

ARTICLE VI. - PD PLANNED DEVELOPMENT REGULATIONS

Sec. 600. – Intent and applicability:

1. The Planned Development (PD) district is intended to permit, with Township approval, development, or redevelopment of areas throughout the Township which shall be substantially in accord with the goals and objectives of the Charter Township of Ypsilanti Master Plan. A proposed Planned Development shall provide a desirable environment and shall be harmonious with the general surrounding uses while permitting flexibility in overall development and ensuring the highest of safeguards and standards for public health, safety, convenience, and general welfare. Such PD district may embrace a mixture of one (1) or more distinct uses or zoning categories, in the vertical or horizontal plane. A PD district shall encourage the use of land in accordance with its character and adaptability; conserve natural and social/cultural resources and provide sustainable design and energy efficiency; encourage innovation in land use and community planning; and bring about a greater compatibility of design and use. It is the intent of this Article to offer an alternative to traditional development through the use of planned unit development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Act No. 110 of the Public Acts of Michigan of 2006, as amended) for the purpose of:
 - A. Encourage the use of land in accordance with its character and adaptability;
 - B. Allow innovation and greater flexibility in design;
 - C. Assure the permanent preservation of natural, social, cultural, and historic resources;
 - D. Provide open space and recreational facilities within a reasonable distance of all residents of the development;
 - E. Provide non-motorized circulation to, from and within the development;
 - F. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts;
 - G. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - H. Provide better housing, employment, and shopping opportunities particularly suited to residents of the Township;
 - I. Ensure various land uses and buildings located within the development will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, and have no material adverse impact of one use on another;
 - J. Ensure compatibility of design and use between neighboring properties;
 - K. Encourage the use and improvement of existing sites;
 - L. Allow for infill development and redevelopment within older neighborhoods particularly in the northern portion of the Township that is compatible with established neighborhoods and consistent with traditional neighborhood design standards-.
2. The use of this option shall not be for the sole purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.

3. The PD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.

(Ord. No. 2003-328, 1-20-04)

State Law reference — Planned unit development, MCL 125.286c.

Sec. 601. - Eligibility criteria:

To be eligible for PD consideration, the applicant shall demonstrate that the following criteria which are reasonably applicable to the site and are met:

1. *Recognizable benefits:* A PD shall result in a recognizable and substantial benefit, both to the residents and/or users of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high-quality architectural design, extensive landscaping, compatible transition from adjacent land uses, unique site design features, unified access, provision of social space, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
2. *Proposed development:* The proposed development will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The proposed development will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This development shall be a development which could not be achieved under any other single zoning classification. The zoning is warranted by the design and amenities incorporated in the development proposal.
3. *Cohesive neighborhood:* The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas, and common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the PD.
4. *Unified control:* The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. *Density impact:* The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Township may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed PD.
6. *Significant natural assets:* The site contains significant natural assets such as woodlands, rolling topography with grades exceeding fifteen percent (15%), significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or

natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve, and which might be negatively impacted by conventional development.

7. *Recreation facilities:* If the site lacks natural features, a residential development can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as a neighborhood park, plazas, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
8. *Mixed use:* A site can qualify if the development will provide a complimentary and integrated mixture of uses, residential densities and housing types. A mixed-use project shall be considered a project which proposes a combination of single-family detached and multiple-family housing or a mixture of compatible residential and commercial uses. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.
9. *Infill development/redevelopment:* Land located within the older neighborhoods, and areas of the Township may qualify for development as a PD where the site standards of Article 13 and the design standards of the underlying zoning district are met or exceeded.

Sec. 602. - Permitted uses:

1. *Single-family residential:* Detached single-family residential shall be permitted in any PD.
2. *Multiple-family residential:* Multiple-family residential shall be permitted in any PD as follows:
 - A. Where existing zoning is multiple-family residential, any type of dwelling unit otherwise authorized in a multiple-family residential district shall be permitted meeting the density and design standards of this Ordinance.
 - B. Where existing zoning is single-family residential, up to forty percent (40%) of the dwelling units may be two-family and/or attached single-family housing, provided the remaining dwelling units (at least sixty percent (60%)) shall be detached single-family residential and provided further that at least an additional ten percent (10%) of the site will be preserved as open space, above the minimum requirement.
3. *Nonresidential:* Nonresidential uses shall be permitted in a PD as follows:
 - A. Where existing district is zoned for nonresidential uses, all commercial business, services, professional offices, and industrial uses listed as a permitted use in the existing (pre-PD) zoning district shall be permitted.
 - B. Where the existing zoning is residential, the Township Board may permit a commercial land use component, provided the Township Board determines the use will be compatible with the surrounding area and all of the following are met:
 - (1) The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering.
 - (2) All commercial uses shall be compatible with the residential area. The allowable commercial uses within such an area shall be limited to those permitted in the NB Neighborhood Business district.

