

**ARTICLE 11
PLANNED UNIT DEVELOPMENT**

SECTION 11.01 INTENT

The Planned Unit Development (PUD) provisions are intended to permit flexibility to achieve development that is substantially in accordance with the goals and objectives of the Township's Master Plan, to encourage innovation in land use and variety of design, to preserve significant natural and historical features and open space, to promote efficient layout and provision of public services and utilities, to encourage environmental sustainability in development, to minimize adverse traffic impacts and to encourage development of convenient recreational facilities and useful open space particularly suited to the needs of the development. It is intended as well that each PUD afford reasonable protection to uses within and near the development, and that the development be laid out so that the various land uses and bulk of buildings relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

The PUD provisions and standards are intended to facilitate retaining the rural image of the Township, accommodate development on sites with significant natural, historical, and architectural features and on sites which exhibit difficult development constraints, provide opportunities to mix compatible land uses or housing types, allow for smaller lot sizes to preserve common open spaces and natural features, and to accomplish a particular development or land use objective identified by the Township.

Except as required under Section 12A.04.G, development permitted under this Article shall be considered as an optional means of development, and each PUD application shall be judged on its own merits. The availability of this option imposes no obligation on the Township to approve a proposed PUD. The decision whether to approve the use of the PUD option shall be at the sole discretion of the Township Board, upon recommendation of the Planning Commission.

All decisions made pursuant to this Ordinance shall give reasonable consideration to the following:

- density of land uses,
- effects on nearby and adjacent lands,
- general appearance and character of the surrounding area,
- reasonable compatibility with nearby land uses,
- effects on surrounding property values,
- water supply and wastewater disposal,
- storm water management,
- groundwater quality,
- ease of providing public safety services,
- traffic congestion,
- pedestrian safety,
- blighting influences, and
- other considerations pertaining to the effects or possible effects of a PUD.

The PUD option shall not be used for circumventing the applicable requirements of this Ordinance. Rather, this option is intended to result in development which is substantially consistent with the zoning standards as generally applied to the proposed activity, building or use, but with specific modifications to the general standards that, in the judgment of the Township, assure an improvement of the public health, safety and welfare in the area affected. Further, the PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

It is the intent of this Ordinance to provide for the consideration and approval of a PUD for the following general purposes:

- A. To encourage innovation and creativity in land use planning and development.
- B. To promote and enhance housing and recreational opportunities for the public.
- C. To encourage the use of lands in ways which are most in accord with their character and adaptability by taking advantage of the existing natural features, including ravines and topography when determining locations for various types of structures.
- D. To promote and encourage the conservation and preservation of natural resources and natural features.
- E. To encourage the efficient use of land by facilitating economically suitable arrangements for buildings, streets, utilities, and other land use features.
- F. To encourage the availability of open space, as a part of the development of land, and to promote the development of passive and recreational land uses.
- G. To provide for and promote coordinated, flexible, and comprehensive planning and development of lands within the Township to the benefit of property owners and to serve the public interest.
- H. Ensure that adequate traffic patterns are created and acceptable through the maintenance and enhancement of the county road system.
- I. Encourage a balance of mixed uses, under unified control whenever possible, allowing for implementation of architectural standards.
- J. Encourage a fabric of diversity by mixing land uses, lot sizes, building types, and architectural design.

SECTION 11.02 GENERAL REQUIREMENTS

- A. **Location.** A PUD may be approved at any location in the Township as a special use as specified in Table 11.1 and further subject to review and approval as provided herein.

- B. **Ownership.** At the time of Preliminary PUD approval, the proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for the development of the project. This provision shall not prohibit a transfer of ownership or control of separate parcels or phases following approval of the Preliminary PUD, however all phases and parcels shall continue to be subject to the approved Preliminary PUD plan and all of its terms and conditions.
- C. **Minimum Area.** The minimum area required for a PUD shall not be less than 20 contiguous acres of land. The Township Board may, upon recommendation from the Planning Commission, permit a PUD project on a smaller site if the proposed development would have a recognizable and material benefit consistent with the standards and intent of this Article.
- D. **Utilities.** The PUD shall be located at a site that is able to provide adequate water and wastewater disposal service to the proposed development without adversely impacting the community and surrounding neighbors.
1. Non-residential uses in a PUD shall be connected to a public wastewater disposal system. The Township Board may approve exceptions to this standard based upon recommendation of the Planning Commission for locations where sanitary sewer is not available and subject to the approval of the County Health Department.
 2. Single family detached residential uses in a PUD may provide on-site wastewater treatment with the approval of the County Health Department.
- E. **Access.** The PUD shall be located so that it can be accessed from a paved, County primary road able to safely serve the proposed development without adverse impact on the community.
- F. **Uses.** The following uses may be permitted in PUDs:
1. Any use listed in the Tyrone Township Zoning Ordinance, uses determined to be similar to those listed in the Ordinance, and mixed uses shall be eligible for inclusion in a PUD. The specific uses that may be permitted at a particular site shall generally be consistent with the master-planned designation for that site as shown on the Tyrone Township Master Plan Future Land Use Map and the corresponding zoning district(s) associated with that master-planned designation, in accordance with Table 11.1, which follows.

