

A. INTENT

The intent of the Planned Development District (PDD) is to provide for a flexible zoning district which 1) incorporates the review process for a Planned Development (PD) project into the rezoning procedure to ensure integration of the proposed project with the characteristics of the surrounding area; 2) promotes the attributes and unique features of the subject property; 3) will permit uses and design attributes that will produce a development with a recognizable and substantial benefit to the ultimate users of the project; and 4) will permit the applicant to offer site-specific development standards, uses, and conditions to foster innovation and creativity to achieve a high-quality development that will be a benefit to the community and will not adversely impact the existing or future development in the surrounding area. Planned Developments are required to achieve:

- i. A modern choice of living environments by: 1) allowing a variety of housing and building types; 2) permitting increased density per acre; and 3) permitting flexibility in lot dimensions, yard, building setback, and area requirements.
- ii. Open space and recreation areas that are functional and well designed.
- iii. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of protected wetland, woodlands, and natural drainage patterns.
- iv. A more efficient use of land than that achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- v. Utilization of sustainable design features.

B. ELIGIBILITY CRITERIA

To be eligible for rezoning to a Planned Development District (PDD), the applicant must demonstrate that the following criteria will be met:

- i. Future Land Use Map. Uses which are not called for on the Future Land Use Map may be permitted provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified based on 1) the current planning and development objectives of the Township; and 2) the deviation complies with the Master Plan.
- ii. Property Location. The property proposed for rezoning to PDD is not located within the Township Center District. All other properties in the Township are eligible for rezoning to PDD, except properties located within the Township Center District (TCD) which shall not be eligible for rezoning to PDD.
- iii. Minimum Size. The proposed project area shall contain a minimum of two (2) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a smaller area to be rezoned to PDD provided the applicant:
 - a. As part of the application, submits a written request to waive the requirement for a minimum two (2) acres of contiguous land and the Planning Commission determines the applicant demonstrated one or more of the following benefits to the community:
 - 1) The proposed project has unique characteristics and benefits.
 - 2) The parcel in question has unique features that may significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the site, water courses, unusual shape or proportion, utility easements which cross the parcel.
 - 3) The property is ideal for redevelopment and is located on a major corridor.
 - b. The Planning Commission shall review the request for the smaller area as part of the overall PD plan and shall make a recommendation to the Township Board.

recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the minimum size requirement as part of its preliminary review decision.

- iv. Use of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities; and shall not place an unreasonable burden upon the subject site, the surrounding land, property owners, occupants, or the natural environment.
- v. Unified Control. The proposed development shall be under single ownership or have a single master developer that is a single person or entity responsible for completing the project in conformity with the ordinance and all conditions of approval. The applicant shall provide legal documentation of single ownership or legal authority to proceed under a single master developer for the project. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township in advance of the transfer.

C. DEVELOPMENT REGULATIONS

A proposed Planned Development (PD) shall comply with the following regulations:

- i. Uses. Any land use authorized in this ordinance may be included in the development as a principal or accessory use, provided that:
 - a. There shall be a harmonious relationship between the location of building on the site relative to the location of buildings on the land in the surrounding area.
 - b. The use and or mixture of uses and the arrangement of those uses within the development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.
- ii. Environmental Features. There shall be no development or modification of any kind within a designated wetland or woodland without a use permit first being issued by the Township pursuant to the applicable ordinance.
- iii. Preservation Area. Within the development, a minimum of five percent (5%) of the total site shall be in preservation open space areas. The requirement to provide open space preservation areas may be reduced or eliminated by the Planning Commission if the Planning Commission determines that the distinct features of the parcel are an impediment to compliance with the minimum open spaces requirement. Roads, while included in total parcel area, shall be excluded from the preservation area calculation. Place of interest as required in Subsection 3.1.23.C.iv below may serve to fulfill the minimum preservation area requirement. Notwithstanding anything to the contrary, the combined preservation area and place of interest shall be a minimum of five percent (5%) of the total site.
- iv. Places of Interest. Two places of interest shall be incorporated into each development. The places of interest may include: art installations, gardens, nature paths, nature viewing areas, community gardens, outdoor dining areas, plazas, fitness trails, playgrounds, or other elements or amenities approved by the Planning Commission that are open, inviting, and accessible to the public. Except as provided in Section 3.1.23.C.iii above, the total area of the places of interest shall be a minimum of five percent (5%) of the gross area of all parcels proposed for rezoning to PDD. For developments



approved with less than two (2) acres, alternatives to the places of interest requirement may be permitted if the applicant is able to demonstrate that there is insufficient space for any of the above options. Alternatives may be permitted if the Planning Commission finds the proposed alternative places of interest are in keeping with the spirit of this provision. Any alternatives shall result in engaging, interesting, attractive, safe, context-sensitive, and comfortable places.