- (3) The Township finds that the architectural design of the structures is compatible with the balance of the PD and surrounding development.
- (4) All commercial structures are integrated and connected to a non-motorized (pedestrian and bicycle) access system servicing the PD.
- (5) The Township makes the finding that the overall site layout and the vehicular circulation pattern will not have a detrimental effect on residential streets.
- (6) The commercial land use is consistent with the land use designated in the master plan.
- (7) The Township Board may require that one (1) or more phases of residential be completed prior to approving the PD stage II final site plan for the commercial component.

Sec. 603. - Dwelling density:

1. *Single-family residential:* Where the existing zoning is single-family residential, the number of dwelling units allowable within a PD shall be determined through preparation of a "parallel plan."
 - A. The applicant shall prepare, and present to the Township for review, a concept plan of the property with a conventional layout, as described in Section 702.5.B. Lots in the concept plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environment, Great Lakes, and Energy.
 - B. The Township shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the concept plan. This number, as determined by the Township, shall be the maximum number of dwelling units allowable for the PD. The regulatory flexibility of a PD may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under subsection (5) below.
2. *Multiple-family residential:* Where the existing zoning is multiple-family residential, the density shall be the maximum allowed by the existing zoning district, unless a density bonus is provided under subsection (5) below.
3. *Nonresidential:* Where the existing zoning is business or form-based, mixed-use (i.e., NB, GB, NC, RC), residential use may be permitted at the density permitted in RM-MD. Such density shall be permitted in those portions of the PD proposed for residential use. Land areas of a PD proposed exclusively for nonresidential use shall not be counted towards the maximum allowable density. Residential dwelling units may be permitted on the same site as nonresidential uses, provided designated residential parking shall be provided in addition to parking requirements for commercial uses and the site and buildings shall be designed to allow a complementary mixture of uses on the site with minimal conflict, based upon the criteria of Section 601.
4. *More than one (1) existing zoning districts:* Where a PD is proposed for a land area that includes more than one (1) existing zoning district, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the existing zoning districts. The location and distribution of dwellings within the PD shall be determined through design that meets the intent of this Ordinance, preservation of natural features and compatibility with surrounding land uses.

5. *Density bonus*: At the option of the applicant and with approval by the Township Board, a variable density bonus of up to twenty percent (20%) may be allowed, based upon the general eligibility criteria of Section 601, and in particular the density impact evaluation. Where a density bonus is granted, one (1) or more of the following shall be required by the Township Board:
 - A. Common open space shall be increased in an amount that is proportional to that increase in density as set forth in Section 605.2.
 - B. An integrated mixture of housing types.
 - C. Recreation facilities, plazas, town squares or "commons" that are available to the public. The applicant has the option to provide the additional public spaces or recreational facilities (above and beyond the minimum open space requirements) at an off-site location approved by the Township Board.
 - D. Streetscape and roadway improvements along abutting thoroughfares.
 - E. Removal or renovation of blighted buildings or cleanup of site contamination as documented through a phase I and phase II environmental site assessment and a baseline environmental assessment.
 - F. Other similar elements as determined by the Township Board, based upon a findings of the Planning Commission.

(Ord. No. 2003-328, 1-20-04)

Sec. 604. - Area and bulk regulations:

1. *Basic regulations*: All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a permitted or special conditional use. The height, bulk, and area conditions set forth in Article 4, District Regulations and Article 5, Form Based Districts, shall be used as guidelines for the use areas set forth in the PD plan. Within a single-family residential PD, lot sizes may be reduced below the minimum requirement of the existing zoning district, provided that the open space within the PD equals or exceeds the total area of lot size reduction.
2. *Regulatory flexibility*: To encourage flexibility and creativity consistent with the intent of the PD regulations, the Township may permit specific departures from the requirements of this Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

Details of all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of the proposed PD shall be provided in the written PD Agreement. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

