

CHAPTER 8

PLANNED UNIT DEVELOPMENTS (PUDs)

SECTION 8.01: PURPOSE AND INTENT

- A. This Chapter helps encourage new residential development that includes provisions for small-scale office, service, and neighborhood stores by including Traditional Neighborhood Design and Planned Unit Development (PUD) techniques in the zoning ordinance. The intent of a Planned Unit Development is to permit coordinated development on larger sites in order to achieve most or all of the following:
1. Permit flexibility in the regulation of land development allowing for higher quality projects through innovation in land use, variety in design, layout, and types of structures constructed.
 2. Provide the opportunity to mix compatible uses or residential types.
 3. Allow clustering of developments to preserve common open space.
 4. Ensure compatibility of design and function between neighboring properties.
 5. Protect and preserve natural resources, natural features and open space.
 6. Promote efficient provision of public services, utilities and transportation facilities.
 7. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
 8. Provide complete non-motorized circulation to, from, within and between developments.
 9. Provide adequate housing and employment opportunities.
 10. Encourage development of convenient recreational facilities as an integral part of residential developments.
 11. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
 12. Encourage development that is consistent with the goals stated within the Fremont Community Joint Comprehensive and Growth Management Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the

proposed uses, but with specific modifications that, in the judgment of the jurisdictions after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is determined not to be present after the jurisdictions have reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

C. Noncontiguous Planned Unit Developments are prohibited.

SECTION 8.02: ELIGIBILITY CRITERIA

To be eligible for Planned Unit Development approval, the applicant must demonstrate that both A and B below will be met:

A. **Demonstrated Benefit:** The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:

1. Preservation of significant natural or historic features
2. Preservation of agricultural lands
3. A complementary mixture of uses or a variety of housing types
4. Common usable open space for passive or active recreational use
5. Redevelopment of a nonconforming site where creative design can address unique site constraints

B. **Control of Property - Unified Development Agreement:** Land owners involved in a proposed Planned Unit Development must provide a signed development agreement among all involved parties, which includes the developer and an official from each participating municipality. The PUD development agreement shall first be reviewed by the attorney for the jurisdiction in which the PUD will reside; this is to make sure the Agreement outlines a unified approach to the PUD concept.

SECTION 8.03: TYPES OF PUDS

- A. A property meeting the eligibility criteria may be rezoned as a PUD based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD site plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.

- B. The Board/Council where the subject property of the PUD resides shall recommend a list of permitted uses as part of the PUD development agreement based upon the provisions of the following table and this Chapter to the Joint Planning Commission. After the Joint Planning Commission reviews the list of uses, it will make its recommendation pertaining to those uses to the Boards/Council of each participating municipality.

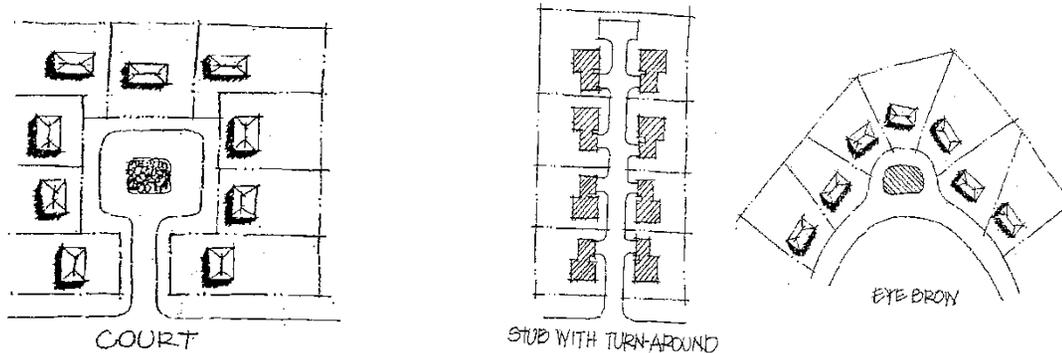
PUD Descriptions				
PUD District	Minimum PUD Size	Locations Allowed	Permitted Uses	Percentage Open Space Required
Residential (RPUD) (Standards under Sec. 8.04)	10 acres	Where pre-PUD zoning is in the R-1 and R-2 Residential Districts.	Residential uses permitted in the pre-PUD zoning district with additional uses as provided in this Chapter except that no building shall have more than four (4) units.	30%
Mixed Use (MPUD) (Standards under Sec. 8.05)	5 acres	Where pre-PUD zoning is in the Urban Commercial or Mixed Use Districts and public sewer is available.	Residential, commercial, office, recreational and additional uses provided in this Chapter.	15%

SECTION 8.04: RESIDENTIAL PUD STANDARDS (RPUD)

