

**ARTICLE XXVII
PUD - PLANNED UNIT DEVELOPMENT PROJECTS**

Section 27.01 PURPOSE.

The intent of Planned Unit Developments (PUD) is to provide a more reasonable procedure which will permit greater flexibility and consequently more creative plans for various types of development than are permitted under conventional zoning regulations. It is the intention of this Article to allow flexible arrangements of land use composition and design in the preparation of site plans without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses already permitted in each district without rezoning in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts through the rezoning procedure as one project on the same clustering principle. This PUD District is further intended to minimize development impacts upon important environmental natural features, to provide for a more economical arrangement of an on-site infrastructure by permitting principal uses to have greater density on one portion of a PUD site while retaining the overall density requirements of the Zoning District in which the PUD is located or, in the case of a combination of Zoning Districts, after rezoning, to permit the various Zoning Districts involved fitting the overall plan for the design and composition of the PUD.

(Ord. No. 66 eff Feb. 16, 1998)

Section 27.02 PERMITTED PRINCIPAL AND ACCESSORY USES.

In pursuing the PUD - Planned Unit Development Procedure, the following provisions, regulations and restrictions shall apply:

A. Minimum lot or parcel size required for PUD projects in the various zoning districts shall be:

- 1) AR - 100 acres provided that one of its property lines is located no more than one-quarter (1/4) mile from any other zoning district boundary.
- 2) SFR - 30 acres.
- 3) MFR - 20 acres.
- 4) OS - 10 acres.
- 5) NSC - 10 acres.
- 6) RSC - 40 acres.
- 7) HSC - 20 acres.
- 8) HC - 20 acres.
- 9) I - 40 acres.
- 10) When a combination of uses from more than one (1) zoning district are proposed in a PUD, such a PUD shall require the PUD to include at least the minimum required acreage for the sizes of areas specified for each zoning district in Section 27.02.

B. Types of Planned Unit Developments (PUDs)

- 1) A "Type 1" PUD is one which can be located in any zoning district upon application to the Township Planning Commission for a PUD project which includes only those uses permitted in the zoning district in which it is to be located. This type of PUD only requires site plan approval by the Township Planning Commission and Township Board.
- 2) A "Type 2" PUD is one which can be located in any zoning district upon application to the Township Planning Commission for a PUD which includes uses permitted in the zoning district in which it is to be located and additionally other uses not permitted in the zoning district but which are permitted in other zoning districts. This type of PUD requires both rezoning and site plan approval and is subject to the Amending the Zoning Ordinance@ procedure required by Article XXIII.

- 3) A "Type 3" PUD is one which is required of all developments in a zoning district which has the PUD designation placed upon it on the Township Zoning District Map, and which otherwise meets the specifications of "1" above.
- 4) A "Type 4" PUD is one which is required of all developments in a zoning district which has the PUD designation placed upon it on the Township Zoning District Map, and which otherwise meets the specifications of "2" above.
- 5) All types of condominium projects, including Condominium Subdivisions, provided that they comply with the requirements of this Zoning Ordinance and the required provisions of Public Act 59 of 1978, The Condominium Act, as amended (MCL Sections 599.101 - 599.275) and comply with this Zoning Ordinance as authorized by MCL Section 599.241, "Law, Ordinance or Regulation of Local Unit of Government."

Specifically Condominium Subdivisions shall meet all of the requirements of MCL Sections 599.166 and 599.167, "Condominium Subdivision Plan; Preparation; Signature and Seal; Contents; Recording; Structures" and "Improvements to be Completed by the Developer" and specified as follows:

MCL 599.166 Condominium subdivision plan; preparation; signature and seal; contents; recording; structures and improvements to be completed by developer.

Section 66.