(Ord. No. 2003-328, 1-20-04)

Sec. 605. - Open space requirements:

1. *Common open space:* Common open space, other common properties and facilities, individual properties, and all other elements of a PD district are so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement or a commercial use, shall be set aside as common land for community use, recreation, or conservation. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
2. *Amount of open space:* A PD shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space held in common ownership. Projects proposed under Section 603.5.A shall require an increase in open space that is proportional to the increase in density (i.e., an increase in density of twenty percent (20%) would require an increase in open space by twenty percent (20%). Any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space for the purposes of this Article, except for the following land areas which shall not be included as dedicated open space:
 - A. Area proposed as single-family residential lots or site condominiums.
 - B. Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings.
 - C. Any portion of the project used for commercial or office purposes.
 - D. The area of any street right-of-way or equivalent private road easement.
 - E. Any submerged land area of a lake, river, stream or stormwater detention, or retention pond.
3. *Recreational open space area:* At least fifty percent (50%) of the minimum required open space shall be usable, active recreational open space that is accessible to all residents of the PD and not include any part of a golf course. Such recreational open spaces shall be exclusive of any wetland, floodplain, stormwater detention/retention or landscape buffers. Recreational facilities such as playgrounds, athletic fields or picnic pavilions shall be provided.
4. *Location of open space:* Common open space shall be planned in locations visible and accessible to all users in the PD (i.e.; centrally located and not isolated corners of the development). The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
5. *Open space corridors:* Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township.
6. *Protection of open space:*
 - A. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.

- B. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
- (1) Indicate the proposed allowable use(s) of the dedicated open space. The Township may require the inclusion of open space restrictions that prohibit the following:
 - a. Dumping or storing of any material or refuse;
 - b. Activity that may cause risk of soil erosion or threaten any living plan material;
 - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - d. Use of motorized off road vehicles;
 - e. Cutting, filling or removal of vegetation from wetland areas;
 - f. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
 - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - (3) Provide standards for scheduled maintenance of the open space.
- C. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land.
8. *Allowable structures:* Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.

(Ord. No. 2003-328, 1-20-04)

Sec. 606. - Natural features:

1. *Preservation of natural features:* The development shall be designed so as to preserve natural resources and natural features to the extent practical. Compliance with this requirement shall be determined by the Township after review of a site analysis plan, prepared by the applicant, that inventories these features. The PD shall comply with the Township Woodlands Ordinance, Article 3 of Chapter 24 of Charter Township of Ypsilanti Code of Ordinances. The limits of tree clearing, and grading shall be clearly shown on the preliminary and final PD site plans.
2. *Habitat:* If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the PD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
3. *Natural feature setback:* A minimum fifty (50) foot wide undisturbed setback shall be maintained from the ordinary high-water mark of any, lake, pond, river, stream, or the edge of any county drain or wetland; provided that the Township may permit trails, boardwalks, observation

platforms or other similar structures that enhance passive enjoyment of the site(s) natural amenities within the setback.

(Ord. No. 2003-328, 1-20-04)

Sec. 607. - Compatibility with adjacent uses:

1. *Compatibility with adjacent uses:* The proposed location of uses or structures that are of a significantly different scale intensity or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.
2. *Transition areas:* Where the PD abuts a single-family residential district, the Township may require a transition area to ensure compatibility between uses. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. The Township may require that the transition area consist of one (1) or more of the following:
 - A. A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks and building spacing.
 - B. Woodlands, natural features, or a landscaped greenbelt sufficient to provide an obscuring effect.
 - C. Open or recreation space.
 - D. Significant changes in topography which provide an effective buffer.
 - E. Other measures that may provide an effective transition, as determined by the Township Board.

(Ord. No. 2003-328, 1-20-04)

Sec. 608. - Landscaping:

The following landscaping requirements shall be met in addition to other landscaping requirements contained in this Ordinance, the Township Subdivision Regulations Ordinance, Appendix C of the Charter Township of Ypsilanti Code of Ordinances, and other applicable Township Ordinances.

1. *Street trees:* Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy trees shall be provided on each side for every forty (40) feet of road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.
2. *Frontage greenbelt:* The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement.

3. *Buffering:* Where nonresidential uses adjoin residentially zoned property, noise reduction and visual screening mechanisms such as landscape berms and/or decorative walls, shall be employed.

