

**ARTICLE 42.0  
PLANNED UNIT DEVELOPMENT**

**SECTION 42.01-PURPOSE**

A Planned Unit Development (“PUD”) shall include such terms as cluster zoning, planned development, community unit plan, planned residential development and other terminology denoting zoning requirements which are designed to achieve the following objectives:

- A.** Provide flexibility in regulation of land development.
- B.** Provide for a compatible mix of land uses.
- C.** Encourage innovation in land use planning and development, especially in housing.
- D.** Encourage variety in the design and type of housing, and to improve the quality of residential environments.
- E.** Create more stable communities by providing a variety and balance of housing types and living environments.
- F.** Provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing.
- G.** Encourage provision of useful open space and protect and conserve natural features.
- H.** Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities.
- I.** Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.
- J.** Insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.
- K.** Encourage innovations in residential, office, and commercial development so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing, recreation and shops conveniently located to each other may extend to all citizens and residents of Lodi Township.
- L.** To reflect changes in the technology of land development so that resulting economies may benefit those who need homes.
- M.** To lessen the burden of traffic on streets and highways.

**SECTION 42.02-PERMITTED USES**

- A.** Uses permitted in a PUD shall be compatible with the Township’s adopted General Development Plan.
- B.** All use of land and buildings in a PUD shall comply with the listing and location of uses shown on the approved area plan, approved preliminary site plan, approved final site plan, and/or approved plat, or condominium development, whichever is applicable. Uses and structures accessory to the listed uses shall be permitted. No other uses shall be permitted.

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- C. A residential area, designated on an area plan, preliminary site plan, or final site plan, may contain one or more types of dwelling units, provided that such combination of dwelling unit types will not interfere with orderly and reasonable platting of an area, if such area is to be platted, and subject to the approved area plan.
- D. Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single family detached unit, and shall be subject to the home occupation regulations set forth in the definition of home occupation in Section 2.02, herein.

**SECTION 42.03-LOCATION OF A PUD**

A PUD shall be located in an area of Lodi Township that is determined to be suitable and desirable for such development, upon recommendation by the Township Planning Commission and final approval of the Township Board. In making its recommendation, the Planning Commission shall find that the location of a proposed PUD is consistent with Township policy regarding land use type and density, as expressed in the adopted Zoning Ordinance, or represents land use policy that is a logical and acceptable change in adopted policy.

**SECTION 42.04-PETITION REQUIREMENTS****A. Pre-Application Conferences**

- 1. A potential applicant for a special district classification shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Supervisor, Clerk and Treasurer and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township Consultants, County Road Commission Engineer, County Health Department, and County Drain Commission.
- 2. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end the applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
- 3. Statements made in the conference shall not be legally binding commitments.

**B. Petition Procedures**

- 1. Application for PUD classification shall be for an amendment to the Official Zoning Map and approval of an area plan. A petition for a PUD may be made by the owner(s) of record or by a person(s) authorized in writing to act on behalf of the owner(s) of record of the subject parcel. The filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD district, such as legal title, or execution of a binding sales agreement, prior to approval of the petition by the Township Board.
- 2. The petition shall be filed with the Township Clerk who shall transmit copies of the petition to the Planning Commission. The petition including all required documentation shall be filed at least thirty-five (35) calendar days prior to the Planning Commission meeting at which it is to be considered. Fees shall be paid to the Township Treasurer at the time of application; no transmittals shall be made to the Planning Commission unless the required fees have been paid in full.
- 3. Upon receipt of a complete and accurate petition from the Clerk, the Planning Commission shall undertake a study of same. The Planning Commission shall advise the applicant in writing of any recommended changes in the petition as are needed to conform to the regulations and standards of this Ordinance.

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4. A public hearing date shall be established for the petition and notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).
5. At the public hearing the petitioner shall present evidence to the Planning Commission regarding the following characteristics of the proposed development:
  - a. The general character and substance.
  - b. Objectives and purposes to be served.
  - c. Compliance with all applicable Township ordinances and standards, and federal and state statutes and regulations.
  - d. Scale and scope of development proposed.
  - e. Development schedules.
  - f. Compliance with the adopted General Development Plan of Lodi Township.