- 1) The condominium subdivision plan for each condominium project shall be prepared by an architect, land surveyor, or engineer licensed to practice and shall bear the signature and seal of such architect, land surveyor, or engineer. The condominium subdivision plan shall be reproductions of original drawings.
- 2) A complete condominium subdivision plan shall include all of the following:
 - a) A cover sheet.
 - b) A survey plan.
 - c) A floodplain plan, if the condominium lies within or abuts a floodplain area
 - d) A site plan.
 - e) A utility plan.
 - f) Floor plans.
 - g) The size, location, area, and horizontal boundaries of each condominium unit.
 - h) A number assigned to each condominium unit.
 - i) The vertical boundaries and volume for each unit comprised of enclosed air space.
 - j) Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are so shown and designated.

k) The nature, location, and approximate size of the common elements.

l) Other items the administrator requires by rule.

3) Condominium subdivision plans shall be numbered consecutively when recorded by the Register of Deeds and shall be designated _____ county condominium subdivision plan number _____.

4) The developer shall complete all structures and improvements labeled pursuant to subsection (2) (j) "must be built".

MCL 559.167 Changes in condominium project; amendment; replat of condominium subdivision plan.

Section 67.

1) A change in a condominium project shall be reflected in an amendment to the appropriate condominium document. An amendment is subject to sections 90 and 91.

2) If a change involves a change in the boundaries of a condominium unit, or the addition or elimination of condominium units, a replat of the condominium subdivision plan shall be prepared and recorded assigning a condominium unit number to each condominium unit in the amended project. The replat of the condominium subdivision plan shall be designated replat number _____ of _____ county condominium subdivision plan number _____, using the same plan number assigned to the original condominium subdivision plan.

C. **Permitted accessory uses.** Accessory buildings and uses customarily incidental to the principal permitted and social uses included on the site plan.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 70 eff. August 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 27.03 GENERAL PROVISIONS.

A. **Continuing applicability of information on approved PUD site plans.** The location of all uses and buildings, all uses and mixtures thereof, all yards, setbacks, buffer areas and transition strip, and all other information regarding uses of properties as shown on or as part of a site plan which is approved shall have the full force and permanence of the Zoning Ordinance as though such site plans and supporting information were specifically set forth as requirements in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a "PUD" district or parts thereof and shall not be changed or altered except as approved by the Township through amendment or revision procedures as set forth in this Article. The approved site plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a "PUD" shall not thereafter be developed or used except in accordance with the approved final site plan approved by the Township Board.

B. **Construction.** Upon submitting an application for a PUD, no construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no zoning permit shall be issued until all of the requirements of this Article have been met and approved as to conformance with this Ordinance by the Township Board.

- C. **Financial guarantees.** Before a zoning permit is issued, financial guarantees shall be required for all public and common site improvements and developments and, if phased, all phased developments on a per phase basis, including all improvements necessary to each phase even if they extend beyond the initial and subsequent phases. Financial guarantees may be in the form of cash, certified checks, certified bank letters of credit or performance bonds as approved by type of financial guarantee and dollar amount by the Township Board. Cost estimates to be used in setting dollar amounts for the financial guarantee shall be based upon the findings regarding estimated costs as reported by the Township Engineer, Public Agency or PUD Engineer, subject to the review and recommendation of the Planning Commission to the Township Board for its approval.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.04 PRE APPLICATION CONFERENCES.

- A. An applicant for a PUD may request a pre-application conference with the Township Zoning Administrator and Planning Commission prior to filing an application for developing a PUD. The request shall be made to the Zoning Administrator or Planning Commission who shall set a date for the conference. The Planning Commission may invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process. The applicant may also confer with the Zoning Administrator on the specific requirements of the Zoning Ordinance. Costs of such conferences with the Planning Commission, when held at times other than regularly scheduled, special or work session meetings, shall be paid for by the applicant.
- B. The purpose of such conferences shall be to inform the Planning Commission and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and the requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will help explain the proposed development at this pre-application conference.
- C. Statements and presentations made in the conference shall be only for the exchange of information and shall not be legally binding commitments on either the applicant nor to the Township.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.05 SITE PLAN REQUIREMENTS.

A site plan shall be submitted for the total project and approval may be given for construction of the total project or for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XX, "Site Plan Review Procedures." Site plans for PUDs shall require the recommendation of the Planning Commission after public hearing to the Township Board and the approval, approval with conditions, or denial by the Township Board.