- A. Intent: The purpose of the RPUD is to promote neighborhood development which provides a variety of single-family housing opportunities in addition to small scale multiple-family uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the RPUD, the Board/Council of the jurisdiction where the subject property resides shall make a recommendation to the Joint Planning Commission, and the Joint Planning Commission, in turn, shall make its recommendation to each of the Boards/Council for final determination of the appropriate lot dimensions and building heights and setbacks, subject to the following:
 - 1. The overall lot dimensions and setbacks shall not be less than fifty percent (50%) of the zoning district that the use(s) would be placed in without a PUD. Zero-lot line may be permitted on one (1) side lot line provided that the remaining side yard equals at least a total width of two (2) side setbacks required in the district the use would be placed in without a PUD.
 - 2. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
 - 3. The minimum lot size shall be 12,000 square feet.
- C. Housing Types: Not more than thirty percent (30%) of the dwelling units may be two-family or multiple-family. In no case shall any structure contain more than 4 dwelling units. The remaining dwelling units shall be detached single-family dwellings.
- D. Density: The Board/Council of the jurisdiction where the subject property resides will make a recommendation to the Joint Planning Commission on the RPUD's density. The density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development or a mini-park (with playground) are provided on-site by the developer. The Joint Planning Commission will, in turn, make a recommendation to all participating municipalities' Boards/Council for final approval of the matter.
- E. Uses: The PUD may also include any Special Land Uses permitted in the Residential Districts. The list of allowed uses shall be established in the PUD development agreement.

F. Design Standards:

1. Dead-ends or cul-de-sac streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see graphics below).



2. Where adjoining areas are not developed, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
3. The Joint Planning Commission may recommend and the Boards/Council may require the development to provide such amenities as bike lanes, bus stops or bus turn-outs.
4. Open space areas must adhere to the standards of Section 8.06.

SECTION 8.05: MIXED-USE PUD STANDARDS (MPUD)

- A. Uses: A Mixed-Use PUD shall include a mixture of uses that are considered to be consistent with the Comprehensive Plan. A minimum of eighty-five (85%) of the MPUD land area shall be occupied by residential and commercial uses. The list of uses allowed shall be established in the MPUD development agreement.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the MPUD, the Board/Council of the jurisdiction where the subject property resides shall make a recommendation to the Joint Planning

Commission on the appropriate lot dimensions and building heights and setbacks. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty (50%) of the R-1 or R-2 Zoning Districts (in the case of two-family or multi-family dwellings). The height restrictions with any use shall not be increased by more than twenty-five percent (25%). The Joint Planning Commission, in turn, shall make a recommendation to all participating municipalities.

C. Density: The Board/Council of the jurisdiction where the subject property resides will make a recommendation to the Joint Planning Commission on the MPUD's density. The density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development or a mini-park (with playground) are provided on site by the developer. The Joint Planning Commission will, in turn, make a recommendation to all participating municipalities' Board/Council for final approval of the matter.

D. Site Design Standards:

1. The applicant shall demonstrate that the proposed lot dimensions and building and yard requirements shall result in a higher quality development than would be possible using conventional zoning standards.
2. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court or stub streets are preferred (see graphics under Section 8.04).
3. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
4. The Joint Planning Commission may recommend and the Boards/Council may require that the development provide such amenities as bike lanes, bus stops or bus turn-outs.
5. To encourage a true integration of mixed uses and improved efficiency in land use, an overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
6. Pedestrian gathering and seating plazas, greenways and tree-lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from the vehicular circulation for improved traffic operations, and views. Other site amenities to create a pedestrian scale environment shall be provided, such as but not limited to: bike racks, benches, information kiosks, art, planters or streetscape elements to separate principal buildings from the parking lots.
7. Open space shall meet the standards of Section 8.06.

E. Driveway Access and Circulation:

1. Access shall be limited to one (1) major entrance along any collector or arterial road, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic if the main access point might be signalized in the future.
3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
4. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

F. Building Design Standards:

1. Non-residential façade buildings shall utilize high quality architecture and landscaping that creates an integrated, pedestrian-oriented environment. At least forty percent (40%) of first floor office and commercial development shall be clear glass.
2. Primary building materials for non-glassed areas of the remainder of the commercial or office buildings shall be comprised of at least fifty (50%) percent masonry material, such as brick, stone or split face block or another acceptable material as determined by the Joint Planning Commission.
3. Plain concrete masonry units or cement board shall constitute no more than twenty (20%) of the facades of any buildings.
4. Sheet metal paneling on exterior walls is prohibited.

