WEXFORD JOINT PLANNING COMMISSION
WEXFORD COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT

Section 1: Article 5: Definitions of the Wexford Joint Zoning Ordinance is amended to add the following definitions:

Accessory Dwelling Unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs include but are not limited to accessory apartments, secondary suites, granny flats, etc. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Additional Living Unit (ALU) is the use of space within an existing residence for additional, separate living living quarters.

Section 2: Wexford Joint Zoning Ordinance Section 1081 is deleted and be selectively replaced by:

Section 1081 **Additional Living Units/Accessory Dwelling Units**

1081. Additional Living Units/**Accessory Dwelling Units** ~~in Dwellings.~~

A. The purpose of this section is to **provide additional affordable housing opportunities** ~~recognize there are many large older homes which are expensive to keep up; a desire to attempt to maintain oversized homes by use of a minor amount of space for additional living quarters; and a desire for extended members of family to take residence in the same home, but in separate living quarters;~~ while at the same time protecting the character of ~~a dwelling and a~~ single-family neighborhood**s**.

B. Regardless of regulations elsewhere in this Ordinance, one (1) **ALU or ADU** may be permitted **within a parcel zoned for residential land uses** if the following conditions are met:

~~1. The application for a use permit shall include a site plan, pursuant to section 9401, et seq.~~
~~2. The dwelling has 2,000 square feet, or more, of living area.~~

1. **The ADU/ALU shall be clearly incidental to the principal residential use.** Accordingly, the following conditions shall be met:
   a. The ALU ~~is 750 square feet, or less, so that the additional living unit~~ remains an accessory use to the dwelling, and does not result in the creation of a duplex or apartment building.

b. **The total floor area of an ADU shall not exceed the square footage of the first floor of the primary structure.**

c. The ALU **and ADU may be** ~~is~~ rented by the month~~, or sold, or leased,~~ so the tenants ~~or owners~~ are permanent residents rather than transients.

d. Only one (1) front entrance **to an ALU** shall be visible from the front yard, so there is no external evidence of occupancy by more than one **living unit** ~~family~~.

e. **The ALU/ADU has been permitted by all other relevant agencies**. ~~The sewer capacity is found to be adequate for the site and area by the respective participating municipality, in writing.~~

f. The **ALU/ADU** ~~dwelling~~ is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking, which has access to a public road or alley.

~~4. No additional rooms may be added to the dwelling to accommodate the additional living unit.~~
~~8. The additional living unit is approved by the Construction Code Inspector, in writing.~~

2. Compatibility with Surrounding Land Use - The design and use of the ALU or ADU shall not detract from the single-family character and appearances of the principal residence or the surrounding neighborhood. When an ALU is viewed from the outside, it shall appear that only one household occupies the site.

3. Parking and Access - In addition to required parking for the principal residence, one (1) additional parking space shall be provided for an ADU and ALU.

Section 3: Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 4: Effective Date

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in Wexford County.

Section 5: Adoption

This Ordinance was duly adopted by the _____ Township Board at its regular meeting held on the ____ day of (month)_____, 2025.

Section 6: Publication

The Township Clerk shall cause tis Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Wexford County within thirty (30) days after adoption.

_____
Supervisor, _____Township

_____
Clerk, _____ Township

Adoption date:
Publication date:
Effective date:

CERTIFICATION

I, (name), the Clerk for _____ Township, Wexford County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Board of _____ Township at a regular meeting held on _____, 2025. The following members of the _____ Township Board were present at the meeting:

_____
_____
_____
_____
_____
_____
_____

The amendment was adopted by the _____ Township Board with ___ members of the Board voting in favor (_____) and ___ voting against (_____).
A copy of the ordinance amendment or a summary thereof was published in the (insert name of newspaper of general circulation in Oxford County on (date)_____.

_____
Clerk, _____ Township

WEXFORD JOINT PLANNING COMMISSION
WEXFORD COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT

Section 1: Wexford Joint Zoning Ordinance new Article 89: Innovative Planned Unit Development Overlay is added to read as the following:

Article 89: Innovative Planned Unit Development Overlay

8901. *Purpose.*

A. The purposes of the Innovative Planned Unit Development (PUD) Overlay are:

1. To provide for procedures by which a subject property can be uniquely zoned and developed to meet the needs of WJPC member Townships, property owners, residents, and developers.