The Planning Commission may require the applicant to provide appropriate market feasibility studies and analyses, traffic studies, facility, utility and service studies and other information necessary for the Planning Commission to properly and adequately analyze a PUD project as the basis for recommendation to the Township Board in respect to the project being requested by the applicant.

To that end, an environmental impact assessment of the probable effect of the proposed PUD development upon the natural environment and existing and planned development for the general area surrounding the PUD may be required to be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared by a professional environmental assessment specialist in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed may include, as determined by and required by the Planning Commission, such studies, statements and reports on the impact of the PUD in relationship to adjacent and other surrounding existing and planned land uses, additional traffic likely to be generated per twenty-four (24) hour period, directional distribution of trips generated by the proposed development, additional police and fire service, public utilities, facilities and service needs to be anticipated and environmental components, i.e., soils to be found on the site, site topography, wetlands, groundwater and aquifers supplying water through wells, a mapped inventory of natural features of note that are located on the site and how each would be impacted by the proposed PUD development.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.06 SITE PLAN; ADMINISTRATIVE REVIEW PROCEDURE.

- A. An application for a PUD shall be made by all of the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation on the application and site plan by the Township Planning Commission.

- B. The application shall be filed with the office of the Zoning Administrator, who shall check it for completeness in accordance with this Zoning Ordinance, discuss it with the applicant, and transmit the application and the site plan to the Planning Commission. The application shall be filed, if complete, with the Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered.

- C. The Township Planning Commission shall hold a public hearing on the application, site plan and supporting information. The public hearing shall follow the same procedure as that required in Article XXIII, "Amending the Zoning Ordinance and Map."
- D. At the public hearing, the applicant shall present evidence regarding adherence to all of the standards and requirements of this Zoning Ordinance. To this end, evidence, if required by the Planning Commission, expert opinion shall be submitted by the applicant in the form of professionally prepared maps, charts, reports, models and other materials, and/or in the form of testimony by professional experts who can clearly state the full nature and extent of the proposal. Complete sets of plans and supporting information shall be submitted with the application in a sufficient number of copies, but not less than ten (10) copies for review by each member of the Planning Commission, Zoning Administrator and other Township officials. Materials submitted shall include the required site plan and any required supplementary sources of information necessary to satisfy the requirements detailed in Section 27.06 and Article XX, "Site Plan Review Procedures."
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report of its recommendation after public hearing to the Township Board. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding requirements and standards, suggested conditions for approval, if applicable, and its recommendations for approval, approval with conditions or denial with reasons stated in the official minutes of the Planning Commission. Materials and information to be considered in this study and review process shall include input from such agencies as the Sewer and Water Authority, County Health Department, County Road Commission, County Drain Commissioner, Michigan Department of Transportation, Michigan Department of Environmental Quality, among other County, State, Township and local public agencies having a public interest responsibility in the PUD development project.
- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the PUD to the County Planning Commission, if amendments to the Zoning Ordinance Text or Zoning District Map are required for its approval, approval with conditions or disapproval as its recommendation to the Township Board.
- G. The Township Board shall review the application and site plan and the Township and County Planning Commission's recommendations thereon, and shall approve, approve with conditions, deny, or table for future consideration the application and site plan. Major changes in the application or site plan as determined by the Township Board shall be referred back to the Township Planning Commission for a review and recommendation back to the Township Board prior to the Township Board taking final action thereon. The Township Board may attach any one or all conditions to its approval of a PUD proposal, providing each condition has been reviewed and reported upon by the Township Planning Commission, except that dealing with financial guarantees.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the PUD shall sign a statement that the approved application and site plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.07 SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS.

The following requirements expand upon and are in addition to the requirements detailed in Article XX, "Site Plan Review Procedures." They shall, in all cases, be adhered to by developments in a PUD project.