(Ord. No. 2003-328, 1-20-04)

Sec. 609. - Architectural and site design standards:

1. *Residential architecture:* Residential facades shall not be dominated by garages; at least forty percent (40%) of residential units shall have side entry garages or recessed garages where the front of the garage is at least five(5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.
2. *Nonresidential architecture:* Nonresidential buildings shall provide distinct and prominent architectural features that create a positive visual landmark. Walls facing the street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. Blank walls shall not face the street. Single story buildings shall have pitched roofs. Flat roofs shall be allowed on nonresidential two-story buildings, provided the roof is enclosed by parapets and a decorative cornice. The design standards of Section 1306, Building design requirements or the design standards of the underlying form-based district shall be met.
3. *Site elements:* Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(Ord. No. 2003-328, 1-20-04)

Sec. 610. - Off-street parking:

1. *Parking requirement:* The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Ordinances of the Township. However, where warranted by overlapping or shared parking arrangements, the Township may reduce the required number of parking spaces by up to twenty percent (20%).
2. *Parking location:* All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Township may allow up to twenty-five percent (25%) of the minimum number of required parking spaces in the front yard.
3. *Parking lot screening:-*
 - A. All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path, or private road/drive within the project by a street-wall or hedge along the frontage. Street-walls shall be between three (3) feet in height and made of brick or stone.
 - B. Where a nonresidential use or parking lot is adjacent to a residential use, a six (6) foot tall brick screening wall shall be required. The Township may substitute this requirement for a

three (3) foot tall landscape berm with a row of evergreen trees spaced no more than ten (10) feet on-center.

4. *Parking lot greenbelt:* Off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide open green space area around the perimeter of the parking lot.
5. *Parking lot trees:* Landscaping shall be provided within parking lot landscape islands or surrounding the parking lot at a rate of one deciduous tree for every ten (10) parking spaces.

(Ord. No. 2003-328, 1-20-04)

Sec. 611. - Lighting:

1. *Limitations on intensity:* Exterior lighting shall meet the standards set forth in Section 1303 and shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses.
2. *Ornamental lighting:* The Township may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks and within any off-street parking lots.
3. *Lighting plan:* A lighting plan including illustration of a foot candles grid and details of lighting fixtures shall be provided for nonresidential parking lots and loading areas.

(Ord. No. 2003-328, 1-20-04)

Sec. 612. - Signs:

Residential entrance signs and commercial signs shall be approved as part of the final PD.

(Ord. No. 2003-328, 1-20-04)

Sec. 613. - Circulation:

1. *Internal roads:* All streets within the PD shall meet the minimum construction and other requirements of Township Ordinances, unless modified by Township Board.
2. *Pedestrian circulation:*
 - A. Sidewalks, a minimum of five (5) feet wide shall be provided on both sides of all streets within the PD.
 - B. Sidewalks shall be at least eight (8) feet wide in commercial areas or in residential areas adjacent to parking spaces where the sidewalk is connected to the curb.
 - C. Ten (10) foot wide bike paths shall be provided along major thoroughfares abutting the PD.
 - D. Trails shall be provided within the open space. They may be constructed of asphalt, gravel, or other similar material.

(Ord. No. 2003-328, 1-20-04)

Sec. 614. - Infrastructure:

Drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served. There shall be underground installation of utilities, including cable, electricity, and telephone, as found necessary by the Township Board, upon the recommendation of the Planning Commission.

(Ord. No. 2003-328, 1-20-04)

Sec. 615. - Townhouse residential:

In addition to the above PD requirements, all PD's developed as townhouse residential shall comply with the design standards set forth in Section 1163.

(Ord. No. 2003-328, 1-20-04)

Sec. 616. - PD site plan submittal requirements:

Application shall be made to the Township for consideration under this PD district. The person applying shall be required to make a submittal of the following material for review by the Planning Commission and recommendation to the Township Board:

1. *Pre-conceptual conference:* The applicant shall attend a pre-conceptual conference with the Township officials, the Township community and economic development department, planning, and engineering consultants and regulatory, public service, and utility agencies. The applicant shall submit an application, review fee and pre-conceptual plan at least twenty (20) business days prior to the pre-conceptual conference and forward copies of the submittal to all reviewing agencies listed by the Township. The purpose of this meeting is to allow the applicant to introduce the site plan concept and receive comments or direction from the on the site plan or the need for additional material needed to evaluate the impacts of the use. No formal action shall be taken.
2. *PD preliminary site plan requirements:* Following the completion of the pre-application meeting, the applicant is authorized to submit a preliminary PD site plan. The PD preliminary site plan shall set forth the proposed uses to be developed in the PD and the following specific information on a site plan. The information on proposed improvements required by paragraph (g) below can be conceptual in nature, particularly for larger, mixed-use PD's that will be developed in phases. For a PD that contains a single type of use (e.g.; a single-family subdivision) where the project will be developed in a single phase, the applicant has the option to include a complete site plan or preliminary subdivision plat for preliminary site plan or tentative preliminary plat approval, as applicable.
 - A. A property area survey of the exact area being requested (scale: one (1) inch = one hundred (100) feet).
 - B. A proof of ownership of land being requested for rezoning or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - C. A completed application form, supplied by the Township community and economic development department, and an application/review fee. A separate escrow deposit may be required for administrative charges to review the PD submittal.
 - D. Cover sheet providing:

- (1) The applicant's name;
 - (2) Name of the development;
 - (3) The preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan;
 - (4) Date of preparation and any revisions;
 - (5) North arrow;
 - (6) Property lines and dimensions;
 - (7) Complete and current legal description and size of property in acres;
 - (8) Small location sketch of the subject site and area within one-half (0.5) mile, and scale;
 - (9) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PD site;
 - (10) Lot lines and all structures on the property and within one hundred (100) feet of the PD property lines;
 - (11) Location of any access points on both sides of the street within one hundred (100) feet of the PD site along streets where access to the PD is proposed.
- E. An aerial photograph of the site.
- F. A site analysis plan sheet indicating locations of significant natural, historical, and architectural features, including:
- (1) Existing buildings;
 - (2) Drainage patterns;
 - (3) Surface water bodies;
 - (4) Floodplain areas;
 - (5) Wetlands with supporting documentation;
 - (6) Existing topography at five (5) foot contour intervals;
 - (7) Tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees. Landmark trees will be designated as "areas not to be disturbed" and secured through installation of a snow fence or other fencing. The limits of tree clearing shall be clearly indicated.
- G. A plan sheet indicating:
- (1) Existing and proposed topography at five (5) foot contour intervals and a general description of grades within one hundred (100) feet of the site, including the limits of grading and tree removal;
 - (2) Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
 - (3) Existing buildings, utility services, and any public or private easements, noting those which will remain, and which are to be removed;

- (4) Layout and typical dimensions of proposed lots, footprints of proposed buildings; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units;
 - (5) Arrangement and area calculations for open space, including upland and wetland open space areas;
 - (6) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
- H. A plan sheet illustrating open space areas and tabulating the amount of open space provided broken down by areas for active recreation, passive recreation, upland natural preservation areas, wetlands, utility easements and landscape buffers.
 - I. If a multi-phase PD is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - J. A traffic impact study meeting the requirements of Article 4, Traffic Impact Study of Chapter 24 of the Charter Township of Ypsilanti Code of Ordinance.
 - K. Any additional graphics or written materials requested by the Township to assist the Township in determining the appropriateness of the PD such as, but not limited to, aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the existing district; preliminary architectural sketches; and estimated construction cost.
 - L. A draft written PD development agreement specifying all the terms and understanding of the PD development.
3. Acceptance and approval of PD preliminary site plan and rezoning:
- In reviewing and approving the PD preliminary site plan and rezoning, the following procedures and conditions shall be followed:
- A. *Technical (staff) reviews:* Formal application shall be made to the Township. The Township Zoning Administrator shall review the application. The Township planning consultant, department of public works, fire chief, police chief, Township Engineer, and building department manager, shall also review the application. The reviews shall be submitted to the Township Zoning Administrator. The Township Zoning Administrator may schedule a conference with applicable consultants and departments which reviewed the submittal information. The technical reviews may be revised and resubmitted following the conference or submittal of a revised application. An application shall not be forwarded to the Planning Commission until all required technical information is provided.
 - B. *Public hearing for PD rezoning:* Following the technical review process, the Planning Commission shall schedule and conduct a public hearing to review the request in accordance with the following procedures. The applicant is also encouraged to meet with neighborhood associations and land owners prior to the Planning Commission public hearing on the proposed project.

