

**ARTICLE 4.0
PLANNED UNIT DEVELOPMENT DISTRICT - (PUD)**

Section 4.01 Purpose

This district is intended to achieve the following objectives:

- A. The intent of this PUD Section is to allow for single family residential development that encourages the long-term preservation of open space, agricultural land, unique rural character, natural features and the provision of recreation and open space areas.
- B. To provide flexibility in land development.
- C. Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.

Section 4.02 Location of a PUD District

A PUD shall be located in areas of Freedom Township that are presently zoned AR (Agricultural/Resource and R-2 (Single-Family Suburban Residential District) districts.

Section 4.03 Permitted Uses

- A. Single family residential development to be platted as subdivisions or site condominiums.
- B. Single family residential developments which include a new or extended public or private road.

Section 4.04 Residential Density Design Standards

- A. A parcel of land proposed for a PUD development shall be at least twenty (20) acres in area.
- B. Single family dwellings shall be allowed within a residential PUD at a density of one dwelling unit per five (5) acres. This figure shall be based on the net acreage of the site, which shall exclude existing and proposed road rights-of-way, bodies of water, designated wetlands, and floodplains. No minimum or maximum lot size is specified, however, the number of lot splits shall not exceed the overall density of one unit per five net acres for the site to be developed. Lot width shall not be less than one hundred fifty feet (150) without the cluster option and one hundred feet (100) with the use of the cluster option.
- C. Use of the PUD shall encourage a more efficient, aesthetic, and desirable use of the land by a demonstrated preservation of physical and/or cultural resources or unique characteristics of the site, through a consolidation of the developed areas.
- D. All lots shall be served by an internal public or private road network. No lots shall front upon the existing public road.
- E. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.

Section 4.05 Density Bonus Option

- A. A single family density bonus may be permitted through use of the PUD and the residential cluster option. An additional density increase of twenty-five (25) percent of residential dwelling units may be allowed at the discre-

ARTICLE: 4.0-PLANNED UNIT DEVELOPMENT DISTRICT - (PUD)

tion of the Township Board and Planning Commission based upon a demonstration by the applicant that not less than fifty (50) percent of the total area of the property shall be permanently reserved for open space. The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and agricultural areas by providing for a density bonus. On sites without important natural features, this option may be used to protect rural vistas and agricultural areas, create permanent open spaces, and/or recreation facilities. All proposals under this option must comply with the following:

To be eligible for the density increase through the cluster option, portions of the parcel to be preserved as open space shall contain one or more of the following physical or locational characteristics:

1. Topography of the site exceeds fifteen (15) percent slope.
 2. The parcel contains a readily identifiable physical or cultural resource, which is to be conserved by the developer. These may include:
 - a. Streams, lakes, ponds or other watercourses, and associated upland areas.
 - b. Designated wetlands, which are regulated by the Michigan Department of Environmental Quality (MDEQ).
 - c. Designated floodplains associated with a lake, stream or river.
 - d. Agricultural lands, which are actively being farmed or are considered prime agricultural lands based on parcel size, configuration and soils.
 - e. Tree stands, woodlands, and other natural vegetation areas, which are of a size, configuration and general character as to provide open space, environmental habitat, and passive or active recreational opportunities.
 - f. Other areas as determined appropriate for open space preservation by the Planning Commission.
- B. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.**
- C. Designated Open Space Requirements**
1. All open space shall be permanent and set aside in perpetuity.
 2. Open space shall be in single parcel and maintained by any of, but not necessarily limited, to the following:
 - a. Deed restrictions or condominium master deed restrictions regarding preservation and maintenance of dedicated open space areas.
 - b. Dedication of open space to a public body or private land conservancy or trust.
 - c. Conservation easement granted to a public body or private land conservancy or trust.
 3. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
 4. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.