- A. The clustering of principal and accessory use structures shall be permitted provided that the overall density of dwelling units or lot coverage by commercial or industrial buildings which can be placed upon a lot or parcel of land shall not be exceeded, and all dimensional requirements shall not be reduced by more than thirty percent (30%), except as otherwise provided in the Ordinance and except that overall lot coverage requirements and perimeter front, rear and side yard setback requirements or those specified in this Article, whichever is the greater, shall be met.

The overall density of a PUD Residential Project may exceed the following SFR, RB and MFR Zoning District densities of dwelling units per acre of net developable land contained in a parcel of land by no more than 25%:

SFR	3.0	dwelling units per net developable acre of land
RB	3.63	dwelling units per net developable acre of land
MFR	8.0	dwelling units per net developable acre of land

assuming that the net developable land is the total gross acreage of the parcel of land less the sum of the acreage of surface water, wetlands and required open space.

B. PUD project location and minimum size:

- 1) All PUD development projects shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of PUDs as specified in Section 27.02.
- 2) All PUD development projects shall be restricted to sites having access to a hard surfaced paved roadway and accepted and maintained by the County Road Commission or the Michigan Department of Transportation.

C. Impact of PUD on the natural environment and existing land uses:

- 1) A preliminary indication of the impact of the development upon the natural environment elements; including, but not limited to, topography, vegetation, wetlands, flood areas, surface water and wildlife prepared by a professional environmental assessment specialist.
- 2) The applicant shall also provide a statement of the anticipated impact of the proposed development upon the public services; including, but not limited to, education facilities, transportation system and public safety requirements and the existing land use pattern of development in the Township prepared by a professional environmental assessment specialist.

D. External and internal circulation and access:

- 1) A dedication of a system of public and private roads shall be made so as to cause continuity of public access between adjacent and connecting public roads in order to provide continuous public ingress and egress to all private developments within a PUD.
- 2) Access points to a PUD development project shall be located no less than requirements of Livingston County Road Commission or Michigan Department of Transportation when measured parallel to the adjoining roadway(s) upon which the project fronts.
- 3) Each lot or principal building or structure located in a PUD project shall have frontage upon and shall have vehicular access from a public or private road constructed to County Road Commission standards.
- 4) Each lot or principal building shall have pedestrian access to and from a public or private sidewalk or walkway which shall be at least five (5) feet wide and built to normal and accepted hard surface pavement standards in accordance with local area construction practices.
- 5) As property is developed as a PUD project, a sidewalk system linking all on-site principal and accessory and off-site adjacent principal uses which it is determined by the Planning Commission relate to the PUD, unless it is demonstrated to and determined by the Planning Commission that such a system would be inappropriate or unnecessary to the on-site development or with off-site adjoining parcels. The pathway system shall be designed and constructed so as to be appropriate both for pedestrian and non motorized transport modes. The pathway shall be no less than five (5) feet in width and shall be built to normal and accepted hard surface pavement standards in accordance with local area construction practices.

The system of paved walkways connecting all principal and accessory buildings and the system of a road and walkways shall be required of each development in the PUD district and shall have the financial support for their operation and maintenance ensured through deed restrictions which shall provide that each owner, lessee, renter or occupant shall be obligated to participate in the cost of their operation and maintenance. The PUD organization's elected representatives in addition to their other duties shall function for the purpose of administering and dispensing payments for such costs.

- 6) Standards of design for widths or rights-of-way or easements for on-site private roads or drives may be modified to adequately provide the service required. The site plan shall provide for separation of pedestrian and vehicular traffic and provide for adequate off-road parking facilities. Modifications of proposed private roads and drives shall be reviewed and recommended by the Planning Commission to the Township Board for final approval. Modifications of private roads and drives shall be approved as a part of the site plan.
- 7) Private road and drive pavements may be modified as to width, but shall be no less than twenty (20) feet in width, and shall otherwise be designed and constructed according to the standards for public roads as established by the County Road Commission.
- 8) If public roads are to be included in the PUD, the applicant(s) shall plan, design and build the roads to County Road Commission standards and specifications and have them approved by the County Road Commission.

