



## BACKUS TOWNSHIP ZONING ORDINANCE

# ARTICLE X

## PD - PLANNED DEVELOPMENT DISTRICT

### Sec. 10.01 Intent

The intent of this Article is to offer an alternative to traditional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.

The PD Zoning District standards are provided as a design option to encourage innovation in land use in terms of variety, design, layout, and type of structures constructed; to preserve and protect significant natural features and open space; to ensure that new developments are consistent with the rural character of the community; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites.

### Sec. 10.02 Objectives

The objectives, principles, and standards are intended to guide the applicant in the preparation of their land use and development plan and they shall be used as the basis for the evaluation of the plan by the Zoning Board and Township Board. The following objectives shall be considered in reviewing an application for PD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of such PD.

- A. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- D. To provide more efficient and aesthetic use of open areas.
- E. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.



## BACKUS TOWNSHIP ZONING ORDINANCE

### Sec. 10.03 Qualifying Conditions

The following conditions shall apply to all Planned Development (PD) Districts:

- A. **Unified Control.** The Planned Development District shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. **Size.** A minimum size of forty (40) acres of contiguous land.
- C. **Recognizable Benefits.**
  1. The benefits of a PD District can be provided through site design elements in excess of the requirements of this Ordinance, such as:
    - a. unique site design features;
    - b. high quality architectural design;
    - c. efficient consolidation of poorly dimensioned parcels;
    - d. sensitivity to adjacent residential land uses;
    - e. unified access; and
    - f. the preservation of open space and significant natural features including the natural topography, woodlands, wetlands, drains, creeks and streams.
  2. The proposed development shall provide at least one (1) of the following benefits:
    - a. **Significant Natural Assets.** The site contains significant natural assets such as woodlands, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats.
    - b. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, 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.
    - c. **Mixed Use.** A site can qualify if the development will provide a complementary and integrated mixture of uses, residential densities and/or 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, commercial and industrial uses.



## BACKUS TOWNSHIP ZONING ORDINANCE

### Sec. 10.04 Approval Procedure

- A. Process for rezoning to appropriate PD designation and approval of Conceptual PD Plan.
1. The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to the PD designation, including seven (7) copies of all Conceptual Submittal items listed in Section 10.05. Materials shall be submitted at least thirty (30) days prior to the meeting at which the Zoning Board shall first review the request; fourteen (14) days for an applicant who has had a pre-application workshop session on the proposal within one-hundred twenty (120) days of the Conceptual PD Site Plan submittal.
  3. The Zoning Board shall review the rezoning request and the Conceptual PD Site Plan, conduct a public hearing, and make a recommendation to the Township Board based on the review standards of Section 10.06.
  4. The Zoning Board recommendation, along with the application and other relevant material shall be submitted to the RCPC for review. The RCPC shall make a recommendation to the Township Board within 30 days of receipt of the request from the Township. If no such recommendation is received from the County, a recommendation of approval shall be assumed.
  5. The applicant shall make any revisions to incorporate conditions noted by the Zoning Board and submit seven (7) copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
  6. The Township Board may conduct an additional public hearing on the requested PD rezoning and Conceptual PD Site Plan and shall either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator. Upon approval by the Township Board and written acceptance of the conditions, if any, the property shall be zoned PD.
- B. Expiration: Approval of the PD zoning and Conceptual PD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed one (1) year from date of approval. If application for Final PD Site Plan approval is not requested within this time period, resubmittal of the application shall be required. The Township Board may extend the period up to an additional one (1) year, if requested in writing by the applicant prior to the expiration date.
- C. Process for Final PD Site Plan(s)
1. The applicant shall submit seven (7) copies of all necessary information meeting the requirements of Section 10.07 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Zoning Board meeting at which the Zoning Board shall first review the request. For projects over one hundred (100) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open



## BACKUS TOWNSHIP ZONING ORDINANCE

space and general landscaping; with more detailed site plans submitted at a later date for each project phase in accordance with Article 11, Site Plan Review. If the PD involves a platted subdivision, the Final PD Site Plan may be processed concurrently as a Preliminary Plat.

- 2 Upon submission of all required materials and fees, the Zoning Board shall review the Final PD Site Plan, conduct a public hearing (if necessary), and make a recommendation to the Township Board based on Section 10.07.
- 3 The applicant shall make any revisions to incorporate conditions noted by the Zoning Board and submit seven (7) copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
- 4 The Township Board shall review the Final PD Site Plan and either approve, deny or approve with a list of conditions made part of the approval.
- 5 If the Final PD Site Plan was approved with conditions, the applicant shall submit a revised site plan along with written acceptance of the conditions to the Zoning Administrator for approval prior to the issuance of any building permits.