**Table 11.1
PUD Uses Permitted**

Master Plan Designation	Uses Permitted in PUD		
	Corresponding Zoning District – Uses Permitted	Maximum % PCS Uses (d)	Maximum % of Other Uses Permitted
Residential/Natural Resources Preservation	FR	(h)(i)	0
Agricultural/Residential	FR	(h)(i)	0
Low Density Single Family Detached Residential	RE	(h)(i)	(e)
Medium Density Single Family Detached Residential	R-1, R-2	(a) (h)	(e)
Medium Density Single Family Detached Residential – Lakeside	LK-1	0	0
High Density Attached Residential	RM-1	30	(f)
Manufactured Single Family Detached Residential	MHP (j)	30	0
Planned Commercial Services	PCS, B-1, B-2	100	(f) (g)
Planned Office	OS	50	(g)
Planned Services	OS, RM-1 (b)	50	0
Planned Industrial, Research, and Office	ROM, M-1, M-2, PIRO	20	0
Public/Quasi-Public	OS (c)	50	(f)

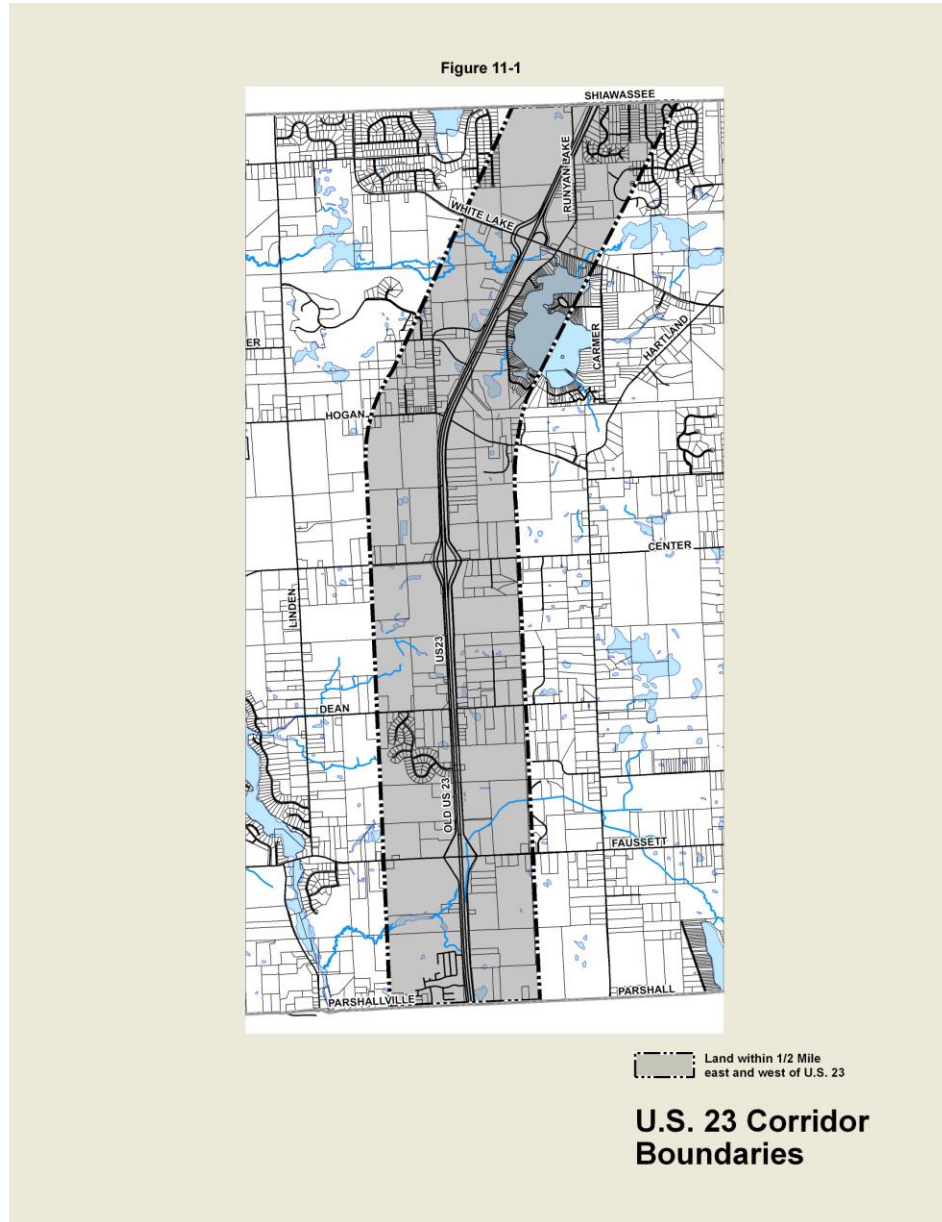
Footnotes:

- (a) *Non-residential uses may be permitted only on land within the U.S. 23 Corridor as defined in this Ordinance. Up to 20% of the PUD site area may be permitted as such non-residential uses.*
- (b) *Government facilities including post office, educational facilities, township hall, township fire station; library; public or private recreation uses; senior citizen housing.*
- (c) *Parks, public utility rights-of-way, churches, and similar public/quasi-public uses.*
- (d) *Percentage of PUD site area, as defined in 11.02.F.2 of this Ordinance.*
- (e) *Up to 30% of the PUD site area may be permitted as attached dwelling units, subject to a determination by the Township Board, upon recommendation of the Planning Commission, that adequate buffering, access management, and transitions are provided, that the location of such uses will not adversely impact neighboring*

established residential areas, and that compliance with all other requirements of this Ordinance exists. Each building shall contain no more than four dwelling units. Attached dwellings shall be subject to special use approval.