E. Open space regulations:

- 1) At least one (1) land or land and water area, exclusive of the areas contained in the required perimeter and internal yards, setbacks and spacing between buildings, for active or passive recreation purposes or for other specified purposes, with water areas constituting not more than twenty-five percent (25%) of the total open space shall be provided for each PUD project. The required open space shall be an area or areas equal to at least ten percent (10%) of the total land area exclusive of water surfaces of the PUD, and developed according to an open space development plan, which shall be incorporated as an integral part of the approved PUD site plan. This open space shall be for the use of the occupants and users of the PUD project or a specific phase of it, and shall be considered as an integral component of the overall PUD. This open space may be a recreation area, a park, a landscape setting for buildings, gardens or for some other functional purpose. The developer and owners shall provide financially for the mandatory perpetual care and maintenance of the open space developments and plants through the use of deed restrictions which shall require the financial participation in the operation and maintenance cost of the open space by each owner, lease holder, renter or occupant within the PUD.
- 2) The prorated open space shall be irrevocably committed by dedication to an association of the residents, either as rights in fee or easement, and retained as open space for park, recreation or other common uses. All lands dedicated in fee or easement shall meet the requirements of the Township Board upon recommendation of the Planning Commission.
- 3) Buildings, structures, parking lots, drives and similar improvements may be permitted within the designated open space areas if related and necessary to the designed facilities and functions of the open space.
- 4) Open space areas shall be conveniently located and accessible by pedestrians and vehicles in relation to the principal uses in the PUD.
- 5) Open space areas shall have at least minimum design and construction standards, so that they can be operated, used and maintained for the activities and functions intended.
- 6) The Township Board may, upon recommendation of the Planning Commission, require that unique natural amenities located on the PUD site, such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and regulated and unregulated wetlands, shall be preserved, as part of the open space system.

F. Parking and circulation:

- 1) The parking and loading requirements set forth in Article XVII, ^AOff-Street Parking, Loading and Unloading Requirements,^B shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, and included as part of the site plan submitted.

- 2) The number of off-street parking spaces shall be in accordance with Article XVII, "Off-Street Parking, Loading and Unloading Requirements," except that all PUD Commercial Developments shall require at least four (4) square feet of vehicular parking and circulation pavement for each square foot of leasable commercial building floor area.

G. Landscaping:

- 1) Refer to Article XXVIII, Landscaping Requirements.

H. Utilities:

- 1) Each principal and accessory building shall be connected to public water and sanitary sewer systems approved by the Township Board, Sewer and Water Authority, and the County and State Health officials as a part of the site plan.
- 2) All PUDs shall be required to provide an adequate fire protection as determined and recommended by the Fire Marshal of the Fire Department serving the Township to the Township Board for final decision. In cases where an on-site system is determined to be needed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate County or State agencies shall be presented as part of the site plan submitted.

Maintenance of any, all approved on-site utility systems shall be ensured by the use of deed restrictions which shall provide for financial participation in the operation and maintenance costs by each owner, lessee, renter or occupant of the PUD served by the on-site system.

- 3) Each site shall be provided with an adequate surface and piped storm drainage system as approved by the County Drain Commissioner and the State Department of Environmental Quality. Open drainage courses and storm water retention or detention ponds may be permitted.
- 4) Electrical, telephone, natural gas and cable television lines shall be placed underground. Surface mounted equipment for underground lines shall be shown on the site plan and shall be screened from view.

I. Site design, layout and density criteria:

- 1) All density and lot coverage of developments in a PUD shall be completed on a total gross lot, parcel, site or phase area basis, less surface water area(s), with the exception that water areas and wetlands of less than one (1) acre may be included as part of the gross land area for computing density but water areas and wetlands in excess of one (1) acre or more shall exclude the acreage of water area above the one (1) acre.
- 2) Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Township Planning Commission and Township Board that the proposed combination will not interfere with the reasonable arrangement of lots of an area to be platted and that the overall density of dwelling units shall not exceed that specified or computed for each zoning district based upon the gross area of the lot, parcel, site or phase divided by the minimum lot area per dwelling unit specified for each zoning district.
- 3) All principal and accessory buildings and structures shall be located at least three (3) times their height in feet from all exterior planned or existing public or private road right-of-ways or easements, property lines and zoning district boundaries.
- 4) The outdoor storage of goods and materials shall be prohibited in a PUD, except in HC and I districts.