The Planning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses; community impact, in terms of streets and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township; and environmental impact.

Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models or other materials, and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission, other Township officials, and the general public.

6. The report to the Township Board shall state the Planning Commission's findings of fact and conclusions on the Petition for a PUD District, the basis for its decision, analysis with regard to its compatibility with the General Development Plan, the decision and any conditions relating to an affirmative decision.
7. The Township Board shall review the petition, reports of the Planning Commission, the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or table for future consideration the petition.
  - a. The Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
  - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board shall refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
  - c. Reasonable conditions may be required with the approval of a planned unit development. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
    - (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- (2) Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
  - (3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
8. If the petition is approved by the Township Board, the applicant shall review the petition in its approved form. The applicant and all owner(s) of record of all property included within a PUD district or said owner's legal representatives shall then sign a statement that the approved petition and area plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said statement has been signed as required herein and has been received by the Township Clerk.
9. Within ten (10) days of the official approval of the petition by the Township Board, the Township Clerk shall accurately note, and the Township Supervisor shall attest, the special district designation for the parcel(s) in question on the official zoning map, in accordance with Article 58.0 (Amendment Procedure), herein.
10. The approved area plan and signed agreement shall be recorded by the petitioner with the Washtenaw County Register of Deeds, within ten (10) days of the date of approval of the petition and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the Lodi Township Clerk.
11. The Township Board may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.
12. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Article 54.0 Site Plan Review, herein.

**C. Information Required for the Area Plan**

1. An area plan shall be submitted as part of a petition for a special district zoning change.
2. An area plan for a PUD shall contain all information required for preliminary site plans as set forth in Section 54.03 herein, and the following information:
  - a. Density of use for each use area of the site.
  - b. Location, size and uses of open space.
  - c. General description of the organization to be utilized to own and maintain common areas and facilities.
  - d. General description of covenants or other restrictions; easements for public utilities.
  - e. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
  - f. Description of all proposed uses.
  - g. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
  - h. Delineation of areas to be platted under the Subdivision Control Act, Act 288 of 1967, as amended, and Condominium Act, Act 59 of 1978, as amended.

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- i. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
- j. Delineation of required yards/setbacks; dwelling unit schedule, density, and lot area per dwelling unit, for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips.

**D. Standards for Petition Review**

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

1. The proposed development shall conform to the adopted General Development Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted General Development Plan.
2. The proposed development shall conform to the intent and all regulations and standards of a PUD.
3. The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands.
5. The petitioner shall have made provision, satisfactory to the Board, to assure that public and common areas will be or have been irrevocable committed for that purpose. Provisions, satisfactory to the Board, shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.
6. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site will 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 street intersections; and the general character and intensity of the existing and potential development of the neighborhood.
7. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.
8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.
9. The proposed development shall create a minimum disturbance to natural features and land forms.
10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the

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site and to the edges of the site, where applicable.

**E. Effect of Approval of Petition**

Approval of the petition by the Township Board shall have the following effects:

1. Approval of an area plan shall indicate acceptance of uses, building locations, layout of streets, estimated dwelling unit count and type based upon a preliminary soil investigation, floor areas, densities, and all other elements of the area plan.
2. Approval of a petition for a PUD eighty (80) acres or less in area shall authorize the applicant to file an application for preliminary/final site plan approval for all or any phase of the development shown on the approved area plan, except areas to be platted for single-family detached residential use according to the Subdivision Control Act.
3. Approval of a petition for a special district of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan for each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required herein, and only in accordance with Section 54.03, herein.
4. Approval of an area plan by the Township Board shall authorize the applicant to file an application for review of a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the Township's subdivision control ordinance for all or part of the area within the PUD which is to be platted.
5. No deviations from the area plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision, as provided in this Article.
6. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the Planning Commission gives permission for such construction, and provided that all required permits have been issued and are in effect. No other construction may commence until a final site plan has been approved by the Planning Commission.

Grading, tree removal and other changes in existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this subsection. Construction shall be limited to those elements whose location, size, alignment and similar characteristics will not be subject to change in the review of a final site plan or plat within the PUD.