- v. Building Appearance and Exterior Materials. Exterior building materials used shall be low maintenance and high durability such as stone, cement board siding, or brick, and shall cover a minimum of fifty percent (50%) of the building wall, measured by the finished surface of the wall exclusive of windows and doors. The following materials shall not exceed twenty percent (20%) of the exterior surface: EFIS, stucco, or fabricated steel panels. T-111, smooth faced or painted concrete block are prohibited exterior surface materials.
- vi. Sustainable Design. In order to encourage outstanding design qualities, all developments shall include sustainable design features for the nature, scale, and location of the development and its relationship to surrounding existing and planned land uses. A project that receives LEED certification for Neighborhood Development (LEED ND) or the Building receives LEED certification for Building Design and Construction (LEED BD+C) shall fulfill the requirement for sustainable design, otherwise, a minimum of four (4) of the following sustainable design features shall be incorporated into a development. Depending on the type, size, and scale of the development, and the conditions of the subject property, the Planning Commission may require additional sustainable design features to be incorporated. Sustainable design features include:
 - a. Public or Alternative Transportation Access. Location of the project is within $\frac{1}{4}$ mile walking distance along an improved safety path, sidewalk, or other non-motorized pathway to one or more public transit stops.
 - b. Bicycle Parking. Provide covered parking facilities for securing bicycles for a minimum of ten percent (10%) of the residents, employees, or customers of the proposed development. The covered parking facilities shall be designed to

complement the other buildings on site. The enclosed garage of a residential dwelling unit shall meet the bicycle parking requirement. For commercial and employer uses, the covered bicycle parking may be located near the building entrance or within the building.

- c. EV Charging Stations. EV charging stations shall be provided in accordance with the following:
 - 1) Residential: For units with garages, pre-wire all garages for one (1) 240-Volt EV charging station and offer an EV charging station as an option. For developments where garages are not provided, five percent (5%) of all parking spaces shall be equipped with a 240-Volt EV charging station.
 - 2) Non-residential: A minimum of five percent (5%) of all required parking spaces shall be equipped with a 240-Volt EV charging station. Signs shall be posted in accordance with Section 22-34 of the Code of Ordinances.
- d. Building Materials. In order to meet this requirement, an applicant shall comply with all of the following:
 - 1) All appliances used within the development must be Energy Star rated.
 - 2) All applicable plumbing fixtures within the development shall be WaterSense labeled.
 - 3) Use of building materials on the exterior facade of a majority of the exterior elevations are energy-efficient, durable, and low maintenance.
 - 4) Use of energy efficient glass/glazing.
 - 5) Use of high-efficiency insulation materials.

- e. Mechanical and Electrical Systems and Energy Usage. In order to meet this requirement, an applicant shall comply with the item listed in 1, 2, or 3; or shall comply with all items listed in 4, 5, 6, and 7.
 - 1) Provide at least thirty-five (35) percent of the development's electricity from renewable sources by installing solar energy systems/solar photovoltaic panels, wind energy conversion systems.
 - 2) Installation of vegetated roofs for at least fifty percent (50%) of the roof area.
 - 3) Constructing buildings that are all, or predominately all, electric.
 - 4) Use of energy efficient heating and cooling systems, such as the use of heat pumps.
 - 5) Use of tankless water heater systems for hot water only on demand.
 - 6) Use of design features intended to reduce energy usage including, but not limited to strategically placed overhangs and architectural awnings.
 - 7) Installation of smart technology devices including, but not limited to programmable thermostats with remote electronic access and control.
- f. Water Efficient Landscaping. Substantially reduce potable water consumption for irrigation from a mid-summer baseline case by implementing all of the following:
 - 1) Install smart scheduling technology for water use.
 - 2) Use of Michigan native vegetation that requires less water consumption and maintenance.
 - 3) Use of storm drainage collected water in retention and detention basins for irrigation. Use of water from naturally occurring surface water bodies, such as stream, rivers, and ground water shall be prohibited.
- g. Residential Unit Area. The maximum square footage of a residential unit shall not exceed the following:

Table 3.1.23.C.vi.g Sustainable Design Area Requirements for Residential Units								
	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom	5-Bedroom	6-Bedroom	7-Bedroom	8- or More Bedroom
Max. Floor Area	1,000 sq. ft.	1,600 sq. ft.	2,200 sq. ft.	2,800 sq. ft.	3,400 sq. ft.	4,000 sq. ft.	4,600 sq. ft.	+ 600 sq. ft. per additional bedroom



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- h. Heat Island Effect Reduction. Reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on microclimate and human and wildlife habitat through all of the following options:
 - 1) Install a vegetated roof for at least fifty percent (50%) of the roof area.
 - 2) Provide shade from an existing tree canopy or a new landscape installation that will provide shade within five (5) years of the installation; landscaping trees must be in place at the time of the issuance of a certificate of occupancy.
 - 3) Provide shade from structures fully covered by solar photovoltaic panels.
- i. Vehicular and Pedestrian Connectivity. Vehicular and pedestrian connections shall be provided throughout the site including:
 - 1) Vehicular roads shall connect to the existing road network and where possible, to adjacent sites. Dead-end or cul-de-sac shall be discouraged.
 - 2) Provide non-motorized connections to adjacent sites where land uses are complementary, connection is feasible, and connection will not have an environmental impact.
 - 3) All uses within the site shall be connected with safety paths, sidewalks or non-motorized pathways, and, if accessible, shall connect to the Township's existing non-motorized paths and trails.

D. REVIEW PROCEDURE

The review procedure for rezoning to PDD incorporates the review process for a planned development project into the rezoning procedure. Planned development projects are generally complex projects that could have a major impact on surrounding land uses and significantly affect the health, safety, and general welfare of the Township. Thus, planned development projects shall undergo a two-step plan review and approval process: preliminary and final review. Rezoning to PDD, "Planned Development District" shall require the approval of the site plans, development standards, and specified conditions tailored to the subject property and incorporated into a Development Agreement. The Development Agreement shall be recorded with the Register of Deeds and shall constitute an inseparable part of the rezoning approval.

- i. A Summary of the Review Procedure. The stages of review include:
 - a. Optional Pre-Application Conference.
 - b. Application and Preliminary Plan Submission.
 - c. Preliminary Plan Review and Public Hearing by Planning Commission.
 - d. Preliminary Plan Review by Township Board.
 - e. Final Plan Submission.
 - f. Final Review and Recommendation by the Planning Commission.
 - g. Final Review and Action by the Township Board.
- ii. Pre-Application Conference. To facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. No formal action shall be taken at a pre-application conference. There shall be a fee as established by Resolution of the Township Board to reimburse the cost of reasonable expenses incurred by the Township for a pre-application conference. At a minimum, the applicant shall present the following at the conference:



- a. A sketch plan of the proposed planned development.
 - b. A legal description of the property in question.
 - c. The total number of acres in the project.
 - d. A statement of the approximate number of residential units and non-residential units; and the approximate number of acres to be occupied by each type of use proposed in the development.
 - e. The number of acres to be preserved as open or recreational space.
 - f. All known natural resources and natural features to be preserved.
- iii. Application and Preliminary Plan Submission. The application for rezoning shall include a preliminary plan submission that shall comply with the requirements in [Section 6.1](#), for Site Plan Review. The application and preliminary plan shall be submitted to the Township Planning Department and shall be accompanied by the necessary fees and documents as required. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the application may be postponed due to lack of representation.
- iv. Application Requirements. A complete application for rezoning to PDD shall be made to the Planning Department on forms provided by the Township. The application shall include the following information:
- a. Identifying information. The name, address, and telephone number of: i) all persons with an ownership interest in the land proposed for rezoning together with a description of the nature of each entity's interest, such as fee owner, optionee, lessee, or land contract vendee; ii) all engineers, attorneys, architects, or registered land surveyors associated with the project; and iii) the developer or proprietor of the planned development project.
 - b. Development experience. Documentation indicating the applicant's development experience.
 - c. Legal description. The legal description of the land proposed for rezoning together with appropriate tax identification numbers.
 - d. Size. The area of the land (in acres) on which the proposed PD project will be developed.
 - e. Existing zoning. A map showing existing zoning designations for the subject property and all land within one quarter mile.
 - f. Proposed uses. An overall conceptual land use plan for the planned development, drawn to scale using maps and illustrations that: i) depicts the development concept to identify each type of proposed use; ii) specifies the square footage or acreage allocated to each proposed use; iii) specifies the approximate location of each proposed use; iv) specifies the number of non-residential buildings proposed and the approximate location of each principal structure; v) specifies the location and type of proposed open space, community facilities, recreation areas, park areas, public areas; and vi) depicts other beneficial attributes of the proposed project.
 - g. Circulation and access. The overall conceptual land use plan shall depict: i) a general location map; ii) the vehicular and pedestrian circulation system proposed for the development; iii) location of proposed ingress and egress areas; iv) the location of existing private and public streets adjacent to the proposed development and how they will connect with the proposed circulation system for the new development.
 - h. Proposed residential uses. The approximate number of proposed residential units, the proposed layout of the dwelling units, and the proposed residential parking. If there is a proposed mailbox feature or trash receptacle, show the feature and location.
 - i. Future Land Use Maps. A map and written explanation of the manner in which the proposed rezoning and development complies with or deviates from the Future Land Use maps; and if it deviates, the planning and development objectives that justify the deviation.
 - j. Survey. Topographic survey identifying all existing woodland and wetland features, and all existing easements.



- k. Environmental features. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
 - l. Significant characteristics. Maps and written analysis of the significant natural, cultural, and geographic characteristics of and near the site, such as existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
 - m. Utilities. A description and locations of proposed utilities.
 - n. Fee. A non-refundable application fee in an amount established by resolution of the Township Board shall be included with the application submission.
 - o. Escrow. The applicant shall be responsible for all review expenses incurred by the Township. An escrow shall be established for the private payment of review expenses in compliance with section 2-202 of the Township Code of Ordinances.
 - v. Preliminary Plan Submission Requirements. In addition to complying with the requirements in [Section 6.1](#), Site Plan Review, and providing the applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to all plans submitted for preliminary review of the proposed planned development:
 - a. All information required for conceptual review.
 - b. A detailed overall plan for the proposed development which shows all of the information required on the conceptual land use plan plus the following:
 - 1) Locations and setbacks of each structure and use in the development.
 - 2) Typical concept layouts, floor plans, and facade design for each type of use or building. Include a legend containing the percentage of each proposed building facade material.
 - 3) The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which each house could be constructed.
 - c. Provide all reviews, recommendations, and approvals from the Environmental Department and/or Environmental Commission.
 - d. The Planning Commission may require additional plans and/or studies including but not limited to traffic, school, fiscal or environmental impact studies.
- 4) The vehicular and pedestrian circulation system planned for the proposed development, including a designation of each street and pedestrian access, and whether it is proposed to be private or dedicated to the public.
 - 5) The proposed layout of parking areas, open space, and recreation/park areas.
 - 6) Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.
 - 7) For a multi-phased project, show the phases and sequence of development.
 - 8) If signage is proposed, the general location within the proposed development.
 - 9) The maximum number of non-residential and residential units to be developed on the subject parcel.
 - 10) Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams, and water drainage areas.
 - 11) General layout and alignment of all proposed site utilities designed in accordance with Chapter 24 of the Code of Ordinances.
 - 12) Storm water and drainage system details designed in accordance with Chapter 24 of the Code of Ordinances.
 - 13) Location of sidewalks and pedestrian access along roads and elsewhere within the development.



vi. Preliminary Plan Review and Public Hearing - Planning Commission. Preliminary plan review shall include the following reviews:

- a. Professional Review. Prior to the Preliminary Review by the Planning Commission, professional review of the preliminary plans shall be conducted by appropriate agencies or consultants, including the Township Planning Director, staff, and Engineer. The designated staff, agencies, or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The applicant shall be responsible for the review fees incurred by the Township for the project.
- b. Public Hearing. The Planning Commission shall schedule and hold at least one public hearing in accordance with [Section 7.15](#), as part of the Preliminary Plan Review. The public hearing shall be held after the professional reviews have been completed and the professional findings are submitted.
- c. Planning Commission Preliminary Review and Recommendation.
 - 1) Review. Following the public hearing, the Planning Commission shall review the planned development proposal and preliminary plans in relation to applicable standards and requirements, compliance with the planned development regulations, and consistency with the intent and spirit of this ordinance.
 - 2) Preliminary Recommendation. Based on the applicable standards and review requirements, the Planning Commission shall make a recommendation to the Township Board which may be to recommend preliminary approval; or recommend preliminary approval subject to conditions; or recommend denial of the proposed planned development project and site plan.
 - 3) Transmittal of Record. The documents that constitute the record upon which the Planning Commission recommendation was made shall be transmitted to the Township Board for its review.

vii. Preliminary Plan Review - Township Board. Following receipt of the Planning Commission's recommendation, the Township Board shall review the planned development proposal and preliminary plans in relation to applicable standards and requirements, compliance with the planned development regulations, and consistency with the intent and spirit of this ordinance.

- a. Preliminary Approval by the Township Board. Based on the applicable standards and review requirements, the Township Board shall preliminarily approve the proposal, preliminarily approve the proposal subject to conditions, or deny the application for rezoning and proposed planned development site plan. A denial by the Township Board at this stage is a final decision.
 - b. Effect of Approval or Denial. If the Township Board grants preliminary approval with or without conditions, the application for rezoning and proposed project may proceed to the Final Review stage; however if the Township Board denies the application for rezoning and the proposed planned development site plan, the decision is final and the review is completed.
- viii. Combined Preliminary and Final Review. Upon the request of the applicant and approval of the Township, preliminary and final review and approval may be combined and conducted concurrently.
- ix. Final Plan Review Submission Requirements. After preliminary review and approval is obtained, the applicant shall submit the following additional information required for final review:
- a. Revisions. Revised plans to conform to preliminary approval of the Township Board.
 - b. Schedule. A general schedule for completing the proposed planned development, including the phasing or timing of all proposed improvements.
 - c. Traffic Impact. If requested, an analysis of the traffic impact of the proposed planned development on existing and proposed streets.



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- d. Detailed Plans. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon the rezoning taking effect and approval of the final plans. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that rezoning be approved, however, the final site plan approval shall be subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with **Section 6.1**, Site Plan Review.
- e. Number of Units. The precise number of non-residential and residential units to be developed on the subject parcel.
- f. Development Agreement. A proposed Development Agreement which shall incorporate all approved site plans, development standards, and specified conditions of approval. The Development Agreement shall, at minimum, include the following:
 - 1) The legal description of the land that is subject to the agreement, including parcel identification numbers.
 - 2) Incorporate by attachment a map of the boundaries for Planned Development District.
 - 3) A list of all plans, documents, and other materials incorporated into the Agreement and provide a reference where the documents may be examined and where the record of approvals is available for examination.
 - 4) A description of the permitted uses of the property, the density or intensity of use, and all development and dimensional standards that will apply to the PD project.
 - 5) Enumerate all conditions and special provisions agreed to by the applicant and Township during the course of review of the rezoning to PDD and the proposed PD project.
 - 6) Enumerate all public improvements to be undertaken by the applicant or the Township in conjunction with the development project.
- 7) Describe any dedications that are part of the development process, including but not limited to roads, utilities, easements, open space, or other areas dedicated to the public.
- 8) The agreement of the applicant and property owner that the subject property shall not be developed or used in a manner inconsistent with the Development Agreement.
- 9) That the terms of the Development Agreement shall be binding upon and inure to the benefit of the applicant, property owner, the Township, and their respective heirs, successors, assigns, and transferees.
- 10) For a single phased development, the agreement and acknowledgment that, if the construction is not commenced within the time specified, unless an extension is approved, no development shall be undertaken and no permits for development will be issued until a new zoning district classification of the property has been established.
- 11) If the project is proposed as a multi-phased project, the phasing schedule as required by Section 3.1.23.F.ii.a. shall be included for development, and for the construction of all facilities in the entire planned development. The phasing schedule shall include projected dates for site plan approval and for completion of construction for each phase of the plan.
- 12) The extent to which the Development Plan or Development Agreement may be amended or modified and the procedure for amendment, such as administrative approval, Planning Commission approval, or Township Board approval.