J. Special requirements for Planned Residential Development - PRD - PUDs:

- 1) The purpose of a PRD is to permit the development of complete residential neighborhood units as a PUD, which, because of the large acreage involved, can be planned as self-contained areas of development. It is the further purpose of a PRD to permit nonresidential uses that are oriented primarily but not exclusively to residents of the PRD as a significant component of the overall PRD concept. On the basis of the total PRD, it is further the intent of the PRD to permit the developer to vary the specific bulk, density, and area requirements of this Ordinance subject to the approval of the PRD plan by the Planning Commission and Township Board and the requirements as herein set forth. It is also the intent of this Section to encourage the provision of different housing types when this is undertaken on the basis of an overall plan for the entire PRD area which is designed to provide for compatible land use relationships between the various housing types and nonresidential uses.

2) Regulations, limited height, bulk, density and area by land use.

- a) Where the outer boundaries of the area proposed for a PRD abut a residential zoning district or an existing residential development, the PRD shall meet the following minimum yard setback requirements:
 - 1) If the PRD abuts single family housing, the minimum yard setback shall be 50' for all structures.
 - 2) If the PRD abuts multiple family housing, the minimum yard setback shall be 50' for all structures except that, if the multiple family housing buildings exceed 25' in height, the yard setback shall be increased, in addition to the 50', by the additional height in feet above the 25' height.
 - 3) In both 1. and 2. above there shall be a screen planting or a combination berm and screen planting having an initial height of at least 8' located within the entire length of yard setback area. The screen planting shall consist of a double row of interlocking evergreen trees with the anticipated future growth height of the trees be at least 40'.
- b) Where the outer boundaries of the area proposed for a PRD abut a non residential zoning district or an existing nonresidential zoning development, the PRD shall meet the following requirements: 100' setbacks for all buildings and 50' setbacks for all other structures as defined in (Article II Definitions #166) and shall further meet the screening requirements of Section 27.07 J.2)a)3. above.
- c) The overall total permitted density within any PRD shall not exceed the number of dwelling units per acre or lot coverage permitted in the zoning district in which the PRD is located except as otherwise provided in this Ordinance. (See Section 27.07 A.) Public roads, and land under water, including wetlands, lakes, ponds or streams shall be excluded in computing the area of the parcel for purposes of density or lot coverage.
- d) On the final development plan of any PRD, the common areas and open spaces shown on the plan may be used to complete the overall density or lot coverage in the zoning district in which the PRD is located.
- e) All yards for internal lots or sites may be reduced as follows on roads located within the PRD:
 - 1) Front yards may be reduced to no less than twenty-five (25) feet or the height of the building, whichever is the greater.
 - 2) Side yards may be reduced to eight (8) feet, but at least sixteen (16) feet of combined side yards shall be provided between buildings for single-family dwellings and the height of multiple family dwellings for both side yards and the spacing between buildings. 3) Land area once used in computing density for one PRD or any phase of it, shall not again be used to compute density in another PRD or phase.

3) **Schedules of construction.** In the development of a PRD, the percentage of one-family dwelling units under construction shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time; provided, that this requirement shall be applied only if one-family dwelling units comprise twenty-five percent (25%) or more of the total housing stock proposed for the PRD. Nonresidential structures shall not be built until the PRD has enough dwelling units built financially to support such nonresidential use based upon an economic feasibility study prepared by the applicant to this effect.

K. **Special requirements for planned shopping centers - PSC-PUDs.** Such centers shall be permitted as a PUD in the NSC, RSC, and HSC zoning districts and shall comply with the following provisions:

1) **Uses permitted.** Limited to the uses permitted in each of the respective NSC, RSC and HSC Districts in which the PSC is to be located, unless an application for rezoning for the non permitted uses is made as a part of the PUD.

