



**CHARTER TOWNSHIP OF TEXAS ORDINANCE NO. 367
ORDINANCE TO AMEND THE CLEARZONING ORDINANCE
REGARDING SECTION 36-4.52.**

**Adopted: July 25, 2022
Published: August 4, 2022
Effective: August 11, 2022**

Section 1. Amendment to Article 4.

Article 4, Section 4.52 of the Township's Zoning Ordinance entitled "Planned Unit Development Use Standards" is hereby amended to read as follows:

36-4.52.3. DEVELOPMENT REQUIREMENTS

B. Density.

- i. **Base Density.** The base density for residential uses in any planned unit development shall not exceed that which would be permitted within the underlying zoning district.
- ii. **Bonus Density.** The applicant/developer may request the granting of a bonus density in those situations where the applicant has presented a plan that would provide one or more of the following development amenities:
 - a. An open space plan that preserves natural features such as woodlands, wetlands, floodplains, or other unique natural areas.
 - b. Active recreation facilities such as tennis courts, basketball courts, playgrounds, etc.
 - c. Passive recreation facilities such as trailways, clubhouses, barbeque areas, dog parks, etc.
 - d. Dedication of park areas or trailways for public use, pending the Township Board's approval and based on the need for the facility, as outlined a Township plan, or helps to complete an overall nonmotorized system.

Such bonus percentage shall not exceed the following:

Zoning District	Maximum Percentage Increase
A	20%
R-1	20%
R-1A	20%
R-2	20%
R-3	25%
R-4	25%
R-5	25%
R-C	N/A

Approval of a density bonus by the Township Board shall be based upon the recommendation of the Planning Commission with a clear rationale as to why such bonus density should be granted. The Planning Commission shall determine if the amenities meet the intent of this ordinance and provide a benefit to the residents of the development or the public. The Planning Commission will review the number, type, and quality of the amenity(ies) provided to determine their recommendation to the Township Board for the allowable percentage density increase. At least two of the amenity types noted must be provided for consideration of the full density bonus percentage.

Section 2. Amendment to Article 4.

Article 4, Section 4.52 of the Township’s Zoning Ordinance entitled “Planned Unit Development Use Standards” is hereby amended to read as follows:

36-4.52.4. APPLICABLE REGULATIONS

C. In the case where the proprietor proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of uses planned and developed in such a way that the required open space, and permitted density, is adhered to within each phase or accumulated in the earlier phases of the project. If a density bonus is permitted for a project with phasing, the amenity that warranted the bonus must be developed in the first phase of the project. For projects with a density bonus based on multiple approved amenities, an amenity must be included in each phase of the project or developed as part of the first phase. The stages or phases of any planned unit development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage shall be consistent with the provisions of this Section and shall not detract from the feasibility of developing the remaining portion of the subject planned unit development area in an appropriate and desirable manner.

Section 3. Amendment to Article 4.

Article 4, Subsection 6.B.iv. entitled “Application and Processing Procedures” and Subsection 6.C.xiv entitled “Preliminary Concept Development Plan – Submission and Content” of Section 4.52 of the Township’s Zoning Ordinance entitled “Application and Processing Procedures” is hereby removed from the Ordinance.

Section 4. Validity and Severability.

Should any portion of this ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

Section 5. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Effective Date.

This ordinance shall take effect seven days after publication as provided by law.