- 13) Agreement and acknowledgment that if the applicant violates the terms of the agreement, the Township may proceed to restore the original zoning classification of the property or rezone the property in accordance with the goals, policies, and future land use map of the West Bloomfield Master Plan, or other study.
 - 14) An acknowledgment that: 1) the conditions of approval are agreed upon and the agreement as presented is valid and authorized by applicable state and federal law, and the constitution; 2) the agreement was entered into on a voluntary basis; and 3) the agreement represents the permissible exercise of authority by the Township.
- x. Final Review and Approval Standards. The Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in [Section 6.1](#), Site Plan Review, and the following review and approval standards:
- a. Conformance with the Planned Development Concept. The overall design and all proposed uses for the development shall be consistent with and promote the intent of the planned development concept and the specific project design standards set forth herein.
 - b. Compatibility with Adjacent Uses. The proposed planned development specifications for height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features shall ensure compatibility and harmony in land use relationships within the development and with surrounding properties and the uses. In determining whether this requirement has been met, consideration shall be given to:
 - 1) The bulk, placement, and materials of construction of proposed structures.
 - 2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - 3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - 4) The hours of operation of the proposed uses.
 - 5) The provision of landscaping and other site amenities.
 - c. Public Services. The proposed planned development shall not exceed the capacity of existing and available public services, including but not limited to utilities, public roads, police services, fire protection and EMS services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.
 - d. Impact of Traffic. The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
 - 1) Access to major thoroughfares.
 - 2) Estimated traffic to be generated by the proposed development.
 - 3) Proximity and relation to intersections.
 - 4) Adequacy of driver site distances.
 - 5) Location of and access to off-street parking.
 - 6) Required vehicular turning movements.
 - 7) Provisions for pedestrian traffic.
 - e. Protection of Natural Environment. The proposed planned development shall comply with all applicable environmental protection laws and regulations; the proposed plan shall be protective of the natural environment; and all required wetland and woodland permits shall be obtained from the Environmental Department and/or Environmental Commission prior to initiating improvements.

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- f. Compatibility with the Township Master Plan for Future Land Use. The proposed planned development shall be consistent with the general principles and objectives of the Future Land Use maps of the Township Master Plan; or if it deviates, the applicant has demonstrated the planning and development objectives that justify the deviation.
- g. Compliance with Applicable Regulations. The proposed planned development shall be in compliance with all applicable federal, state, and local laws and regulations.
- xi. Final Review and Recommendation by Planning Commission. The Planning Commission shall review the final submissions, together with the public hearing findings, and any requested reports and recommendations from the Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Development Agreement. The Planning Commission shall then make a recommendation on the Final Review and Approval Standards set forth in Section 3.1.23.D.x. The Planning Commission may recommend approval, approval with conditions, or denial as follows:
 - a. Approval. Upon determination that the final plan for planned development is in compliance with the standards and requirements of this ordinance, complies with applicable ordinances and laws, will result in integration of the land development project with the characteristics of the surrounding area, and will not adversely impact the existing or future development in the area, the Planning Commission shall recommend approval.
 - b. Approval with Conditions. The recommendation of approval may include a recommendation to the Township Board to impose reasonable conditions upon the approval of a planned development for the purpose of ensuring: 1) that public services and facilities affected by the proposed development will be capable of accommodating the increased public service loads caused by the development; 2) the protection of the natural environment and the conservation of natural resources and energy; 3) compatibility with adjacent uses of land; and 4) promoting the use of land in a socially and economically desirable manner. In the event that the planned development is approved subject to specified conditions, such conditions shall become part of the record of approval.
 - c. Delayed or Phased Construction - Approval with Conditions. In the event construction will not begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that rezoning be approved, however, final Development Plan approval may be conditioned upon a subsequent review and approval of the detailed site plans for each facility or phase in accordance with [Section 6.1](#), Site Plan Review, provided that:
 - 1) The location and approximate size of such buildings shall be shown on the overall plan for the planned development.
 - 2) The detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 6.1, Site Plan Review.
 - 3) Compliance with the phasing requirements in Section 3.1.23.F.ii.
 - d. Denial. Upon a determination that a planned development proposal 1) does not comply with the standards and regulations set forth in this ordinance; 2) is incompatible with surrounding existing development or the Future Land Use Maps and deviation is not justified; or 3) would otherwise be injurious to the public health, safety, welfare, or the orderly development of the Township, the Planning Commission shall recommend denial.