- (f) Senior housing development(s), subject to special use approval, on up to 50% of the PUD site area.*
 - (g) Residential uses may be permitted subject to the standards of the RM-1 zoning district. If the residential uses are in separate buildings, or are a distinct use apart from the nonresidential component of the PUD, the residential development shall not exceed 50% of the PUD site area. If the residential and nonresidential uses are mixed, the limit on the extent of residential development shall not apply. The permitted number of units, square footage to be constructed and density allowed shall be calculated for each use as if each were being developed independently on that site.*
 - (h) Allowable non-residential uses shall be limited to those permitted by right in the Planned Commercial Services District. Automotive supply retail businesses, outdoor sales, and outdoor storage shall not be permitted. All such uses shall be compatible with the predominant single family residential character of the PUD and neighboring area.*
 - (i) Non-residential uses may be permitted only on land located within the U.S.23 Corridor as defined in this Ordinance. Up to 10% of the developed area may be permitted as such non-residential uses.*
 - (j) No residential density bonus shall be permitted.*
2. For the purposes of this section, "PUD site area" shall be the total area of the PUD, not including the area for any portion of the site set aside as open space, regulated wetlands, and/or dedicated public right of way.
 3. The U.S. 23 Corridor shall be defined as that land within ½ mile east or west of the centerline of U.S. 23 (See Figure 11-1).
 4. If a use proposed as a part of the PUD is listed as a special land use in the zoning district associated with the master-planned designation at the PUD site, that use shall be subject to the respective specific special land use requirements and standards of this Ordinance. Separate notice, public hearing and special land use approval shall not be required, if, at the time of Final PUD plan approval the special land use is identified and delineated with all information required for a Final PUD plan. All special land uses that are part of a proposed PUD shall be listed on the Preliminary and Final PUD plans in a format so that approvals and changes can be easily tracked. If, however, a PUD is proposed for construction in phases, or where construction is not proposed to begin immediately, or if a special land use is added, moved, or changed to

another special land use, special land use proceedings shall be required with the review and approval of the Final PUD plan. The special land use proceedings shall include the required public hearing and notice.



- G. **Residential Density / Parallel Plan.** To assist the Planning Commission in determining the number of lots, units, or square footage permitted in a residential PUD or the residential component of a PUD, the applicant shall submit a parallel plan (see also Sections 11.04.B and 11.06.A.4) for the development. The parallel plan shall comply with the requirements for a site plan in Section 23.02, and shall show how the site could be reasonably developed in compliance with adopted zoning and subdivision ordinances and standards. The parallel plan

should be drawn to contain the maximum number of lots or dwelling units allowable and reasonable per the dimensional and other Ordinance standards and practical engineering limitations that would apply to the site if zoned in accordance with the site's future land use designation (see Table 11.1).

The Planning Commission shall review the parallel plan and determine the number of lots or dwelling units that could be constructed (based on adopted ordinances and standards, site conditions, engineering, cost and similar factors). For example, parallel plans showing lots with dwellings on extremely steep slopes, in bodies of water, or in a right-of-way will have these lots rejected, as they are not reasonable and do not meet ordinance requirements. This number, as recommended by the Planning Commission and approved by the Township Board, will be the base number of dwelling units allowable for the residential PUD. Any density bonus (see Section 11.02.H) granted by the Township Board will be applied to this base number. For residential PUDs which do not request a density bonus, the parallel plan requirement may be waived, subject to the determination of the Planning Commission.

- H. **Residential Density Bonus.** The number of units permitted in a residential PUD or the residential component of a PUD, as determined from the parallel plan may be increased at the discretion of the Planning Commission and the Township Board, in accordance with the following:
1. Each element listed in Section 11.02.H.2 below, is worth an additional, incremental bonus. The bonus for each element may range from 0% to 5% of the units identified on the parallel plan. The specific amount of the bonus shall depend on the degree to which the PUD has addressed that element and the impact the element has in contributing to the objectives sought to be achieved by the PUD. The maximum density increase any development may receive shall be 15% of the residential units identified on the parallel plan.
 2. For those residential PUDs eligible to receive a density bonus, the proposed development is required to meet or exceed one or more of the requirements of this section of the Ordinance.
 - a. Providing clustered development where a minimum of fifty percent (50%) of the gross land area of the development is protected open space.
 - b. Inclusion of a variety of building types, quality architecture, durable materials and superior site design.
 - c. Providing frontage transition areas along all public roads that are at least one hundred fifty (150) feet in depth with suitable landscaping.
 - d. Providing public amenities such as trails for non-motorized use, children's playgrounds, picnic facilities, or community centers.

- e. Providing paths, trails, greenways, or other pedestrian and non-motorized transportation facilities, accessible to the public, and connected to or creating a network of trails throughout the community.
 - f. Cleanup of site contamination.
 - g. On-site storm water management that relies upon natural systems to the greatest extent possible and preserves the quality and integrity of such systems.
 - h. Other similar elements as determined by the Planning Commission.
- I. **Development Standards and Flexibility.** The purpose of this Section is to ensure that PUDs are compatible with adjacent properties and the Township. All development standards of this Ordinance and the requirements of the zoning district corresponding to the site's future land use designation (see Table 11.1) shall be followed in the design of PUDs. However, modifications to any of these standards may be approved as part of a Preliminary PUD plan provided that such modifications are determined by the Township Board to be consistent with the purpose and intent of this Article, are consistent with sound planning and design, are necessary for the preservation of significant features or open space on the site, or are otherwise necessary to result in a higher quality design.
- 1. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards and that it will meet the criteria of this Article.
 - 2. Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. An appeal of a PUD decision shall not be heard by the Zoning Board of Appeals. Such an appeal shall be to the Circuit Court of Livingston County.
 - 3. A table shall be provided on the Preliminary PUD plan which specifically details all deviations from the applicable zoning district's area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This specification should include Ordinance provisions, from which deviation is sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.
- J. **Phasing.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of services and facilities, and shall contain the

necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the community. A phase shall not be substantially dependant upon subsequent phases for safe and convenient vehicular and pedestrian access