2) **Site development:**

a) Such development shall occupy a site per Section 27.02 and have a minimum of 300 feet of road frontage in the NSC district and an area per Section 27.02 and a minimum of 600 feet of road frontage in the RSC and HSC district.

b) No building shall be located nearer to any residential property line than a distance equal to three (3) times the height of said building.

c) No building or structure shall exceed the height limitation specified in the zoning district in which it is located, except as otherwise provided in the Ordinance.

3) **Screening.** When a PSC-PUD project is located in or adjacent to an AR, SFR or MFR zoning district, or when located adjacent to a school, hospital, church, or other public institution or open space, an approved fence or masonry wall of not less than four (4) feet nor greater than six (6) feet in height shall be erected and maintained along all property lines abutting such districts or use. In lieu of a fence or masonry wall, an evergreen buffer planting that may include berms that effectively screen the parking area from adjacent properties may be planted and maintained at a height of not less than six (6) feet.

4) **Outdoor lighting.** All outdoor lighting shall be installed in such a manner that no illumination source is visible beyond all property lines.

5) **Vehicular approach.** Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public roads. No more than two (2) driveways, each not to exceed thirty (30) feet in width at the property line shall be permitted on each road frontage of the property. Such driveways shall be located as far from road intersections as practicable, but in no case less than fifty (50) feet.

6) **Parking and circulation.** There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the shopping center. On-site circulation facilities shall be designed so that there shall not be backing up of traffic into public roads. All areas accessible to traffic shall be paved and

maintained so as to provide a smooth, dustless, and a well-drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

- 7) **Applicability of district regulations.** Except as otherwise indicated in this Section, all applicable regulations in the NSC, RSC and HSC districts shall apply to the respective Neighborhood Shopping Center, Regional Shopping Center and Highway Service Shopping Centers permitted in their respective districts.

L. Legal mechanisms to ensure facility and open space administration, operation, maintenance and financing.

- 1) Legal instruments setting forth the manner of financing permanent maintenance of common areas, utilities and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan. All such legal instruments shall be filed with the Livingston County Register of Deeds and shall remain in effect unless and until the applicant/owner(s) or subsequent applicant/owner(s) and Howell Township by mutual written agreement approve any changes or amendments in the instruments.
- 2) Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common areas, utilities and facilities, the owner/developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE as a part of the site plan submitted. The provisions shall include, but shall not be limited to, the following:
 - a) The HOA, ACE, or AIE shall be established before any building or structure in the PUD is sold or occupied.
 - b) Membership in the HOA, ACE or AIE shall be mandatory for each building unit owner(s) and for any successive owner(s) and shall be so specified in the covenants.
 - c) Declarations of Covenants and Restrictions shall be permanent parts of the deed to the property or any part of it separated by individual ownerships.
 - d) The HOA, ACE, or AIE shall be made responsible for liability.
- 3) Building unit owners shall pay their prorated share of all costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE shall become a lien on individual property ownerships.

M. Project phasing:

- 1) If the proposed development is to be constructed in phases, a narrative description that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.

- 2) A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate public utility, water supply and wastewater disposal services, storm drainage system and open spaces, but each phase shall have that which is needed to make each phase completely functional and have all of the necessary common elements planned, designed and built when needed.
- 3) Public or common water supply, wastewater disposal systems and hard-surfaced roads are required for any and all phases of a PUD.
- 4) The final plan of each PUD or any phase of it shall be in conformity with the overall general development plan of the entire acreage. Any changes or amendments requested shall terminate approval on the overall plan until such changes and/or amendments have been reviewed and approved by the Township as in the instance of the first submittal.
(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend by Ord. 108 eff. June 07, 2000, further amend by Ord. No. 126 eff. June 17, 2001).

Section 27.08 STANDARDS FOR REVIEW.