- (1) The Township shall provide notice of public hearing on the request for PD rezoning in accordance with Section 307, Public hearing requirements. Such notification shall be in accordance with Section 4 of the Township Zoning Act (Public Act 184 of 1943, as amended).
 - (2) The Planning Commission shall conduct the required public hearing. The purpose of the public hearing is for the Planning Commission and the applicant to receive public comment on the PD. The Planning Commission shall not take action at the same meeting when the public hearing is conducted unless there is a specific finding that all review standards are met, and no conditions are necessary for the recommendation to the Township Board.
 - (3) Following the public hearing the applicant shall submit revised plans and a document which point-by-point addresses each issue, as directed by the Planning Commission.
- C. *Planning commission recommendation:* The Planning Commission shall review the PD site plan in consideration of public hearing comments, technical reviews from Township staff and consultant's correspondence from applicable review agencies, and compliance with the standards of this Article and other applicable standards of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions or deny the request. The Planning Commission recommendation shall be based on the following:
- (1) Whether the proposal meets the eligibility criteria for qualification of the PD and promotes the land use goals and objectives of the Township.
 - (2) Whether all applicable provisions of this Section and this Ordinance shall be met. If any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PD.
 - (3) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, storm water, solid waste, water supply needs and traffic generated by the proposed project.
- D. *Township Board approval of PD preliminary site plan and rezoning:* Following receipt of the Planning Commission's recommendation, the PD preliminary site plan and rezoning shall be considered by the Township Board. The Township Board shall take one (1) of the following actions on the request.
- (1) *Table:* If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, then the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PD preliminary site plan or direct the Township staff to conduct additional analysis.
 - (2) *Reconsideration:* If the Township Board believes there is new information which might modify the recommendation of the Planning Commission, the Board may return the application with the new information to the Planning Commission for reconsideration. The Planning Commission shall provide a recommendation within thirty (30) days.
 - (3) *Approval:* Upon determination that a PD preliminary site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board shall approve the preliminary PD preliminary site plan and rezoning

by resolution. The PD rezoning shall be effective upon approval of the second reading of the resolution. The Township Board may impose reasonable conditions with the approval of a PD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PD preliminary site plan that demonstrates compliance with the conditions for administrative approval by the Township Zoning Administrator.

- (4) *Denial:* Upon determination that a PD preliminary site plan does not comply with standards and regulations set forth in this Ordinance or requires extensive revision in order to comply with said standards and regulations, the Township Board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- E. *Preliminary PD agreement.* The applicant shall submit an agreement stating the conditions upon which the PD is based, for review by the Township attorney. The agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:
- (1) A survey of the acreage comprising the proposed development.
 - (2) The manner of ownership of the developed land.
 - (3) The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.
 - (4) Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks, and other dimensional standards.
 - (5) Description of improvements to common areas, recreational facilities, and non-motorized pathways.
 - (6) General description of any improvements to roads or utilities.
 - (7) Provisions to ensure adequate protection of natural features.
 - (8) The preliminary PD plan shall be incorporated by reference and attached as an exhibit.
4. Effect of PD preliminary site plan and rezoning approval:
- A. Approval by the Township Board of the PD preliminary site plan and rezoning shall have the effect of rezoning the property. The site plan, preliminary development agreement, building elevations and other development proposals including the proposed uses, shall become an integral part of the zoning amendment to the PD district and, for purposes of recordation, shall be referred to as "Planned Development No." All approved plans shall be filed with the Township.
 - B. Approval of the PD preliminary site plan shall not constitute final site plan approval. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the PD final site plan. Rezoning procedures under this Article of the Ordinance will rely on the plan submitted for both preliminary and final and the supporting documentation and the plan, therefore, is basic to the rezoning.

- C. Once an area has been rezoned to a PD district, no development shall take place therein nor use made of any part thereof except in accordance with the PD preliminary site plan as originally approved, or in accordance with an approved amendment thereto.
- D. The Zoning Ordinance amendment, which effectuates the rezoning to the PD district, shall refer to and incorporate by reference the PD site plan and such zoning amendment shall be carried out in accordance with rezoning procedures of this Ordinance.
- E. PD stage II final site plans and subdivision plats, as applicable, shall be submitted shall be submitted for review and approval in accordance with Article 9, Site Plan Review, or the Township subdivision regulations Ordinance, as applicable, for an area embraced in the PD.
- F. Approval of the PD preliminary site plan by the Township Board shall be effective for a period of two (2) years. If PD final site plan or subdivision plat for at least the first phase of the project is not submitted and approved within two (2) years of the PD approval, the right to develop under the approved PD preliminary site plan shall terminate and a new application must then be filed and processed. The two (2) year period for PD preliminary approval may be extended for one (1) year, if applied for by the petitioner prior to expiration and granted by the Township Board, based upon a recommendation by the Planning Commission. Following expiration of the PD approval, the Township may initiate proceedings to rezoning the property back to the pre-PD zoning district.