1. A written description of the phasing process that describes all work to be done in each phase and the proposed timing shall be submitted to the Planning Commission with the Preliminary PUD plan for approval.
2. Each phase shall require Final PUD review and approval and shall be consistent with the approved Preliminary PUD plan and agreements.
3. Construction for each phase shall commence within one (1) year of the schedule set forth in the phasing plan or the phasing plan will expire. The phasing plan may be modified and/or extended upon recommendation of the Planning Commission and approval of the Township Board, as provided under Section 11.06.E.
4. In PUD developments that include residential and nonresidential components, the Planning Commission may recommend and the Township Board may require that all or portions of the residential and nonresidential components be constructed concurrently. The required percentages of residential and nonresidential uses as approved, shall be identified on the Preliminary PUD plan, in the phasing plan and included in the PUD contract.

K. Open Space.

1. **Residential.** PUDs containing a residential component shall provide and maintain open space at a minimum of 30 percent of the total land area of the portion of the site that is designated for residential use. However, the Planning Commission may recommend, and the Township Board may approve, modifications of the 30 percent requirement if it finds that the site characteristics, surrounding natural features, and proposed design features and uses lend themselves to different open space area requirements. For residential uses, open space shall conform to the requirements of Section 21.51 of this Ordinance, however up to 50% of the area of storm water basins which utilize best management practices to provide for an aesthetic site amenity may be considered to be open space, at the discretion of the Planning Commission and Township Board based on review of the specific solution.
2. **Non-Residential.** For the purposes of this section, as determined appropriate by the Township Board, upon recommendation of the Planning Commission, for the character of the proposed PUD's uses and design, a minimum of 10 percent of the total land area of the portion of the site that is designated for non-residential uses shall be provided and maintained as open space. In addition to those features permitted as open space under Section 21.51 of this Ordinance, non-residential open space may also include plazas, sidewalks, accessory outdoor eating or entertainment areas, landscaping and buffer areas and green space

(provided they exceed the minimums required by this Ordinance), road boulevard medians that exceed 30 feet in width and that are landscaped as a site amenity, active or passive recreation space, developed outdoor spaces intended for the users of the PUD, storm water basins which utilize best management practices to provide for an aesthetic site amenity at the discretion of the Planning Commission and Township Board based on review of the specific solution, and other open spaces as determined consistent with the intent of the PUD and this Article.

3. **Character and Arrangement.** The arrangement and characteristics of such open space shall reflect sound planning and design principles, and shall take into account the following considerations:
 - a. Open spaces shall be conveniently located in relation to the structures developed within the PUD.
 - b. Open spaces shall have reasonable, minimum dimensions that are usable for the functions intended and that will be maintainable.
 - c. Open spaces shall be integrated into the overall design of the development, and shall be located and designed to benefit the residents and users of the PUD.
 - d. Significant natural amenities such as, but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and wetlands should be preserved as part of the open space.
 - e. Open space shall be provided in locations, amounts, and timing in accordance with an approved phasing plan.
 - f. Non-contiguous off-site open space may be permitted in satisfying these requirements, subject to the approval of the Township Board, as follows:
 - i. The off-site open space shall be located in Tyrone Township.
 - ii. The off-site open space shall be set aside in perpetuity and recorded in accordance with the requirements of Section 11.02.K.4, below.
4. **Protection of Open Space.** As each phase is developed, the required open space for that phase shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
 - a. Describe the permitted activities within the dedicated open space, and assure permanent protection from all forms of development, except as shown on an approved PUD plan.

- b. Identify who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded, and what standards shall be applied to such maintenance.
 - c. Be submitted at the time of Preliminary PUD plan review and approved during the Final PUD plan review on a phase by phase basis. The legal instrument by which the open space is dedicated shall be submitted to and approved by the Township Attorney prior to Final PUD plan review at the applicant/developer's cost.
 - d. Upon approval, the applicant shall record the open space conveyance with the Livingston County Register of Deeds. A recorded copy shall be given to the Township prior to issuance of any construction permits. The conveyance shall be binding upon the applicant/developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area.
 - e. The Final PUD plan shall be incorporated by reference and attached as an exhibit to the recorded open space document.
- L. **Emergency Access.** The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access. A PUD in excess of 50 dwelling units and/or 500 average daily vehicle trips shall, at the discretion of the Township Board, provide at a minimum of two points of ingress and egress.
- M. **Site Circulation.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from surrounding areas in a safe and convenient manner. Sidewalks and streets shall be connected into the overall Township network, and shall be extended to adjacent undeveloped properties to provide future connections. Any improvements, if necessary, shall be at the applicant's expense. Private roads shall comply with the standards in Article 24. PUDs must also satisfy the Access Management Standards in Section 21.54.
- N. **Streets.** All public and private streets within a PUD shall comply with the applicable standards of the Livingston County Road Commission and Tyrone Township.
- O. **Infrastructure Improvements.** All infrastructure improvements, including roads, water, wastewater, storm water drainage, street lights, and street signage, within and adjacent to the PUD and necessary to serve the site, shall be provided by the developer as a part of the development of the site. All such infrastructure shall be subject to the approval and meet the requirements of the Fire Department and all other agencies with authority.
- P. **Availability and Capacity of Public Services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services

and facilities, including police and fire protection, traffic capacity of the public roads, drainage and storm water management facilities, and capacity of existing or planned water and sanitary sewer facilities. The expansion or provision of public services shall not create an unreasonable burden on the Township. Approval of the appropriate County agencies, other agencies with authority, Fire Department and the Township Engineer shall be required for all facilities necessary for the development.