The Planning Commission with the assistance of the Zoning Administrator shall determine and shall provide evidence in its report to the Township Board to the effect that the PUD application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed PUD development shall conform to the Township Master Plan for Land Use or conform to a land use policy which in the Planning Commission 's opinion, is a logical and acceptable change or modification of the adopted Township Master Plan for Land Use.
- B. The proposed PUD development shall conform to the intent and purpose of the Township Zoning Ordinance and the regulations and standards of this PUD Article, other provisions and requirements of this Zoning Ordinance and any other Township, County, State and Federal requirements.
- C. The proposed PUD development shall be adequately served by utilities, facilities and services such as: roads, sidewalks, road lights, police and fire protection, storm drainage system, water supply and wastewater disposal system, refuse disposal; or that the persons, organizations or agencies responsible for the proposed PUD development shall be able to properly provide for such utilities, facilities and services not available from the Township or other public agency or public utility company.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD which provide open space shall be so planned that they will achieve a unified plan for all of its functional and activity elements in appropriate locations, which are suitably planned, designed and related to each other both on-site and in relation to adjacent uses of land.
- E. The applicant shall have made provision to ensure that all on-site utilities, facilities and services shall be irrevocably committed through recorded protective covenants or deed restrictions for that purpose, including provisions for the financing of the construction, management, operation and maintenance costs of all on-site utilities, facilities and services included in the approved site plan and supporting documentation.

- F. Traffic to, from, and within the PUD shall be safe and convenient to the occupants and users of the project and the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for automotive and pedestrian traffic; relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential land use development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of their interrelationships, convenience, privacy, compatibility, and other common health, safety and welfare measures.
- F. The Planning Commission shall determine, where applicable, that noise, odor, light or other external effects which are connected with the proposed PUD shall not adversely affect adjacent and surrounding area land uses and activities.
- G. The proposed PUD development shall create a minimum disturbance to natural features, land forms and the environment generally.
- H. Roads shall be compatible with the topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The PUD shall have adequate access to public roads. The plans shall provide suitable road connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided with the PUD and shall interconnect all PUD use areas where applicable. The on-site pedestrian walkway system shall provide for a logical extension of pedestrian ways outside the PUD and to the edges of the PUD, where applicable, for future connections between the PUD and the future development of adjacent properties.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.09 AMENDMENTS TO SITE PLANS.

Preliminary and final site plans may be amended in accordance with the process detailed in Article XX, Site Plan Review Procedures.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.10 PUD SITE PLANS, LAND DIVISION PLANS AND CONDOMINIUM LAND DIVISION PLANS.

The Township Board shall have the authority to deny or table an application for approval of a PUD Site Plan, Land Division Plan or Condominium Land Division Plan if, in its opinion and after a report thereon from the Planning Commission, such PUD Site Plan, Land Division Plan or Condominium Land Division Plan will result in premature development of the area involved, or will result in premature or improper scheduling of public improvements such as, but not limited to, roads, public water supply and wastewater disposal systems, utilities, schools and other public facilities, utilities and services.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.11 REQUIRED CONDITIONS FOR FINAL APPROVAL OF A PUD.

Before approving the PUD in either a preliminary or final manner, the Planning Commission and Township Board shall determine that:

- A. Provisions have been made to provide for the financing of all improvements shown on the plan, for the development of open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured by an organizational and financial means satisfactory to the Township Board.
- B. Provisions have been made to reserve or otherwise provide for necessary future sites for public or common use.
- C. The cost of installing all roads and necessary utilities, including water supply and wastewater collection and treatment and storm damage system has been assured by satisfactory organizational and financial means.

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.12 FINANCIAL GUARANTEES.

Performance guarantees shall be provided in accordance with Section 20.15 of Article XX, "Site Plan Review Procedures."

(Ord. No. 66 eff. Feb. 16, 1998)

Section 27.13 VIOLATIONS.

Violations shall be dealt with in the manner provided in Section 20.16 of Article XX, "Site Plan Review Procedures."

(Ord. No. 66 eff. Feb. 16, 1998)