planned Unit Development the use, area, height, bulk and placement regulations of the zoning district may be modified, provided that such modifications shall comply with the provisions of this Article and the standards established in Article 15, General Provisions. While it is the intent of the Article to promote diverse and innovative design, and it is to be anticipated that each Planned Unit Development will possess a unique and distinctive design, all Planned Unit Developments shall promote the spirit and intent of this Ordinance as well as the public health, safety and welfare, and each shall be given equal regulatory consideration, recognizing the principles of due process, in accord with the procedures specified in this Article.
2. A Planned Unit Development must be designed as an entity and shall be at least fifty percent (50%) completed within two (2) years. The time span for completion of the entire development and commencement date for each section thereof may be modified from time to time by the township board upon the showing of good cause by the landowner, provided that in no case shall extension of time exceed 12 months.

## **SECTION 18.12 ELIGIBILITY REQUIREMENTS**

No Planned Unit Development shall be approved unless the applicant, through written submittal, and the Township Board, through certification of written findings of the Township Planning Commission, demonstrate that the land use and development meet the following eligibility requirements and the standards set forth in Section 18.15 (Basis of Determination).

1. Compliance with the dimensional and open space standards in Section 18.13 (District Requirements & Criteria) and the use standards of the district in which it is located, along with such other uses as may be approved through the PUD review and approval process.
2. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to Clyde Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation:
  - a. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity

and/or quality in need of protection or preservation on a local, state and/or national basis.

- b. Reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
  - c. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
3. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission and Township Board.
  4. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD. Elimination of a single authority, such as by sale of part of the PUD shall not occur without approval of a site plan amendment.

### **SECTION 18.13 DISTRICT REQUIREMENTS AND CRITERIA**

1. All Planned Unit Developments shall be in compliance with the following requirements:
  - a. All Planned Unit Developments shall be compatible with the objectives and specific elements of the Clyde Township Master Plan.
  - b. The Planned Unit Development concept may be applied in the following zoning districts: R-1, R-2, MF, RSF and MHP.
  - c. Provisions of this section shall apply only to tracts of land 80 acres or more.
  - d. Any land use authorized in this ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.
  - e. A maximum of four percent (4 %) of the total developed area may be utilized for uses that are permitted in the C-1 and C-2 Districts.
  - f. A building devoted primarily to office or commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.
  - g. The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided the total number and density of dwellings shall be increased

by no more than twenty percent (20%) greater than that which would ordinarily result under the district regulations.

- h. The maximum density allowed shall be based on the St. Clair County Health Department requirements for septic systems and residential water wells.
- i. A minimum of fifteen percent (15%) of the land developed in any Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities, not including parking lots, for the residents and users of the area being developed.
- j. The developer shall establish a homeowners' association to which all residents of the PUD must belong and shall relinquish control of the platted common open space to the homeowner's included in the homeowners' association are sold to the general public or within three years of the commencement of construction, whichever occurs first.
- k. All Planned Unit Developments shall be compatible with existing adjacent developments.
- l. All Planned Unit Developments shall be of population density which will not overburden existing or immediately projected schools, parks, roadways, public utilities, and other public facilities.
- m. All Planned Unit Developments shall incorporate a transportation pattern consistent and complementary with existing and immediately projected transportation systems in the Township.
- n. All Planned Unit Developments shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent Township residents.
- o. All portions of the PUD, including one-family lots, multiple-family projects, commercial areas, and public and private open spaces shall be platted in conformance with the requirements of the Land Division Act, Public Act 288 of 1967, as amended, and with the Township Subdivision Regulations.

#### **SECTION 18.14 APPLICATION, REVIEW AND APPROVAL PROCEDURES**

- 1. **Application:** Applications for a Planned Unit Development shall be submitted twenty-four (24) days prior to the next scheduled Planning Commission meeting through the Township Clerk who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with Section 18.15 Fees.