- Q. **Utilities.** All utilities except electrical transmission lines constructed or relocated within the site, including: electrical service lines, appurtenances and accessories, shall be placed underground. Any utility pad or transformer, where required to be placed above ground because of size or function, shall be fully screened or obscured by mature landscaping and/or a decorative masonry wall, or may be fully enclosed in a dedicated building constructed consistent with these regulations.

- R. **Landscaping.** Landscaping, screening and buffering shall be required. A landscaping plan shall be submitted with both the Preliminary and Final PUD plans consistent with the requirements in Article 21A.

- S. **Parking and Loading.** Parking and loading facilities in a PUD shall comply with the standards in Article 25. However, the numerical requirements for parking may be modified, based on evidence that other standards would be more reasonable because of the level of current or future employment, the level of current or future customer traffic, shared parking by uses that have peak parking demands that do not overlap, and other considerations. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified planning, parking or traffic consultant, that verifies that the reduction will not impair the functioning of the developments served, or have an adverse impact on traffic flow on or adjacent to the development.

Additionally, the Township may approve land banking up to 20% of the required spaces provided the following conditions are met:

- 1. The reserved area is of sufficient size to meet the parking, circulation and maneuvering requirements of Article 25 and is retained as open space.

- 2. The area designated as land banked parking shall be on the same lot as the use it is to serve.

- 3. The Final PUD plan shall show the area where parking is being land banked, including dimensions and dotted parking lot layout.

- 4. The area proposed shall not be in a required setback, required landscape area or required greenbelt.

- 5. The applicant shall include a written agreement to construct the land banked parking on the Final PUD plan and within the PUD Agreement.

6. The owner agrees to construct the land banked parking at such time as there have been three (3) documented violations from the Township Zoning Administrator.

- T. **Conditions of Construction.** The hours of construction activity shall be stated on the PUD plan and shall be determined based on the scale and schedule of construction, and proximity to and type of adjacent developments. Noise, dust, odors, traffic and other impacts of construction of the PUD shall be limited so as to not create negative impacts for the Township or surrounding area. The applicant shall present a plan for review that includes specific measures to ensure that construction operations do not create nuisance conditions. The Township Board may place reasonable limitations on hours and other construction activities to prevent potential negative impacts.

SECTION 11.03 DESIGN REQUIREMENTS

Within a PUD approved under this Article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

- A. **General Design.** For the overall design of the development and its components, particular attention and consideration must be given to the following:
 1. The Township Board, upon recommendation of the Planning Commission, may at its discretion require sidewalks and/or street lights in any development. The decision shall be based on circulation within the development and the surrounding area, connections to amenities within and around the development, and the safety of residents.
 2. The relationship of the proposed architecture to other structures within the same development, and to those structures adjacent to the proposed development that establish the intended character of the district. PUDs shall comply with the Architectural Standards in Section 23.18, however the Planning Commission may recommend and the Township Board may approve alternatives that are determined consistent with the purposes and intent of this Article.
 3. Providing an interconnected road and pedestrian network through connections to adjacent development(s) where it will not negatively impact adjacent uses.
 4. Open space and active recreational areas connected or accessible to users of the development.
 5. Integration and blending of various types and styles of housing types and mixed uses within a proposed PUD.

- B. **Screening.** Screening, buffering and greater setbacks may be required by the Planning Commission along the perimeter of the development or between areas

of different density or uses within the PUD, in addition to landscaping required in Article 21A if deemed necessary to create an appropriate transition and to protect the neighbors from adverse impacts.

- C. **Signs.** All signs in a PUD shall be subject to the requirements in Article 27 Outdoor Advertising and Sign Regulations, as well as any additional requirements provided in the development standards for the particular zoning district in which the development is located. Signs shall be reviewed and approved as a part of the overall development plan. A sign plan including locations and types of all proposed signs and materials of signs shall be submitted with the Preliminary PUD plan to the Planning Commission for review and recommendation to the Township Board. After approval by the Township Board, and subject to issuance of sign permits by the Township Zoning Administrator, signs may be installed if they comply with the approved plans. The Planning Commission shall consider compliance with the following criteria before making any decision in this regard:
1. The harmonious relationship of signs and their design to buildings and landscaping within and adjacent to the PUD.
 2. The distance of any proposed sign from the boundaries of the PUD and its visibility from adjacent properties or public highways.
 3. The number, quality, character and location of entrances to the development as well as the uses served by such entrances.

SECTION 11.04 PROCEDURAL REQUIREMENTS

A PUD shall be considered a Special Land Use. A public hearing, subject to the notification standards of P.A. 110 of 2006, as amended, shall be held prior to approval of a Preliminary PUD plan. Applications shall be submitted in accordance with the following procedures:

- A. **Optional Pre-Application Conference.** An optional first step allows for the review of a concept by the Planning Commission. This pre-application conference (Section 11.05) allows the applicant to discuss the proposed development with the Planning Commission and how the proposed PUD relates to the Township's Future Land Use Plan. Information regarding the applicable standards of the Ordinance, technical issues, compliance, and procedures may also be discussed at this time.
- B. **Preliminary PUD Plan.** The first required step shall be the submittal of a Preliminary PUD plan and information required by Section 11.06.A. If residential uses are included, a residential "parallel plan" will be required with the submission for plans seeking a density bonus. The Planning Commission shall review the Preliminary PUD plan, hold a public hearing on the Preliminary PUD plan, and make a recommendation to the Township Board. The Township Board shall have the final authority to act on a Preliminary PUD plan.