2. To allow for flexibility that results in innovative or exceptional project and site design or for unique and imaginative uses or combinations of uses, where no other zoning regulations in this Zoning Ordinance would allow for a product that is substantially similar to the proposed development, and where the proposed development would result in a net benefit to the community.

B. Once approved by WJPC, the Innovative PUD Overlay district establishes the land use and development standards for the subject property as a separate and distinct zoning district.

8902. *PUD Zoning Districts That Remain Following Adoption of this Code.* Property that is subject to an approved site plan, preliminary site plan, or final site plan that was approved prior to the effective date of this Article may be developed in accordance with the approved plans if the approved plans have not expired.

8903. *Uses Established.* Any proposed use(s) allowed within an Innovative PUD Overlay district shall be established as part of the approval granted by the WJPC.

8904. *Thresholds for Rezoning to Innovative PUD Overlay District.* A subject property may be rezoned to Innovative PUD Overlay only if the proposed development could not be developed using the underlying zoning district(s) or standards established in the Zoning Ordinance and meets the following criteria:

A. The proposed development provides for a new land use or an innovative implementation of an existing land use, is consistent with the WJPC's planning objectives, and will stimulate or reinforce economic development or provide innovative housing opportunities.

B. The proposed development incorporates creative design in the layout of buildings, common areas, and circulation, includes high-value design features, provides above-

average recreational amenities or preserves natural, environmental or scenic resources that meet or exceed the standards of this Innovative PUD Overlay.

C. The proposed development assures harmonious integration with surrounding land uses, neighborhood character, and environmental features.

D. The proposed development supports and implements the WJPC Master Plan.

8905. *Lot and Building Standards.* Lot and building standards are established through the Innovative PUD process set out in Table 1, Innovative PUD below.

Table 1. Innovative Lot and Building Standards

Table 2-1-7-1: PUD Lot and Building Standards		
Standard		**Requirement**
Lot Standards		To be established through the PUD Process.
	Min. Lot Area	
	Min. Lot Width	
	Max. Lot Coverage	
Setback Standards		
	Min. Front	
	Min. Street Side	
	Min. Interior Side	
	Min. Rear	
	Min. Front Parking	
Building Standards		
	Max. Height, Buildings	
	Max. Height, Accessory Building	
	Max. Height, Mini-structures	
Site Standards		
	Min. Landscape Surface Area	
	Max. Outdoor Retail Display	
	Max. Outdoor Storage	
Density Standards		
	Max. Density	

8906. Housing Types

A. *Purpose.* The purpose of this Article is to establish lot and building types that accommodate a variety of housing approaches, and to allow for the creation of subdivisions with a variety of housing types.

B. *Application.* Allow residential uses in single-use buildings in all zoning districts, except (manufacturing, warehouse, light industrial, etc.) as follows:

1. Single-Family Detached, provides standards for lots that may be developed with single-family detached housing types.

2. Zero Lot Line, provides standards for lots that may be developed with zero lot line homes, and supplemental standards that are applied to the homes and to the subdivision blocks that contain them.
3. Duplexes, provides standards for lots that may be developed with duplex housing types.
4. Town houses, provides standards for lots that may be developed with town houses.
5. Multiplex/Multi-family, i.e., more units than duplexes, provides standards for lots that may be developed with multiplex housing types.
6. Clustered housing types, provides standards for housing clusters that may be developed with cottages, micro-homes, or cluster duplexes.

8907. Example Housing Lot Types

A. *Lot Types.* Definitions of the residential building types in the Innovative PUD Overlay are shown below.

Figure 2-1-8-2: Housing Palette

Lot Type	Description	Building Type Example
Single-Family Detached	Single-family detached homes are residences for one family that are located on a single lot and that are completely separate from any other building. Single-family detached homes may also be located on property that is covered by a condominium declaration, surrounded by limited common elements for use by residents of the single-family detached home, which would serve the same purpose as a private yard. There are six lot sub-types in this category: Small Urban; Urban; Small General; General; Small Suburban; and Suburban. These range from small lots with urban character to lots that provide a rural or semi-rural character.	
Zero Lot Line	Zero lot-line homes are a single-family detached housing type that differs from the typical single-family detached form in that they are situated on the lot such that one side building wall is located on a side lot line and the other side is designed to provide an expanded and useable private side yard. There are two lot sub-types in this category: Small General and General.	
Duplex	A duplex is a single building with two dwelling units, typically on a single lot, where each dwelling unit has an individual exterior entrance. There are two lot sub-types in this category: 1. Side-by-side duplex. The dwelling units are separated by a shared wall with no opening. 2. Over-under duplex. The dwelling units are stacked one over another with the units separated by a floor.	