**SECTION 42.05-GENERAL PROVISIONS**

- A. **District Regulations** - All uses, structures, and properties shall comply with all regulations and requirements of this Zoning Ordinance, except as provided in this Article.
- B. **Continuing Applicability of Regulations** - The location of all uses and structures, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved area plan, and on site plans and plats approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance. Such regulations shall be the continuing obligation of any subsequent interests in the land in a PUD or parts thereof and shall not be changed except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.

A parcel of land that has been classified as a PUD district by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.

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- C. Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued therefore, on a lot zoned, or under zoning petition for, a PUD District classification, until the requirements of this Article have been met.

**SECTION 42.06-ZONING BOARD OF APPEALS; JURISDICTION**

The Township's Zoning Board of Appeals has no authority to hear an appeal on a PUD decision.

**SECTION 42.07-DENSITY AND OPEN SPACE PRESERVATION REGULATIONS****A. Density in a PUD shall be regulated as follows:**

1. The maximum permitted residential density for a PUD shall not exceed the average residential density for the area included in the PUD as allowed by the Lodi Township Zoning Ordinance.
2. The maximum lot coverage (LC) shall not exceed twenty-five (25) percent.
3. The maximum floor area ratio (FAR) shall not exceed 0.35.

**B. Open Space Preservation Requirements**

1. Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land area, that as determined by the Township, could otherwise be developed under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:
  - a. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a municipal sewer system, 3 or fewer dwelling units per acre.
  - b. When completed, a development shall have at least fifty (50) percent of the developable acreage in the development devoted to open space, which shall perpetually remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include land area devoted to the following: a residential unit, an accessory use, yard areas adjacent to buildings, vehicle access, vehicle parking, a roadway, a utility easement, an approved land improvement, and similar uses. For purposes of this calculation, developable acreage shall include all areas to be used for residential purposes and all open space devoted exclusively for residential use or uses accessory thereto or for natural resource preservation. However, developable acreage shall not include bodies of water, designated wetlands, or floodplain, except to the extent the applicant can show to the satisfaction of the Planning Commission that such areas would be considered developable areas under the zoning ordinance. If the applicant proposes to include such areas within its calculations of developable acreage, the applicant shall submit a traditional (non-PUD) site plan conforming to all applicable zoning ordinance regulations for the district in which the subject property is located, in order to establish both developable area and permissible density.
  - c. The open space shall be preserved perpetually by a recorded legal document approved by the Township Board.
  - d. The development does not depend upon the extension of a municipal sewer or municipal water supply system, unless development of the land without the exercise of the open space preservation option would also depend upon such an extension.
  - e. The option provided pursuant to this open space preservation subsection has not been previously exercised with respect to that land.

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- f. The development of the land under this open space preservation subsection is subject to all other applicable ordinances, law, and rules, including rules relating to suitability of groundwater for an on-site water supply for land not served by municipal water and rules relating to suitability of soils for on-site sewage disposal for land not served by municipal sewers.
2. When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include the yard areas adjacent to buildings.

**C. Density calculations shall meet the following requirements:**

1. Residential uses shall be permitted with a maximum density equal to that authorized in the residential existing zoning district in which the property is situated.
2. Land areas to be used in calculating gross densities, lot coverage (LC) and floor area (FAR) shall be delineated on the area plan, preliminary site plan, and final site plan so that the acreage and density computations can be confirmed.
3. Land area used for calculating gross residential density shall include the total residential land area designated on the area or preliminary site plan, and final site plan, less any area within any public and private street right-of-way.
4. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential density. LC and FAR calculations for non-residential uses shall be based upon land areas designated for such use and shall include acreage for drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street right-of-way.
5. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not be used to compute density in another project within the PUD unless the overall and new densities, LC's and FAR's of the subject property, and all previous projects in the district are maintained at or less than the limits established in the approved area plan.
6. The LC and FAR shall include assumed ground floor area and total floor area for proposed single family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.
7. The Planning Commission may exclude land with slopes of fifteen percent (15%) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.

**SECTION 42.08-MINIMUM LOT AREA**

The Township Planning Commission shall determine that the lot area for any proposed planned unit development is reasonable for a development of that nature. Such determination shall take account of the lot size required for similar developments in other districts.