- C. **Final PUD Plan.** A Final PUD plan and related documents shall be submitted per Section 11.07 for review and recommendation by the Planning Commission and final approval by the Township Board.
- D. If the PUD also requires the submission and approval of a plat, for all or part of the development, the simultaneous filing of a preliminary plat prepared according to the regulations in the Tyrone Township Subdivision Control Ordinance is encouraged. If any part of the PUD is a condominium project as defined by Act 59 of 1978, as amended, and by this Ordinance, the project shall conform to all requirements of the statute, its rules, and the provisions in this Ordinance.

SECTION 11.05 PRE-APPLICATION CONFERENCE

Prior to the submission of an application for PUD approval, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the eligibility for consideration, appropriateness, general content and design approach of a proposed PUD. An applicant desiring a pre-application conference must submit to the Township Clerk a written request that the conference be placed on the Planning Commission's agenda. A copy of that written request shall be forwarded to the Planning Commission.

The applicant shall present at such conference or conferences, at minimum, the following:

- A. An overall conceptual land use plan for the PUD, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- B. A legal description of the land on which the PUD is proposed and associated tax identification numbers.
- C. The total number of acres in the project.
- D. A statement regarding the proposed uses, the number of acres for each use, and the number of residential units and square footage of non-residential uses proposed.
- E. The number of acres to be preserved or used for recreation space, and the number of acres to be preserved or used for open space.
- F. All known natural resources or features to exist on the site as well as those being preserved; and including general locations and approximate dimensions of wetlands, floodplains, soil types, tree stands, unusual slopes, streams, water bodies and water drainage areas.

- G. The existing conditions on the site.
- H. A description of the proposed sewage treatment and water supply systems and proposed stormwater management and drainage systems.

No formal action shall be taken at a pre-application conference. Statements made by any person during the course of a pre-application conference shall not be deemed to constitute legally binding commitments.

SECTION 11.06 PRELIMINARY PUD REVIEW PROCEDURES

Preliminary PUD review is the first step of the two-step PUD approval process. It is an opportunity for the Township to review the plans and make sure they satisfy the standards and intent of the Zoning Ordinance prior to further development of the PUD plans and investment in the project.

A. Preliminary PUD Application.

An application for Preliminary PUD approval requires submission of the following items to the Township. The number of copies to be required to be submitted, and how far in advance of the Planning Commission meeting at which the request will first be considered shall be as determined by the Planning Commission.

1. Application fee in the amount established by resolution of the Township Board.
2. A completed application form as supplied by the Township. The application form must be signed by the applicant, and by the owners of all of the land to be included within the PUD (if different than the applicant).
3. A site plan, containing all information as specified in Section 23.02, encompassing all phases of the proposed PUD.
4. If a residential PUD or the residential component of a PUD seeks a density bonus, a parallel plan containing all the information specified in Section 23.02 shall be submitted. The parallel plan shall comply with the development standards of the Zoning Ordinance, Subdivision Ordinance or condominium regulations as appropriate, and shall show street layout, lot orientation, and lot size. The plan shall determine the base residential density for the residential portion of the project.
5. A thorough, written narrative responding to the following:
 - a. The reasons why the proposed project qualifies as a PUD.
 - b. The reasons why PUD is preferred at this location over conventional zoning.

- c. The possible impacts of the proposed development on adjacent properties and on public facilities and services.
 - d. The potential benefits of the development to Tyrone Township.
 - e. A description and rationale for modifications to Zoning Ordinance standards.
6. Legal documentation that the proposed site is under single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions.
 7. An impact statement, consistent with the requirements in Article 23.04 – 23.05, may be required by the Planning Commission.
 8. Identification and description of any proposed modification to the standards of this Ordinance. All proposed modifications shall be listed on the plan and in a table noting the Ordinance section, Ordinance requirement, and proposed modification.
 9. Depiction of proposed development phases and estimated schedule for completion, including location, amount, and timing for provision of open space.
 10. The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.
- B. Technical Review.** Prior to the public hearing, the PUD application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Planning Commission may also submit the application and development plan to designated Township consultants for review. The applicant shall be responsible for submitting the plan to applicable outside agencies for review.
- C. Public Hearing.** Upon receipt of a complete Preliminary PUD submittal, a public hearing shall be scheduled and held before the Planning Commission within a reasonable time after filing of an application, with notice and publication given in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and Section 22.03.C, Public Hearing and Notices.
- D. Planning Commission Review and Township Board Approval**
1. Prior to making a recommendation for approval of a Preliminary PUD plan, the Planning Commission must find that the proposed PUD meets the following standards in addition to those in Section 11.08:

- a. Granting the PUD will result in recognizable and substantial benefits to the ultimate users of the project and to the community.
 - b. The PUD is designed to ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
 - c. The PUD is designed to protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
 - d. The PUD is designed and laid out to preserve and protect natural resources and natural features to the fullest extent possible.
 - e. The PUD is designed to promote the use of land in a socially and economically desirable manner.
 - f. The PUD is compatible with the Township Master Plan objectives for the area and consistent with the intent and purpose of this Ordinance as presented in Section 11.01.
2. The Preliminary PUD plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations as well as its consistency with the intent and spirit of the PUD concept.
 3. Based on the Preliminary PUD plan review, comments received during the public hearing, and any reports and reviews from consultants, staff, and other reviewing agencies, the Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the Preliminary PUD plan.
 4. After receipt and review of the Planning Commission report and recommendation, the Township Board shall approve, approve with conditions, or deny the Preliminary PUD plan, provided that the request may be approved only if the PUD meets all of the standards for PUD approval contained above and in Section 11.08.
- E. **Effect of Action on the Preliminary PUD Plan.** Preliminary PUD plan approval is intended to provide direction for preparation of the Final PUD plan, but shall not assure approval of the Final PUD plan.
1. Preliminary PUD plan approval, including any phasing plan, shall expire three years after the date of approval, unless the first phase Final PUD plan has been submitted to the Planning Commission for review. Upon written request, the Preliminary PUD plan approval, including any phasing plan may be extended for one year by the Township Board upon recommendation from the Planning Commission upon determining that the applicant is making reasonable efforts to pursue a Final PUD plan giving weight to existing economic conditions, and that site conditions

have not changed in a way that would affect the character, design or use of the site or it's compatibility with surrounding uses. If the Township Board denies the extension of the Preliminary PUD plan approval, the applicant may pursue development or use of the site as allowed under this Zoning Ordinance.