Figure 2-1-8-2: Housing Palette

Lot Type	Description	Building Type Example
Townhome	Townhomes are an attached housing type in which units are attached to each other in groups of three to ten, with common side walls that do not have penetrations, and ground floor exterior access to each unit. There are two lot sub-types in this category: 1. Suburban townhomes. Suburban townhomes typically are incorporated into a master-planned neighborhood or have design features similar to adjacent single-family detached homes. 2. Urban townhomes. Urban townhomes typically are narrow dwelling units, are characterized by taller building heights, and may or may not have flat roofs.	
Multiplex	Multiplex buildings are constructed to look like large single-family homes and may have three to six dwelling units.	
Multifamily	Typically, multifamily takes the form of apartments or condominiums that are two or more stories in height, in walk-up or elevator-access configurations. Multifamily units may also be located in mixed-use buildings, but mixed-use buildings are subject to the standards that apply to nonresidential and mixed use buildings and not the standards of this Section. There are two multifamily sub-types: 1. General multifamily. Typically, this form of multifamily may be comprised of several buildings set in landscaped grounds and includes a club house and amenity such as a pool. The design may be traditional in character with low to mid-rise buildings (i.e., no more than four stories in height). 2. Urban multifamily. The urban multifamily sub-type may consist of one or several buildings located in a walkable urban center or TOD with amenities located inside the building. The design may be contemporary in character and located directly adjacent to streets, and may be mid- to high-rise in form.	

Figure 2-1-8-2: Housing Palette

Lot Type	Description	Building Type Example
Clustered Housing	Clustered housing types are small homes that are arranged around a shared open space with common parking areas, and in some cases, a common building that includes amenities such as a shared kitchen, conference room, game room and guest rooms. There are two clustered housing types: 1. Micro Homes. Micro homes are detached, building code compliant dwelling units with a 400 gross floor area or less. 2. Cottages. Cottages are detached, building code compliant dwelling units with a floor area typically between 400 and 1,200 gross floor area of building footprint excluding a covered porch. Multiple dwelling units can be located on a single lot, subject to the lot and building standards in Table 2-1-8-9, Clustered Housing Types Site and Building Standards.	

8908. Innovative PUD Process

A. *Generally.* The Innovative PUD Overlay process is allowed in all zoning districts that allow for residential uses. The Innovative PUD housing approach is not allowed in the Wetland Corridor Conservation or Forest Conservation zoning districts. The Innovative PUD Overlay provides lot and building standards for allowed housing types in the innovative PUD. The Innovative PUD Overlay planning consists of the following three-step design process:

1. Calculate the maximum number of dwelling units that are allowed on the subject property within the underlying zoning district by multiplying the maximum density standard by the number of acres of the subject/parent property.
2. Identify required dedications, if any.
3. Within the buildable areas of the subject property, identify the housing types up to the maximum number of dwelling units that are allowable on the subject property.

8909. Single-family detached.

A. *Lot and Building Standards.* The lot and building standards for single-family detached homes are set out in Table 2: Single-Family Detached Lot and Building Standards. There are seven lot types, which are classified based on their area, width, and location of vehicular access. To meet the requirements for any lot type, both the lot area and the lot width minimums must be met.