**SECTION 42.09-REQUIRED YARDS AND SETBACKS**

The following minimum yards/setbacks shall be provided in a PUD exclusive of road right-of-ways.

- A. A setback of fifty (50) feet shall be provided along any part of a PUD fronting on a public street.
- B. A setback of twenty (20) feet shall be provided along any part of a PUD not fronting on a public street and the setback shall be designed and landscaped as a buffer strip. Parking lots and driveways shall not be permitted in this setback area, except that drives may cross such setback area.

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C. A setback of thirty-five (35) feet shall be provided along the right-of-way of a major public collector street proposed within a PUD and a setback of fifty (50) feet shall be provided along the right-of-way of a public arterial street proposed within a PUD.

D. A landscaped yard at least ten (10) feet deep shall be provided between a parking lot of five (5) or more spaces and a property line within a PUD. A yard at least twenty (20) feet deep shall be provided between a parking lot and a perimeter property line of a PUD, except when adjacent to a public street right-of-way line, in which case the preceding yard requirements shall apply.

Refer to General Development Plan for roadway classifications.

E. A transition strip at least twenty (20) feet deep shall be required along a perimeter of a commercial, warehouse, industrial, or office site when adjacent to a residential area, school site, park and similar areas within a PUD. Such strips shall be landscaped with trees, shrubs, ground cover, and other materials. Fencing may be required at the option of the Township Board at the time of area plan approval.

The preceding yard/setback requirements, may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The reduction or waiver shall be based upon findings that topographic conditions, existing trees, and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be shown on the approved area plan.

F. All required yards/setbacks shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided herein.

**SECTION 42.10-DISTANCES BETWEEN BUILDINGS**

A. A single family dwelling shall be located at least ten (10) feet from any other single family dwelling unless structurally attached thereto.

B. Distances between buildings shall be sufficient to meet fire protection requirements.

C. The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.

**SECTION 42.11-HEIGHT REGULATIONS**

Any building exceeding a height of two and one-half (2 1/2) stories or thirty-five (35) feet shall be approved as to specific height by the Township Board upon recommendation by the Township Planning Commission. Approval shall be based upon findings regarding natural light, air circulation, views, fire protection, and airport flight patterns, where applicable. The height of each building shall be indicated on the area plan and all site plans approved subsequently thereto. Where the height exceeds two and one-half (2 1/2) stories or thirty-five (35) feet, the Township Board upon recommendation from the Planning Commission may require larger lot areas or set backs to preserve the integrity of open areas.

**SECTION 42.12-CIRCULATION AND ACCESS**

A. Each lot or principal building shall have vehicular access from a public street according to the standards for public streets as established by the Washtenaw County Road Commission or from a private street according to the standards and specifications of Section 55.17 of this Ordinance.

B. Each lot or principal building shall have pedestrian access from a public sidewalk, where deemed necessary by the Planning Commission. All parts of a PUD shall be interconnected by a sidewalk system which will provide necessary, safe, and convenient movement of pedestrians. A bicycle path system may be required in a PUD and may be a part of a sidewalk system.

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- C.** All streets shall be designed and constructed according to established standards for public or private streets, except that such standards may be modified if adequate service will be provided. Right-of-way standards may be modified, especially where the area plan provides for adequate off-street parking facilities and for the separation of pedestrian and vehicular traffic. Any modification of proposed public streets shall meet the approval of the Washtenaw County Road Commission.
- D.** An individual dwelling unit in a single family or two family structure, or an individual townhouse building or mobile home, or similar residential structure, shall not have direct driveway access to an arterial street. In such case, access shall be provided by a service drive.
- E.** Streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in sub-section C, preceding.

**SECTION 42.13-UTILITIES**

- A.** Refer to Section 55.10 regarding requirements for municipal or private on-site sanitary sewerage facilities. Each principal building shall be connected to public water lines, or to an on-site private well approved by the Township after approval by the Washtenaw County Environmental Health Department.
- B.** Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.
- C.** Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.
- D.** The Township Planning Commission may require that all structures within a PUD District which utilize metered utilities such as gas, electricity, water and sewer, shall have installed on the premises a meter reading device capable of determining usage amounts from a central location, which location shall be approved by the Township Board.
- E.** The Township Planning Commission may require the installation of street lighting on all or any portion of a street, sidewalks and bike paths where such installation is deemed to be in the interest of public health, safety and welfare.
- F.** The Township Planning Commission may require the installation of an audio warning system at such locations as to adequately warn persons within the PUD of natural or man caused disasters.