Sec. 617. - PD final site plan submittal and approval:

- 1. A presentation of the PD final site plan shall be made to the Planning Commission for review and recommendation to the Township Board of the following:
 - A. PD final site plans shall be submitted for each phase of the development. The final PD site plan shall include a complete site plan meeting the requirements of subsection 906.2. Supporting documentation in the form of building plans, and schedule of construction shall be submitted. The PD final site plan shall conform to all site plan requirements and all site plan review requirements of this Ordinance. In reviewing site plans and subdivision plans, the following standards shall apply:
 - (1) Site plans or subdivision plans shall be in substantial conformance with the approved PD preliminary site plan. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. The Township Board may approve a PD final site plan that proposes minor deviations from the PD preliminary layout only where the Township Board finds such deviations conform to the requirements of this Ordinance and will result in an equal or higher quality development than the PD preliminary site plan. Where major deviations are proposed from the PD preliminary plan, the Township Board may require resubmission of a new PD preliminary site plan for a Planning Commission public hearing and recommendation.
 - (2) Each site plan or subdivision plat shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Section and the approved preliminary PD site plan regarding layout, density, open space, and land use.
 - (3) Each plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PD preliminary site plan.

- (4) A final PD agreement shall be submitted for review by the Township attorney and approved by the Township Board.
- B. Final PD agreement. As part of the application for PD final site plan approval, the applicant shall submit an agreement stating the conditions upon which approval is based, for review by the Township attorney. The agreement, after review and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. Said agreement shall provide:
 - (1) All items contained in the preliminary PD agreement.
 - (2) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this.
 - (3) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
 - (4) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.
 - (5) The PD final site plan shall be incorporated by reference and attached as an exhibit.
2. Effect of PD final site plan approval:
 - A. Approval of the PD final site plan shall be effective for a period of two (2) years. If construction has not commenced within this period, the approval shall expire and the right to develop under the approved PD final site plan shall terminate and a new application for PD final site plan must then be filed. The one (1) year period for PD final site plan approval may be extended for one (1) year, if applied for by the petitioner prior to the expiration and granted by the Township Board, based upon a recommendation by the Planning Commission. Once a building permit has been obtained, the PD final site plan shall remain valid for as long as the building permit is current, and construction is being diligently carried on towards completion.
 - B. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site and shall be recorded by the developer.
 - C. In residential use areas, any prorated open space shall be committed by dedication to an association of residents or to a land conservancy operating in Washtenaw County, either as rights-in-fee, easement, or in a master deed and retained as open space for park, recreation, and related uses. All lands dedicated in fee or easement shall meet the requirements set forth by the Township Board. Provisions satisfactory to the Township Board shall be made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant and including maintenance of such improvements by a means satisfactory to the Township Board. This may include a development agreement. Such documents shall be recorded with the county register of deeds.

D. In those instances where a subdivision plat is being utilized as a planned development or a part of such development, the procedures and expiration dates of the Michigan Land Division Act, Public Act 288 of 1967, as amended (MCL 560.101 et seq.), shall govern.

3. Required conditions:

A. Before approving the plan in either the PD preliminary site plan or PD final site plan submittal, the Planning Commission and the Township Board shall determine that:

(1) The cost of installing all streets, sidewalks, bike paths, streetlights, park areas and necessary utilities and maintenance thereof has been assured by a means satisfactory to the Township Board. The Township Board shall have the option of requiring suitable guarantee in a form suitable to the Township for the provision of any or all site improvements.

(2) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the preliminary plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this Section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the preliminary plan. Denial by the Township Board of any requested changes or amendments shall not void the originally approved plan.

Sec. 618. - Administrative revisions to approved PD plans:

Approval of the PD final site plan confers upon the Township Zoning Administrator the authority to approve certain minor deviations during the construction process when an applicant or land owner who was granted final site plan approval notifies the Township of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.

1. *Procedure:* Within fourteen (14) days of receipt of a request to amend the final site plan, the Township Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.