2. The applicant may at any time following approval of the Preliminary PUD and phasing plan submit a revised phasing plan for review by the Planning Commission and recommendation to the Township Board. The revised plan shall be accompanied by a statement indicating the conditions that made the previous phasing plan unachievable. Planning Commission review and Township Board approval of the revised phasing plan shall be based on the proposed phasing plan's conformance to Section 11.02.J, Phasing, of this Ordinance.
 3. Amendments to an approved Preliminary PUD plan shall be subject to the same review and approval process as required for a new Preliminary PUD plan, including public hearing, in conformance with Sections 11.06.A. – 11.06.D. above.
 4. Approval (or approval with conditions) of a Preliminary PUD plan shall not qualify as approval of a land division, subdivision plat or a condominium subdivision plan for the purposes of recording with the Livingston County Register of Deeds.
 5. A Preliminary PUD plan which has been approved or subject to conditions shall not be modified or revoked or otherwise impaired by action of the Township pending an application or applications for final approval without the express consent of the applicant; provided an application for final approval is filed, or in the case of phased development, provided applications are filed within the time or times specified in the action granting approval or tentative approval of the Preliminary PUD plan by the Township Board.
- F. **Zoning Board of Appeals Authority.** The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision by the Planning Commission or Township Board concerning a PUD.

SECTION 11.07 FINAL PUD PLAN REVIEW PROCEDURES

- A. **Phased Development.** If the PUD is to be built in phases, then plans for separate phases can be submitted as long as each phase of development is in conformance with all requirements of this Ordinance and provided a phasing plan has been submitted and approved during preliminary plan review and is being satisfied by the timing of the phase submittals.
- B. **Phased Permits.** Land use permits for development in a particular phase of development shall not be issued until plans for that phase of the PUD have received Final PUD plan approval by the Township Board upon recommendation of the Planning Commission.

- C. **Final PUD Application.** Application for Final PUD approval may be requested for an entire PUD, or for one or more sequential phases of the PUD if the phases conform to the provisions for phased development contained in the Preliminary PUD approval. Application for Final PUD approval shall be made by submittal to the Township. The number of copies required to be submitted, and how far in advance of the Planning Commission meeting at which the request will first be considered shall be as determined by the Planning Commission. The following items shall be required:
1. A completed application form as supplied by the Township. The application form must be signed by the applicant and by all of the owners of the land to be included within the PUD, if different than the applicant.
 2. Application fee as established by resolution of the Township Board.
 3. A final site plan containing all of the information required by Section 23.02 of this Ordinance. Final site plans shall also comply with the requirements of the Township Subdivision Ordinance as necessary for a final plat or the Ordinance Standards for Site Condominiums for a site condominium, as necessary.
 4. Typical elevation sketches, with identification of facade materials of all sides of each principal building type included in the PUD, drawn at a scale of 1 inch = 8 feet.
 5. Engineering drawings including compliance with road, drainage, utility, and infrastructure requirements.
 6. Summary data schedules containing the following:
 - a. Underlying master plan designation.
 - b. Total gross site area.
 - c. Area of existing or proposed rights-of-way and/or easements.
 - d. Area and percentage of site covered by buildings.
 - e. Area and percentage of site covered by pavement.
 - f. Area and percentage of total open space.
 - g. Area and percentage of wetlands with regulated wetlands specifically called out.
 - h. For residential development, number, sizes and bedroom mix of proposed dwelling units.
 - i. For non-residential development, total floor area for each category of use.

- j. Parking required, and parking provided with supporting calculations.
- 7. Proof of preliminary reviews and compliance with comments from required external agencies such as the Livingston County Road Commission, Livingston County Drain Commissioner, DEQ, and Livingston County Health Department, supplied by his or her agent.
- 8. Draft copies of master deed, by-laws, condominium documents, covenants, and similar regulations.
- 9. Statement indicating compliance with the Preliminary PUD plan and any conditions of approval.
- 10. A draft PUD Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the PUD proposal will be based. The PUD Agreement shall, at minimum, include the following:
 - a. A description of the land that is subject to the agreement.
 - b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
 - c. History of the review procedures and action taken by the Planning Commission or Township Board.
 - d. Review and explanation of all special provisions and list of all modifications agreed to by the applicant and Township in conjunction with the proposed PUD.
 - e. An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed PUD.
 - f. Description of any dedications and required permits.
 - g. Confirmation that the proposed development is consistent with applicable Township Ordinances and planning objectives.
 - h. Duration of the PUD Agreement, along with terms under which a termination date may be extended by mutual agreement.
 - i. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed PUD Agreement.
 - j. Extent to which the PUD plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

11. The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.

D. **Planning Commission Action.** The Planning Commission shall review the Final PUD plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies. The Planning Commission shall address whether the Final PUD plan conforms to the following objectives and requirements, and shall then report its findings and recommendation to approve, approve with conditions, or deny to the Township Board:

1. The Final PUD plan is consistent with the approved Preliminary PUD plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
2. All conditions of Preliminary PUD plan approval have been addressed.
3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.