- e. Transmittal of Report to Township Board. The Planning Commission shall prepare and transmit a report to the Township Board, including: 1) the record before the Planning Commission; 2) its conclusions and recommendation; 3) the factual basis for its recommendation; and 4) any conditions of approval being recommended.
- xii. Review and Determination by Township Board. Following receipt of the Planning Commission's report and recommendation, the Township Board shall review the application for rezoning, the final Development Plan, the proposed Development Agreement, any reports and recommendations from consultants and other reviewing agencies, and the report, findings, and recommendation of the Planning Commission. Following completion of its review, the Township Board shall approve, approve with conditions, or deny approval of each of the following:
- a. Development Agreement. The Development Agreement may be approved upon a determination that 1) it complies with the requirements set forth in Section 3.1.23.D.ix.f.; and 2) has been reviewed and approved by the Township Attorney. If the Township Board approves the rezoning, the Development Plan and the Development Agreement, the Township and the applicant shall execute the Development Agreement in a form approved by the Township Attorney. The Development Agreement shall be recorded with the Oakland County Register of Deeds. Final approval of the Development Plan shall become effective upon recording of the Development Agreement. All improvements and use of the site shall be in conformity with the Development Agreement, the Development Plan approval, and any conditions imposed.
 - b. Development Plan Approval for Planned Development. Upon a determination that the final Development Plan complies with the requirements of this ordinance, including Section 3.1.23.D. the Township Board may approve the Development Plan, or approve with conditions that shall be incorporated into the Development Agreement.
 - c. Rezoning to Planned Development District. Upon a determination that the proposed rezoning to PDD, Planned Development District, is in compliance with the standards and requirements of this ordinance, and complies with applicable ordinances and laws, the Township Board may approve the rezoning to PDD, Planned Development District. Once rezoned to PDD, no improvements or construction shall be undertaken within the district except in conformity with the approved Development Plan, the Development Agreement, the approved site plans, and any conditions imposed in connection with the approval.

E. ORDINANCE AMENDMENT

Approval of a rezoning to PDD, Planned Development District is a map amendment to the Zoning Ordinance that shall follow the procedure for amendment as set forth in [Section 7.11](#) of this ordinance. Following the Township Board approval of the rezoning, the Zoning Map Amendment shall be filed with the Township Clerk and a notice of ordinance amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the Township.



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F. COMPLETION OF SITE DESIGN AND PHASING.

- i. Single-Phase Developments. Following final site plan approval and rezoning for a single-phased development, engineering review and approval shall be required prior to obtaining a building permit and commencement of construction. In addition, it shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.
- ii. Multi-Phased Developments. Following development plan approval and rezoning for a multi-phased development, final site plan and engineering approval shall be required for each facility or phase and shall comply with the following:
 - a. Schedule Required. When a project is proposed as a multi-phased project, a phasing schedule for development of all facilities must be submitted that includes dates for site plan approval and completion of construction for each phase of the plan.
 - b. Design. All development phases shall be designed and constructed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements for water and sewer utilities, storm water management, infrastructure, open space and places of interest requirements being designed or constructed in a later phase or on other sites. The place of interest component shall be completed during phase 1 or may be designed so that each phase provides a place of interest that is a minimum of five percent (5%) of the gross area of the land comprising the phase and shall be completed during construction of that phase.
 - c. Revised Phasing Schedule. The applicant may submit a revised phasing schedule for review and approval by the Planning Commission. The applicant shall submit a statement indicating the conditions which made the previous phasing schedule unachievable. If the revised phasing

schedule is approved, it shall be included as an addendum to the Development Agreement. Once construction of a planned development has commenced, approval of a revised phasing schedule shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development.

- d. All Other Permits. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit or commencement of construction.