**SECTION 42.14-OPEN SPACE REGULATIONS**

- A.** Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space, such as recreation areas and parks. Other buildings and improvements shall be prohibited therein.
- B.** Open space areas shall be conveniently located for the residents throughout the PUD in relation to the location of dwelling units and natural features.
- C.** Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.
- D.** The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as, but not limited to, ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams and marshes be preserved as part of the open space system of the PUD.

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The parking and loading requirements set forth in Section 51.0, herein, shall apply, except that the number of spaces required may be reduced. The reductions shall be approved by the Township Board, upon recommendation of the Township Planning Commission, as a part of the area plan, and shall be based upon specific findings. The parking area saved by reducing the number of spaces shall be put into landscape/open space areas within the PUD.

**SECTION 42.16-PHASING**

Development may be phased as delineated on the approved area plan, subject to the following requirements:

- A.** A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
- B.** The Township Board, upon recommendation of the Planning Commission, may require that the development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that over-loading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Township Planning Commission may require the petitioner to provide market analyses, traffic studies, and other information, as outlined in 42.04 B5, herein, necessary for the Planning Commission to properly and adequately analyze a PUD petition for recommendation to the Township Board with respect to this requirement.
- C.** The Planning Commission may require, as part of a final site plan review of a phase of a PUD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
- D.** Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.
- E.** Any phase containing commercial and/or office uses shall have a residential land area containing at least three (3) times the land area in the commercial/office use.
- F.** No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least one hundred (100) dwelling units or one-quarter of the total number of units in the approved area plan, whichever is less.

**SECTION 42.17-SITE PLANS****A. Preliminary Site Plan Requirements**

A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan. The preliminary site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 54.0, herein, that apply to preliminary site plans. In addition to these provisions, preliminary site plans shall conform to the approved area plan.

**B. Final Site Plan Requirements**

A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 54.0, herein, that apply to final site plans. After review by the Planning Commission, the final site plan shall be forwarded to the Township Board. Upon receipt, the Township Board shall study the final site plan and shall, within ninety (90) days approve, request modification(s) to, or reject the final site plan. The final site plan shall only be deemed valid after the applicant and all owner(s) of record or the owner's legal representative(s) and Township Clerk sign the

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approved final site plan and all applicable fees have been paid.

**SECTION 42.18-SUBDIVISION PLATS**

- A.** A site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development according to the Subdivision Control Act.
- B.** Plats shall conform to the approved area plan and all conditions attached thereto.
- C.** Subdivision plats shall meet all requirements of P. A. 591 of 1998 as amended and Lodi Township.
- D.** The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.
- E.** Condominium projects shall meet all requirements of the Condominium Act of 1978, as amended.

**SECTION 42.19-COMMON AREAS AND FACILITIES**

- A.** The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be clearly identified accordingly on the final site plan(s).
- B.** All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.
- C.** Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township attorney for review and a report on his/her findings issued to the Planning Commission as to legal form and effect, and to the Township Board or Planning Commission, whichever is applicable, for review, as to the suitability of such areas and facilities for the proposed use. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.
- D.** Where a Home Owners Association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, same to be filed with the zoning petition. The provisions shall include, but shall not be limited to, the following:
  - 1.** The HOA shall be established before any dwellings in the PUD are sold.
  - 2.** Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
  - 3.** Restrictions shall be permanent.
  - 4.** The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
  - 5.** Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be so specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.
  - 6.** The HOA shall have authority to adjust the assessment to meet changed needs.
  - 7.** The Township Board and Township attorney shall review the proposed by-laws and articles of incorporation prior to approval of the area plan.
  - 8.** All open spaces and common facilities shall be assessed to the HOA and all taxes thereon shall be paid by the a HOA.

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- E.** The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved petition, an approved preliminary site plan, where applicable, and final site plan.
- F.** Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. The trustee may be a homeowners association, a trust company, or similar organization.
- G.** Easements shall be given to each individual owner for the use of such areas and facilities.
- H.** Where facilities are to be constructed as part of the common area open space system performance guarantees shall be provided as required herein.