2. **Required Information:** An application for Planned Unit Development shall be accompanied by the following documents and information:
  - a. A Planned Unit Development application form supplied by the Township Clerk which has been completed in full by the applicant.
  - b. A site plan as specified in Article 17, Site Plan Review Procedures.
  - c. The plan shall contain proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the PUD and are consistent with the best interests of the entire township. Such covenants, easements and other provisions, which are a part of the plan as finally approved, shall inure to the benefit of the township for all purposes.
  - d. A statement with regard to compliance with the objectives of a PUD stated in Section 18.09 (Objectives), the eligibility requirements of Section 18.12 Eligibility Requirements, the criteria for approval in Section 18.15 (Basis of Determination), and other criteria imposed by this Ordinance affecting the PUD under consideration.
3. **Public Hearing:** Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually, even if in another jurisdiction, but in structures containing four or fewer dwelling units, only one occupant of each unit must be given notice. If a structure has more than four dwelling units, a single notice may be given to the manager or owner of a structure to be posted at the primary entrance of the structure. The notice shall:
  - a. Describe the nature of the Planned Unit Development application.
  - b. Indicate the property which is the subject of the Planned Unit Development application.
  - c. State when and where the Planned Unit Development application will be considered.
  - d. Indicate when and where written comments will be received concerning the application.
4. **Review and Approval:** Within forty-five (45) days following the public hearing, provided all materials are complete, the Planning Commission shall review the application for a Planned Unit Development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a recommendation to the Township Board to either deny, approve, or approve with

conditions, the Planned Unit Development application in accordance with the purpose and objectives of this Article, the eligibility requirements of Section 18.12, the criteria for approval stated in Section 18.14, the open space requirements of Section 18.12 (District Requirements & Criteria), as well as such other standards contained in this Ordinance which relate to the Planned Unit Development under consideration. The Planning Commission shall prepare a written report stating its findings and conclusions on the request for a Planned Unit Development, any conditions relating to an affirmative decision, and submit the same to the Township Board for final action. Upon the approval, or approval with conditions, by the Township Board, the applicant may apply for Preliminary Plat approval, if applicable.

5. **Continuing Adherence to Approved Site Plan:** Any property owner who fails to develop and maintain an approved PUD according to the approved site plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.
6. **Recording of Action:** The applicant shall record an affidavit which has received the approval of the Township Attorney with the St. Clair County Register of Deeds, containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD site plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the St. Clair County Register of Deeds and copies of recorded documents presented to the Township Clerk.
7. **Amendments:** Amendments to an approved site plan for a PUD shall be processed according to the procedure in Article 17, Site Plan Review Procedures.
8. **Scheduled Phasing:** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.
9. **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

## **SECTION 18.15 BASIS OF DETERMINATION**

Prior to approval of a Planned Unit Development application, the Planning Commission shall ensure that the standards specified in this Section, as well as the applicable standards established

elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.

1. **General Standards:** The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards and shall approve a Planned Unit Development only upon finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  - a. The Planned Unit Development shall be consistent with the Clyde Township Master Plan.
  - b. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment.
  - c. The Planned Unit Development shall not change the essential character of the surrounding area.
  - d. The Planned Unit Development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
  - e. The Planned Unit Development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.
  - f. The Planned Unit Development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
  - g. The Planned Unit Development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.
  - h. The Planned Unit Development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
  - i. The Planned Unit Development shall not result in any greater stormwater runoff to adjacent property after development, than before. The open space shall be

provided with ground cover suitable to control erosion and all vegetation shall be maintained continuously in a healthy living condition.

- j. The design of the Planned Unit Development shall exhibit a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use or façade materials is to be discouraged but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
  - k. The design of the Planned Unit Development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
  - l. The Planned Unit Development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
  - m. The Planned Unit Development shall meet the standards of other governmental agencies, where applicable.
2. **Conditions:** The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Planned Unit Development approval and shall be enforced by the Building Inspector.
3. **Waiver of Planned Unit Development Standards:** The Township Board, following the recommendation of the Planning Commission, may waive any of the standards for a Planned Unit Development contained in this Article where all of the following findings are documented, along with the rationale for the decision:
- a. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
  - b. The spirit and intent of the Planned Unit Development provisions will still be achieved.
  - c. No nuisance will be created.
4. **Fees:** Fees for the review of PUD shall be established by resolution of the Township Board. Review fees shall apply to PUD plans undergoing administrative review and approval as well as those which require the approval of the Planning Commission or Township Board.

5. **Appeal to Circuit Court:** An appeal on a decision by the Township Board to approve, deny or approve with conditions a Planned Unit Development may be taken to Circuit Court, and may not be appealed to the Zoning Board of Appeals.

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