G. PERFORMANCE GUARANTEE

- i. Required. A performance guarantee shall be required to ensure that the site improvements are completed in compliance with the approved site plan(s), Development Plan, the standards set forth in the Development Agreement, and all applicable ordinances. The performance guarantee shall be posted in the form approved by the Planning and Development Services Director, as an irrevocable letter of credit, cash escrow, certified check, or surety bond for purposes of providing performance security with the Township to ensure faithful completion of the site improvements.
- ii. Multi-Phased Development. For a multi-phased development, a separate performance guarantee shall be provided for each phase of the development.
- iii. Amount. The performance guarantee shall be an amount determined by the Township Engineer equal to the amount required to complete the site improvements. The required performance guarantee shall be provided to the Township after site plan approval and engineering review is completed but prior to the issuance of any permits or the initiation of any earth change.
- iv. Reduction. After completion of the site improvements for each phase, the petitioner may request a reduction in the amount of the performance guarantee commensurate with the improvements completed. The request will be reviewed by the Planning and Development Services Director and Township Engineer and if approved, the amount of the performance guarantee will be reduced as approved.



H. CONSTRUCTION

- i. Commencement. Construction shall commence within twenty-four (24) months of final approval. If it is a phased project, construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. In the event that construction has not commenced within the required time period and an extension has not been approved, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.
- ii. Extension. Upon written request from the applicant, the Planning and Development Services Director may consider a twelve (12) month extension, provided that the Director finds that the extension is warranted because of the circumstances presented or the market conditions. The written request for extension must be received prior to the twenty-four (24) month expiration date.

I. MODIFICATIONS TO THE DEVELOPMENT PLAN OR DEVELOPMENT AGREEMENT.

Requested modifications to the approved Development Plan or Development Agreement shall require submittal of a revised Development Plan or Development Agreement for review and approval as provided by this subsection.

- i. Minor Modifications. The following minor modifications may be permitted by the Planning and Development Services Director prior to the issuance of any permits affected by the modification provided that the proposed revision does not alter the basic design, standards for approval, or any specified conditions of the approved plan:
 - a. Change in size of structures, for residential buildings by five percent (5%) or less, provided that the overall density of units does not increase.
 - b. Change in square footage of nonresidential buildings by five percent (5%) or less or five hundred (500) square feet, whichever is smaller.
 - c. Movement of building(s) or structure (s) by no more than five (5) feet.

- d. Replacement of plantings approved in the site plan landscape plan by similar types, sizes and approximate location and number of landscaping which provides a similar effect on a one-to-one (1:1) or greater basis.
- e. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, etc., as required by the Road Commission for Oakland County or the Development Services Department.
- f. Changes of building materials to a higher quality which does not alter the character of the approved plan.
- g. Changes in floor plans which do not alter the character of the use.
- h. Slight modification of sign placement or reduction of size.
- i. Slight realignment of safety paths or internal sidewalks.
- j. Internal rearrangement of parking lot which does not change the number of parking spaces or alter access locations or design.
- k. Changes required or requested by the Township for safety reasons.



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- ii. Major Modifications. Any modification not enumerated as a minor modification is considered a major modification. A request for a major modification to the approved Development Plan or Development Agreement shall comply with the following:
 - a. Major Modification to Approved Plans. A request for a modification to the approved development and/or site plans shall require submittal of a proposed revised development plan and/or site plan for review and approval of the Planning Commission pursuant to the standards set forth in Section 3.1.23.
 - b. Major Modification to Development Agreement. A request for a major modification to the approved Development Agreement shall require submittal of the proposed revisions in writing for final review and recommendation of the Planning Commission and final approval of the Township Board in accordance with the final review procedures set forth in Section 3.1.23.D.ix to xii. Upon approval of a major modification, the modification(s) shall be incorporated into an Amendment to the approved Development Agreement.

J. AUTHORITY OF THE ZONING BOARD OF APPEALS.

- i. Variance. Pursuant to [Section 7.16.6.H](#) of the Zoning Ordinance, there is no authority for an applicant to request the Zoning Board of Appeals to grant a variance from a requirement of a Development Agreement approved by the Township Board, or any condition imposed as part of an approval for a planned development. Any requested change shall be submitted pursuant to the modification procedure set forth above.
- ii. Appeal. Pursuant to [Section 7.16.4.1](#) of the Zoning Ordinance, there is no authority for an applicant to appeal a decision made as part of a consideration for Planned Development review and approval to the Zoning Board of Appeals. Pursuant to applicable Court Rule, an appeal shall be filed with the Circuit Court within twenty-one (21) days of the decision being appealed.