### **Sec. 10.05 Conceptual Submittal Requirements**

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. Seven (7) copies of each of the following items shall be submitted by the applicant or as required by the Township:

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative charges to review the PD submittal.
- C. A written statement which includes the following information:
  - a. An explanation of the character of the PD, the manner in which it has been planned to take advantage of the PD regulations, and the manner in which it reflects the Objectives of the PD as stated in this Article.
  - b. A statement of ownership of all land within the proposed PD.
  - c. A general indication of the expected schedule of development.
  - d. A general indication of the expected public interest to be served by the PD and conformance of the PD to the Township Master Plan.
  - e. A general statement regarding conformance to the Qualifying Conditions for the PD as stated in this Article.
  - f. The estimated population and density distribution.
  - g. An indication of any contemplated private deed restrictions or covenants.





## BACKUS TOWNSHIP ZONING ORDINANCE

3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PD.
4. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
5. Calculations to demonstrate compliance with minimum open space requirements shall be provided.
6. If a multi-phase Planned Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
7. Preliminary architectural design information shall be provided to the satisfaction of the Township, describing building materials, style and intended character.
8. A Utility Master Plan shall be required based on guidelines provided by the Zoning Administrator.

### **Sec. 10.06 Standards for Approval of Conceptual PD Site Plan**

- A. Based upon the following standards, the Zoning Board may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.
  1. The planned development meets the qualification requirements.
  2. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
  3. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
  4. Adequate water and sewer facilities are provided by the developer as part of the site development.
  5. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  6. Common open space shall be provided including natural areas, community greens, plazas



## BACKUS TOWNSHIP ZONING ORDINANCE

and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. 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. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.

7. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.
- B. The Township Board may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Development will be capable of accommodating increased service and facility loads caused by the Planned Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.



## BACKUS TOWNSHIP ZONING ORDINANCE

### Sec. 10.07 Final PD Site Plan Submittal Requirements and Approval Standards

The purpose of the PD final review is to consider the Final PD Site Plan for the entire PD that is consistent with the approved Conceptual PD Site Plan. Receipt of a building permit shall require a recommendation from the Township Zoning Board and final approval by the Township Board. This Section also addresses special circumstances for review of PD projects.

- A **Final PD Site Plan Submittal Requirements.** The final submittal shall include seven (7) copies of each of the following items:
- 1 All materials required by Article 11, Site Plan Review.
  - 2 Any other additional information deemed appropriate by the Township.
- B **Standards for Approval of Final PD Site Plan.** Based upon the following standards, the Zoning Board may recommend denial, recommend approval, or approval with conditions, and the Township Board may deny, approve with conditions the proposed planned development.
- 1 The Final PD Plan and associated documents shall be reviewed for consistency with the approved Conceptual PD Plan and associated documents and any conditions required by the Township.
  - 2 The Final PD Plan and associated documents shall be reviewed in accordance with Article 11 Site Plan Review and any other applicable regulatory document.
  - 3 The Township may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Development will be capable of accommodating increased service and facility loads caused by the Planned Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.
- C. For projects over one hundred (100) acres: the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted for the first building or project phase. Each detailed site plan and Impact Statement shall be reviewed according to the procedures and standards of Article 11, Site Plan Review.
- D. The final site plan and PD Agreement and other required submittal items shall be reviewed by the Zoning Board according to the procedures outlined in Article 11, Site Plan Review.
- E. Condominium Projects: For any condominium section of a PD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the Zoning Board. The condominium documents shall provide limits on use of common areas or open space for accessory structures such as swimming pools, decks, playground equipment and buildings. A plan



## BACKUS TOWNSHIP ZONING ORDINANCE

shall be provided indicating the limits of such accessory structures within a defined envelope.

### Sec. 10.08 Permitted Uses

- A. The following uses of land and structures may be permitted within a PD.
1. Single-family detached dwellings.
  2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PD.
  3. Multiple family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PD.
  4. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding drive-through facilities), and similar uses open only to members and their guests.
  5. Any "Permitted Use" within the Commercial District, provided that:
    - a. the total site of the PD is at least eighty (80) contiguous acres;
    - b. the gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PD;
    - c. all such uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.;
    - d. such uses shall not materially alter the residential character of the neighborhood and/or the PD;
    - e. all merchandise for display, sale or lease shall be entirely within an enclosed building(s); and
    - f. buildings designed for nonresidential uses are constructed according to the following schedule:
      - (1) If the entire PD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
      - (2) If the PD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
    - g. No commercial uses shall be established without the construction and occupancy of at least twenty (20) residential dwelling units.
  6. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.



BACKUS TOWNSHIP ZONING ORDINANCE

**Sec. 10.09 Development Regulations**

- A. **Density:** The maximum permitted density for any residential development shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zoning district.
- B. **Bulk and Area Requirements.** The following minimum lot and yard requirements shall be met:

<b>PUD District Regulations</b>	
Front Yard	30 feet
Side Yard	Single and Two Family Dwellings - 10 feet
	Multiple Family Dwellings and Non-Residential Buildings - 30 feet
Rear Yard	30 feet
Building Height	25 feet or 22 stories
Required Open Space	10%
Lot Coverage (required open space not included)	30%
Average Minimum Lot Area	Single and Two Family Dwellings - 12,000 square feet
	Multiple Family Dwellings - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
Average Minimum Lot Width	200 feet
Minimum Floor Area	Single and Two Family Dwellings - 800 square feet GFA/600 square feet GFA on ground floor
	Multiple Family Dwellings - 800 square feet UFA per unit