ARTICLE: 4.0-PLANNED UNIT DEVELOPMENT DISTRICT -(PUD)

Section 4.06 Pre-Application Conference

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

Section 4.07 PUD Review Process - Area Plan Requirements**A. Information Required For Area Plan**

1. An area plan for a PUD shall contain all the information required for a preliminary site plan as set forth in Section 5.03, herein, and the following information:
- a. Density of residential use for the site;
 - b. Location, size, and uses of common open space;
 - c. General description of the organization to be used to own and maintain common open space;
 - d. General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, by-laws, and articles of incorporation for any home owners' association, cooperative association, or minimum association;
 - e. Description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units;
 - f. General landscape concept showing tree masses to be preserved or added, mounds, and similar features;

B. Procedure for Petition and Area Plan Approvals

1. Application for a PUD district classification shall be for an amendment to the Official Zoning Map and approval of an area plan. An application for a PUD district classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD district classification; said filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD, such as legal title or execution of a binding sales agreement, prior to approval of the petition and area plan by the Township Board.
2. The application shall be filed with the Township Clerk who shall transmit the petition and the area plan to the Planning Commission Secretary. The application must be filed at least two (2) weeks prior to the Planning Commission meeting at which it is first to be considered. Fees shall be paid to the Township Clerk; no transmittals shall be made unless the required fees have been paid in full.

ARTICLE: 4.0 - PLANNED UNIT DEVELOPMENT DISTRICT - (PUD)

3. Upon receipt of the petition and plan from the Clerk, the Planning Commission shall undertake a study of the same and shall complete said study. The Planning Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the regulations and standards of this Ordinance.
4. At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:
 - a. General character and substance;
 - b. Objectives and purpose to be served;
 - c. Compliance with regulations and standards;
 - d. Scale and scope of development proposed;
 - e. Development schedules; and
 - f. Compliance with the adopted Growth Management Plan of Freedom Township.

The Planning Commission shall require the petitioner to provide information at the public hearing concerning economic feasibility of proposed uses; community impact; and environmental impact.

To this end, factual evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models, and other tangible materials, and in the form of testimony by experts such as lawyers, architects, engineers, realtors, professional community planners, and economists as will clearly state for the record the full nature and extent of the proposal. Tangible materials shall be submitted in sufficient quantity for review by the Planning Commission and other officials.

5. The Planning Commission shall review the area plan for conformance with this Article 5.0 – Site Plan Review, and standards contained herein regarding the Single-Family Cluster Density Bonus Option if it is sought. In addition, the Planning Commission shall determine that the site plan conforms with the following:
 - a. Preservation of streams, watercourses, wetlands, floodplains, areas of unique topography, prime agricultural or equestrian lands, woodlands or open fields.
 - b. Minimizes impact of road, utility and lot construction on the existing topography and land cover.
 - c. Minimizes necessary extensions of roads, utilities and other infrastructure.
 - d. Provides adequate access to the open space areas.
6. After Planning Commission recommendation, the Township Board shall review the petition and area plan application and the Township and County Planning Commission reports thereon, and shall approve, deny, or table for further consideration, the petition and area plan. Changes in the zoning amendment or area plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Board action thereon.
7. If the petition and area plan are approved by the Township Board, the applicant shall review the petition and area plan in their approved form. The applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the PUD shall then sign an agreement that the approved petition and area plan, and the conditions of approval, shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said agreement has been signed as required herein and has been received by the Township Clerk.

Effective Date: 1/25/2001

ARTICLE: 4.0- PLANNED UNIT DEVELOPMENT DISTRICT - (PUD)

- 8. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Article 5, "Site Plan Review," herein.

- 9. After approval of the area plan, all proposed single-family developments shall be reviewed in compliance with the appropriate residential development procedure for the type of development (lot split, subdivision, site condominium etc.). The Township Board shall approve the private road prior to final approval by the Planning Commission in accordance with the Freedom Township Private Road Ordinance.

Section 4.08 Effect of Approval of Petition and Area Plan

Approval of the PUD zoning and area plan shall confer a right to the applicant, for a period of three (3) years from the date of approval, that existing zoning regulations as they apply to the land included in the petition, and the area plan, shall remain unchanged, provided that required subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.

Section 4.09 Amendment and Revision

A developer may request an amendment to an approved area plan, an approved preliminary site plan, or an approved final site plan. Any amendment, which results in a major change, as determined by the Planning Commission, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review, in full.