SECTION 8.06: OPEN SPACE STANDARDS

A. Dedicated open space shall be created in accordance with the below standards.

1. Dedicated open space shall be set aside through an irrevocable conveyance, approved by the attorney of the jurisdiction where the property resides, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement or land trust. The dedicated open space shall forever remain open space,

subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require the approval of each participating municipalities' Board/Council, and shall not diminish compliance with the requirements of this Chapter.

2. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
 3. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact and access.
 4. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
 5. The following land areas shall not be included as dedicated open space for the purpose of meeting minimum open space requirements:
 - a. Area proposed as residential or site condominium lots.
 - b. Residential yards or required setback areas for any use.
 - c. The area of any road right-of-way or private road easement.
 - d. Surface water in detention or retention basins [unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.]
 - e. Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
 - f. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by any of the Boards/Council.
- B. On-site common space shall be planned in locations visible and accessible to all in the development. The Joint Planning Commission shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
1. Any significant natural features.
 2. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.

3. Open space, except for where trails and bike paths are located, shall have a minimum dimension of one hundred (100) feet by one hundred (100) feet.
 4. Where a Planned Unit Development abuts a pond, lake or river, at least fifty percent (50%) of the shoreline frontage, as well as reasonable access to it, shall be a part of the common open space land.
 5. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland provided that the Boards/Council may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 6. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
- C. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:
1. Dumping or storing of any material or refuse.
 2. Activity that may cause risk of soil loss.
 3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation.
 4. Use of motorized off-road vehicles.
 5. Cutting, filling or removal of vegetation from wetland areas.
 6. Use of pesticides, herbicides or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
 7. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
- D. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained or is determined by the Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.

SECTION 8.07: PUD APPROVAL PROCESS

- A. Pre-Application Meeting:
 - 1. An applicant desiring to submit an application for a Planned Unit Development shall attend a pre-application meeting with staff members or consultants the Zoning Administrator deems appropriate.
 - 2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements and to identify issues of significance regarding the proposed application.
 - 3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Joint Planning Commission.
- B. Concept Plan: In addition to the pre-application meeting, an applicant may, at their option, submit a concept plan to the Joint Planning Commission in order to informally discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal.
- C. Application: The applicant shall prepare and submit to the Joint Planning Commission a request for rezoning to the appropriate PUD designation, including twenty-two (22) copies of a preliminary PUD site plan meeting requirements of Site Plan Review submittals, and including a narrative which details how the plan relates to the intent of the PUD standards, phases of development, and approximate timeframes for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Board/Council of the jurisdiction where the subject property resides shall first review the request.
- D. Additional Information: During the PUD review process, any of the Boards/Council or the Joint Planning Commission may require additional information they determine is reasonably necessary to demonstrate compliance with the review standards of this Chapter. Such information may include, but is not limited to, soil reports, hydrological tests, traffic studies or wetland determinations.
- E. Joint Planning Commission Public Hearing: The Joint Planning Commission shall conduct a public hearing, giving notice thereof in accordance with the requirements of the Michigan Zoning Enabling Act. The Joint Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from the Zoning Administrators, comments from consultants and applicable review agencies, and for compliance with the standards and requirements of this Ordinance. The Joint Planning Commission shall make a recommendation to the Board/Council where the PUD is to be placed to approve, approve with conditions or deny the request.
- F. The recommendation to the specific Board/Council shall be based on the following standards:
 - 1. The PUD shall satisfy the intent of Section 8.01 and the Eligibility Criteria of Section 8.02.

2. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and surrounding area. Architecture should provide coordinated and visually appealing styles, building forms and building relationships.
 3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
 4. The proposed type and density of use shall not exceed the Fremont community's ability to provide adequate public services, including public facilities and utility capacities.
 5. The design of the PUD shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, and traffic operations at proposed access points and nearby intersections.
 6. Natural features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those alterations to the topography which are reasonably necessary to develop the site.
 7. Natural drainage ways shall be preserved, insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
 8. Slopes of over thirty percent (30%) are to be protected and maintained in a natural state.
 9. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the natural features in comparison to the impacts associated with a conventional development.
 10. The proposed development shall not have an adverse impact on future development as proposed in the Comprehensive Plan of the Fremont community.
 11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
 12. The proposed development shall adequately consider pedestrian and cyclist safety circulation and tie sidewalks, paths and trails into public facilities and adjoining properties.
 13. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space and the residents of the surrounding area.
- G. Board/Council Decision: Following receipt of the Joint Planning Commission's recommendations, the PUD site plan shall be considered by the Board/Council where the PUD resides. After the Board/Council has reviewed the PUD site plan, it shall take one of the following actions:

1. **Table:** If the application is determined to be insufficient, does not fully respond to Joint Planning Commission issues or more information is required, the request may be tabled. The respective Board/Council shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Zoning Administrator or consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
2. **Remand:** If the respective Board/Council during its review process believes there is new information that might modify the recommendation of the Joint Planning Commission, the application shall be returned to the Joint Planning Commission with the new information for its reconsideration. The Joint Planning Commission shall provide a revised recommendation within thirty (30) days, or such longer time as is established by the respective Board/Council, after the Board/Council has determined it would like further review. No additional public hearings are necessary, unless otherwise required by the Michigan Zoning Enabling Act. The Joint Planning Commission will make this revised recommendation to each of the participating municipalities.
3. **Approve:** Upon determination that a preliminary PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the specific Board/Council shall approve of the preliminary PUD site plan, and shall return it to the Joint Planning Commission for review and recommendation to each of the participating municipalities.
4. **Deny:** Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the participating municipalities' Board/Council shall deny the application. Re-submittal of a denied application shall be considered a new application.

SECTION 8.08: FINAL APPROVAL

- A. Upon receiving the approved PUD site plan from the municipality wherein the PUD will lie, the Joint Planning Commission shall forward the site plan to all participating municipalities for approval in accordance with the following guidelines.
 1. The separate Boards/Council may not impose conditions with the approval of a PUD; but rather, they may send their concerns back to the Joint Planning Commission for consideration. If the Joint Planning Commission

chooses to recommend to all participating municipalities the concerns as conditions, they may do so.

Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with any conditions.

2. Approval by all participating municipalities of the preliminary or revised PUD plan shall constitute final approval of the PUD rezoning and the Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
3. Final approvals may require a performance bond or similar guarantee in order to ensure the completion of required improvements or the protection of significant natural features.
4. If one Board/Council denies the PUD site plan, the site plan is considered denied.

SECTION 8.09: DEADLINES AND EXTENSIONS

If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the approval of the Development Agreement, the right to develop under any approved preliminary PUD site plan shall terminate and a new application must then be filed and processed. The two (2) year period for final PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by all the participating municipalities' Board/Council, provided that the reasons for the delay are beyond the general control of the applicant.

SECTION 8.10: REVISIONS TO APPROVED PUD PLANS

- A. Approval of the PUD site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the 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 PUD plan.
- B. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Joint Planning Commission, or minor, allowing administrative approval, as noted below.

- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 8.11, would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Joint Planning Commission and each of the participating municipalities' Boards/Council of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10) of the originally approved area, 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 outside a designated building envelope or into any required open space or required setback.
 2. Gross floor area of non-residential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
 3. Floor plans may be changed if consistent with the character of the use.
 4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
 5. Height of buildings may be lowered.
 6. Designated woodlands or areas not to be disturbed may be increased.
 7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.
 8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
 9. Changes of building materials to another of higher quality or a slight change in the color of the exterior material.
 10. Grade change of up to one (1) foot, after review by the Engineer or qualified staff.
 11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
 12. Internal rearrangement of parking lots which does not affect the number of parking spaces or later access locations or design.

13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
 14. Changes required or requested by the Township, County, City or State for safety reasons.
- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Joint Planning Commission shall be required. Should the Joint Planning Commission determine that the modifications are inconsistent with the approved PUD plan, a revised PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the PUD plan shall be considered major and require resubmission of a new PUD Plan.

SECTION 8.11: DEVELOPMENT AGREEMENT

- A. After receiving PUD site plan approval and prior to any site preparation or the issuance of any permits, the applicant shall submit a development agreement stating the conditions upon which approval is based, for review and approval by all the participating municipalities' Boards/Council after first being reviewed by the attorney for the participating municipality where the PUD resides. The development agreement, after review by the Joint Planning Commission and approval by all participating municipalities' Boards/Council, shall be entered into between the participating municipalities and the applicant and be recorded with the County Register of Deeds. At a minimum, the Agreement shall provide:
1. A certified boundary survey of the acreage comprising the proposed development.
 2. The manner of ownership of the developed land and the manner of the ownership and dedication of common areas in addition to a mechanism to protect any designated common open areas.
 3. Satisfactory provisions to provide a performance guarantee 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.
 4. Provisions to ensure adequate protection of natural features.
 5. A copy of the approved final PUD site plan signed by the applicant and the respective supervisor/mayor or appointed designee.

- B. Any amendment to the development agreement which is requested by the developer shall be submitted for review by the attorney for the Board/Council where the PUD resides and shall be subject to the approval of all the participating municipalities' Board/Council.

SECTION 8.12: PERFORMANCE GUARANTEES

The Joint Planning Commission may require a performance guarantee in accordance with Chapter 10 to ensure compliance with the approved Planned Unit Development.

SECTION 8.13: APPEALS

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Joint Zoning Board of Appeals. No part of a PUD may be appealed to the Joint Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.