## BACKUS TOWNSHIP ZONING ORDINANCE

### C. **Open Space Requirements:**

1. **Common Open Space.** All land within a PD that is not devoted to a residential or non-residential building, an accessory structure or use, a roadway or access drive, vehicle parking, or an approved land improvement, shall be set aside as common land for recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing topography.
2. **Amount of Open Space.** A PD, which is not being developed as a cluster development per Section 10.10, shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open space held in common ownership. Except as noted in 10.10.B.3 below, any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifteen percent (15%) of the overall site (50% of the minimum required open space) shall be accessible upland area.
3. **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of this Article:
  - a. Area proposed as single family residential lots or site condominiums.
  - b. Area proposed to be occupied by multiple family dwellings.
  - c. Any portion of the project used for commercial, office, institutional or industrial purposes including buildings, structures, parking and loading areas. Parking used exclusively for public recreational facilities shall be permitted as open space.
  - d. The area of any street right-of-way, private road easement or access drive.
  - e. Any submerged land area of a pond, lake, river or stream.
4. **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 Zoning Board, 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:
    - i. Indicate the proposed allowable use(s) of the dedicated open space. The Zoning Board 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



## BACKUS TOWNSHIP ZONING ORDINANCE

- 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.
    - ii. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    - iii. 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.
5. **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.
- D. **Natural Features.** The development shall be designed to promote the preservation of natural features. Compliance with this requirement shall be determined by the Zoning Board after review of a Site Analysis Plan , prepared by the applicant, that inventories these features.
- E. **Access and Circulation.**
- 1. **Access.** Access shall be limited to one (1) major entrance along any major thoroughfare. Additional access points may be considered if spaced at least five hundred (500) feet apart.
  - 2. **Internal Roads.** All roads within the PD shall meet the minimum requirement of the Township.
  - 3. **Pedestrian Circulation.** Pedestrian and/or bike trails shall be provided within the open space. They may be constructed of asphalt, gravel or other similar material.
- F. **Lighting.**
- 1. Exterior lighting shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses.
  - 2. All lighting shall be limited to 20 feet in height.
  - 3. The intensity of light fixtures shall be limited to 250 watts.
  - 4. Any lighting other than ornamental street lights shall be down directed cut-off type fixtures.



## BACKUS TOWNSHIP ZONING ORDINANCE

5. Floodlight type fixtures shall not be permitted except for building accent and sign lighting approved by the Zoning Board.
6. The Zoning Board may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks and within any off street parking lots.

### **Sec. 10.10 Residential Cluster Development Regulations**

The PUD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.

- A. **Qualifying Conditions.** In addition to the provisions of Section 10.03, residential cluster developments shall demonstrate that the property proposed for such cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but which is preserved as a result of the residential cluster development.
- B. **Development Regulations.**
  1. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Zoning Board and Township Board, but in no case shall be less than the following:

<b>Cluster Regulations</b>	
Lot size	12,000 square feet
Front yard	25 feet
Side yard	20 feet total/10 feet minimum
Rear yard	20 feet
Lot coverage	25%
Lot width	150 feet

2. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of this Article.
  3. Minimum floor area and height regulations for dwelling units shall conform to the MDR Medium Density Residential District requirements.
  4. No two-family, multiple family, or commercial uses shall be permitted as part of the residential cluster development.
- C. **Review Standards**



## BACKUS TOWNSHIP ZONING ORDINANCE

The following review standards will be used by the Zoning Board and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:

1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
2. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;
3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
  - a. The Zoning Board and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval from the Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
  - b. The Zoning Board and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PD. Such additional studies may be required by the Zoning Board and/or Township Board where one (1) or more of the following conditions are present:
    - (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PD is to be placed, or on lots or parcels within a one (1) mile radius of the PD site;
    - (2) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PD site;
    - (3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PD site.
    - (4) Industrially used or zoned sites within a one (1) mile radius of the PD site
    - (5) Existing residential development within a one (1) mile radius of the PD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
    - (6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PD site.



## BACKUS TOWNSHIP ZONING ORDINANCE

### **Sec. 10.11 Amendments and Deviations from Approved PD Plans:**

An amendment to an approved PD plan may occur only under the following circumstances:

- A. The holder of a valid PD Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan.
- B. **Minor changes.** Minor changes requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Zoning Board that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Zoning Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
  1. Reduction of the size of any building or sign.
  2. Movement of buildings or signs less than ten (10) feet.
  3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
  5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Changes required or requested by the Township, Roscommon County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Article.

### **Sec. 10.12 Limitation on Variances from the Zoning Board of Appeals**

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 Plan.

### **Sec. 10.13 Fees**

Fees for review of plans shall be established by resolution of the Township Board. Costs for the review of plans, studies, etc. as required by the Township Board shall be the responsibility of the applicant and shall be paid in advance of any review.