E. **Township Board Action.** Within a reasonable time, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Final PUD plan and PUD Agreement, and shall set forth the reasons for its action.

Approval of the Final PUD plan and PUD Agreement by the Township Board shall allow the applicant to submit construction and building plans for the project to the Zoning Administrator, Livingston County Building Department and other agencies with authority for review. All construction and building plans and permits shall conform to the approved Final PUD plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PUD plan.

F. **Expiration.** An approved Final PUD plan shall expire three (3) years after the date of approval of the Final PUD plan, unless building permits have been issued or construction has commenced on the project or on the first phase of the project. If such construction has commenced, Final PUD plan approval shall continue for a period of five (5) years from the date thereof. For significant projects, the Township Board may approve a period longer than five (5) years. This should be done during Preliminary PUD review and the agreed upon term of approval inserted into the PUD Agreement.

The applicant may seek subsequent extensions of approval at any point prior to expiration. Any extension shall be tied to the phasing plan and any necessary amendments demonstrating when certain phases are to be completed and others are to commence. If construction lapses for more than nine (9) months during the

process, approval shall immediately expire. Upon written request received by the Township prior to the expiration date, the Planning Commission may recommend and the Township Board may grant an extension of up to twelve (12) months provided that site conditions have not changed in a way that would affect the character, design or use of the site. The number of extensions shall not exceed two (2).

- G. **Completion of Site Design.** It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved Final PUD on a continuing basis until the property is razed, or unless an amendment to the PUD is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties for that violation.

SECTION 11.08 STANDARDS FOR PUD APPROVAL

An approval, approval with conditions, or denial of a Preliminary PUD plan or Final PUD plan will be determined by the Township Board based on compliance with the standards below. Approval of a Preliminary PUD plan or Final PUD plan will only be granted by the Township Board if the PUD plan complies with all of the following standards:

- A. Documentation is complete, unless a requirement is specifically waived by the Township Board.
- B. Satisfies the standards of this article.
- C. Satisfies the standards and requirements of the Zoning Ordinance, including site plan requirements, unless specifically noted modifications have been granted.
- D. Satisfies the goals and objectives of the Master Plan.
- E. Does not adversely affect and is compatible with adjacent property areas.
- F. Does not result in a significant increase in demand for public services or facilities when compared to the development that would otherwise be permitted in that district, unless the proposal contains an acceptable plan for providing necessary services
- G. Protects the natural environment as well or better than conventional development could have at the same location.
- H. Establishes a safe and efficient circulation system that is integrated into the existing and potential future road network, provides for the pedestrian, and minimizes impacts of parking, loading, and access areas.
- I. Creates coordinated, visually appealing development by emphasizing the relationship between building form, signage, landscaping, and the overall theme of the development.

- J. Results in recognizable and substantial benefits to future residents and users of the site, surrounding property, and Township.

SECTION 11.09 RESCINDING APPROVAL OF A PUD

Approval of a PUD may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with the approved permits, approved PUD plan or PUD agreement or the approval has expired. Such action shall be subject to the following:

- A. **Public Hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 22.03, Public Hearing and Notices. The applicant for the PUD, the owners of any land subject to the PUD and the occupants of any buildings within the PUD shall be given notice of the hearing in accordance with P.A. 110 of 2006, as amended. At the hearing the applicant for the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** After the public hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

SECTION 11.10 AMENDMENTS TO AN APPROVED FINAL PUD PLAN

Changes to an approved Final PUD plan may occur only under the following circumstances:

- A. **Notification.** The applicant or the property owner who has been granted Final PUD approval by the Township Board shall notify the Township Clerk if they desire to change an approved final development plan.
- B. **Minor Changes.** The Planning Commission may approve minor changes to a Final PUD plan provided that the proposed revision does not alter the basic design or conditions of the plan. Changes considered minor shall include:
 - 1. A change in residential floor area of less than five percent (5%).
 - 2. An increase or decrease of any use by five percent (5%) or less.
 - 3. A change in a proposed use of the development to other uses by right in the applicable zoning district.
 - 4. Minor design variations in site layout.
 - 5. Reductions of the number and or units in residential and non-residential uses and the conversion of that space to open space or drainage.
- C. **General Revisions.** The Planning Commission may refer any decision regarding any proposed change to the Final PUD plan to the Township Board for review and approval. If the Township Board determines that the modifications exceed the standards for a minor change, but will not adversely affect the initial

basis for granting approval and will not significantly alter the original concept of the project as represented in the Preliminary PUD plan and PUD contract, an amended Final PUD plan illustrating the modification and satisfying the requirements of Section 11.08, shall be submitted for review by the Planning Commission and Township Board, and processed in accordance with the procedures for Final PUD plan approval.

- D. **Major Revisions.** If the Planning Commission or Township Board determines a major amendment to an approved Final PUD plan has been submitted (major being defined as a change other than minor or general as defined above) the PUD plan must follow the procedures set forth in Section 11.06, Preliminary PUD Review Procedures, inclusive of a public hearing, to ensure the amended Final PUD plan remains consistent with the objectives sought to be achieved by the original Final PUD plan, and remains compatible with existing and planned adjacent development.

SECTION 11.11 PERFORMANCE GUARANTEES

To ensure compliance with the Zoning Ordinance and any conditions imposed there under, the Township Board may require that a certified check, irrevocable letter of credit, or surety bond acceptable to the Township and the Township Attorney covering the estimated cost of improvements associated with a project, be deposited with the Township to ensure faithful completion of the improvements.

Revisions:

2009 OCTOBER - New Article, replaces prior PUD text.