**SECTION 42.20-AMENDMENT AND REVISION**

Approved plans and any conditions imposed with respect to the approval of a PUD area plan or preliminary or final site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township and the landowner in accordance with the following:

- A.** A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in an approved area plan, or a change in an approved preliminary or final site plan which results in a major change, as defined in this section, in the approved area plan, shall require an amendment to the approved area plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PUD zoning. A change which results in a minor change as defined in this section shall require revision to the approved plan and approval by the Planning Commission.
- B.** A request for a change in an approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the applicant in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
- C.** The following changes shall be considered major, for which amendment is required:
  - 1. Change in concept of the development.
  - 2. Change in use or character of the development.
  - 3. Change in type of dwelling unit as identified on the approved area plan.
  - 4. Increase in the number of dwelling units (density).
  - 5. Increase in non-residential floor area of over five (5) percent.
  - 6. Increase in lot coverage or FAR of the entire PUD of more than one (1) percent.
  - 7. Rearrangement of lots, blocks, and/or building tracts.
  - 8. Change in the character or function of any street.
  - 9. Reduction in land area set aside for common open space or the relocation of such area(s).

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10. Increase in building height.

11. A change in residential floor area plus or minus 10%.

- D.** A developer may request approval of minor changes, as defined in this section, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).
- E.** Minor changes, for which approved plans may be revised rather than amended, shall be at the discretion of the Planning Commission.
- F.** The Planning Commission shall have the authority to determine whether a requested change is major or minor. The burden shall be on the applicant to show good cause for any requested change.
- G.** After the completion of any development within an approved PUD, alterations to existing uses/structures shall be handled on a case by case basis. Applicable sections of the Zoning Ordinance shall apply. Changes shall be consistent with the intent and character of the original PUD as approved.

**SECTION 42.21-EXPIRATION OF PLAN APPROVALS**

- A.** An area plan shall expire eighteen (18) months after approval by the Township Board unless a site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for review and approval. Thereafter the site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.
- B.** A final site plan for the entire property classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date of Township Board approval of the area plan. All final plans in a PUD shall have been approved and recorded within the preceding time periods.
- C.** Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in Section 42.21 A, preceding, and failure to obtain approval of final site plans and final plans as provided in Section 42.21 A and B, preceding, shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration.

In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirement for original application. Expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Inspector shall notify the Township of the expiration of an approved area plan.

- D.** Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval by the Township Board unless the Building Inspector shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five hundred forty-five (545) days after the date of approval by the Township Board unless construction has begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Township Board to require filing and review of a new final site plan in accordance with the provisions of this Article.
- E.** Development shall be diligently pursued to completion, and shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.

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- F.** If an approved area plan or an approved site plan has expired as set forth in this Section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.

**SECTION 42.22-EXTENSION OF TIME LIMITS**

Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission and/or Township Board, whichever is applicable, in the case of area plans. In the case of preliminary and final site plans an agreement for time extensions shall be between the applicant and the Planning Commission.

**SECTION 42.23-MODIFICATIONS DURING CONSTRUCTION**

All site improvements and building construction shall conform to all approved plans required in this article which authorize such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans he/she shall do so at his/her own risk, without assurance that the Lodi Township Board, Planning Commission or Township official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. The Township Board, Planning Commission, Zoning Inspector, Building Inspector or Township Engineer, whichever is applicable, may require the applicant to correct any changes made in the field without prior approval so as to conform to the approved plans.

**SECTION 42.24 AS-BUILT DRAWINGS**

As-built drawings shall be provided in accordance with Article 54.0, herein.

**SECTION 42.25 PERFORMANCE GUARANTEES**

Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Article 54.0 Site Plan Review, herein.

**SECTION 42.26 VIOLATIONS**

- A.** A violation of an approved area plan, preliminary site plan, final site plan, and conditions of approval, shall be grounds for the Township Board to order that all construction be stopped and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.
- B.** Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including conditions attached to an approved plan, shall be considered a violation of this ordinance, as provided in Section 57.09, herein.