2. *Minor changes:* Minor changes to a previously approved planned development site plan may be approved without necessity of Planning Commission or Township Board action thereon if the coordinator of community development finds that the proposed revision constitutes a minor alteration and does not alter the basic design, nor any specific conditions of the plan as agreed upon by Planning Commission and Township Board. The Zoning Administrator shall record all such changes on the original PD site plan and shall advise Planning Commission and Township Board of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this Section shall be limited to:

A. For residential buildings, the square footage of structures may be reduced by five percent (5%); or increased by five percent (5%), provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend into any required open space or required setbacks.

B. Gross floor area of nonresidential buildings may be decreased; or increased by up to five percent (5%) or two thousand (2,000) square feet, whichever is smaller, provided parking

- requirements are met and the building does not extend into any required setback or open space.
- C. Floor plans changes if consistent with the character of the use.
 - D. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space, and other standards.
 - E. Shifting of building heights and elevations, providing such shifting does not exceed ten percent (10%) of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
 - F. Construction of additional, or alteration of, approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
 - G. Shifting of, additions to, changes in species of landscape materials, provided that such change does not reduce minimum landscape requirements.
 - H. Designated woodlands or areas not to be disturbed may be increased.
 - I. Relocation of refuse collection stations.
 - J. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, with documentation from Washtenaw County Road Commission or other road agencies, where appropriate.
 - K. Internal rearrangement of parking lots and curb cut locations, not including the relocation of parking lots, provided such rearrangement does not reduce the total number of parking spaces required, and further provided that such rearrangement does not inhibit good traffic flow or circulation.
 - L. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
 - M. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Township Zoning Administrator.
 - N. Grade change of up to one (1) foot, reviewed by the Township Engineer.
 - O. Modification of entry design, sign placement or reduction in size of signage, which is consistent with the intent of this Section and the approved plan.
 - P. Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan.
 - Q. Changes required or requested by the Township, county, or state for safety reasons.
3. *Major changes:* Where the Township Zoning Administrator determines a requested amendment to the approved site plan is major, resubmittal to the Planning Commission and Township Board shall be required. Should the Planning Commission or Township Board determine that the modifications are inconsistent with the approved final PD site plan, a revised final PD site plan shall be submitted according to the procedures outlined in this Article. In all cases, a change in use to a more intensive use than approved in the final PD plan shall be considered major and require resubmission of a final PD plan.

Sec. 619. - Existing planned developments:

1. *Approved planned developments:* Projects which received final PD approval under the prior PD standards shall be considered conforming provided such projects conform to the site plan and conditions upon which they were approved, and the projects have either been completed or work is diligently being carried on within the time limits stipulated under this Ordinance. Any expansion shall conform to the regulations of the particular zoning district; no expansion in area beyond the area approved as a PD shall be considered. Any modifications to the previously approved final PD site plans shall be reviewed under the current PD regulations.
2. *PD preliminary planned developments:* Projects that have received a recommendation by the Planning Commission to the Township Board for PD preliminary approval prior to the effective date of this amendment, but did not receive final PD preliminary approval, shall be reviewed under the current PD regulations of this Ordinance for final approval, subject to the following:
 - A. Where a density was established by the Township on a PD preliminary site plan, subsequent final site plans submitted shall retain the following:
 - (1) The density established at that time shall be the maximum allowable density for that site.
 - (2) The final site plan shall include the same mixture of housing types, provided that the Township Board may approve a reduction in the percent of non-single-family residential dwellings.
 - (3) The final site plan shall contain as much or more open space as the preliminary PD plan.
 - B. Within two (2) years following receipt of the preliminary PD approval, the applicant shall submit to the Township Planning Commission a final PD plan. If a final PD stage II plan has not been submitted within the two (2) years, then the original PD preliminary approval shall be null-and-void and any subsequent submittal shall be required to comply with the current PD requirements of this Ordinance. Time extension, beyond the two (2) year period, may be granted by the Township Board. The request for extension must be received in writing and shall not be for more than one (1) year.

Sec. 620. – Commencement and completion of construction:

Construction shall be commenced within two (2) years following final approval of a PD, or within two (2) years of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within two (2) years of the schedule approved by the Township. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period.

Sec. 621. - Limitations on variances from ZBA:

The decision to grant PD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the

PD, provided such variance does not involve alterations to open space areas as shown on the approved PD site plan.