Table 2: Single-Family Detached Lot and Building Standards

Lot Type	Access[3]	Minimum						Maximum	
		Lot Area (sq ft)	Lot Width (ft)	Lot Width, Corner (ft)	Front[4] Setback (Bldg/ Garage Door)	Street[4] Side Setback (ft)	Rear[2] Setback (ft)	Building[1] Cover	Ht[1] (ft)
Small Urban	Alley	2,000	30	40	10 ft/NA	10	2	65%	35
Urban	Alley	3,800	40	50	10 ft/NA	10	2	65%	35
	Street	4,000	40	50	15 ft/ 18 ft	15	10	60%	35
Small General	Alley	4,000	40	40	15 ft/NA	15	2	60%	35
	Street	5,000	50	60	15 ft/ 18 ft	15	10 ft	65%	35
General	Any	6,000	60	70	20 ft/ 20 ft	15	10 ft	50%	35
Small Suburban	Any	7,500	70	80	20 ft/ 20 ft	15	10 ft	45%	35
Suburban	Any	10,000	80	90	20 ft/ 20 ft	20	10 ft	40%	35

TABLE NOTES:
[1] Maximum height, required transition zones and maximum building coverage varies based on the zone in which the subject property is located.
[2] The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.
[3] On corner lots, street access must be located adjacent to the property line farthest from the corner.
[4] Setback is measured from the property line or the back of the sidewalk, whichever provides a greater setback.

Section 8910. Zero lot line

A. *Lot and Building Standards.* The lot and building standards for zero lot-line homes are set out in Table 3, Zero Lot-Line Home Lot and Building Standards.

Table 3: Zero Lot-Line Home Lot and Building Standards

Lot Type	Access	Minimum						Maximum	
		Lot Area (sq ft)	Lot Width (ft)	Front Setback (Blding/ Garage Door)	Interior Side[2] Setback (ft) (single side)	Street Side Setback (ft)	Rear Setback (ft)	Building Cover-age	Ht (ft)
Small General	Alley	5,000	45	12 ft./NA	10	10	2[1]	60%	35
	Street	5,500	50	15 ft. / 18 ft.	10	10	15	65%	35
General	Any	6,000	60	15 ft./ 18 ft.	10	10	20	50%	35

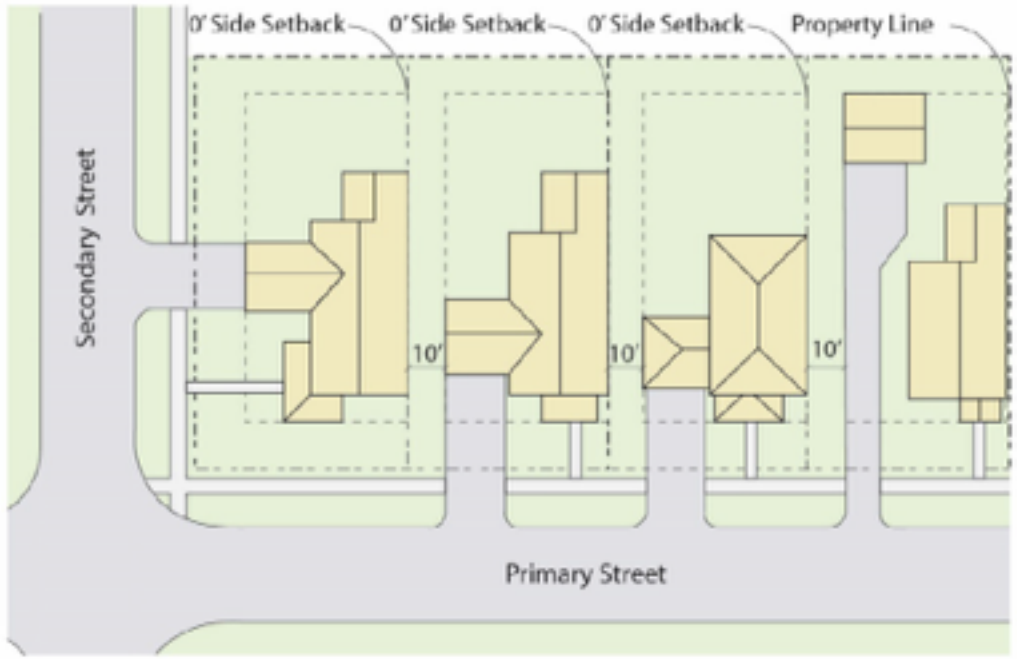
TABLE NOTES:
[1] The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicant's discretion.
[2] Zero setback is on one side only.

B. *Subdivision Block Layout.* In addition the following standards apply to blocks that include zero lot line homes:

1. Lots that are designated for lot-line homes must be configured such that the zero setback (the "zero lot line") is on one side only, and on the same side of the lot for all of the lots on each street face. Street side setbacks are required where the side lot line borders a public right-of-way or for a lot or tract that is not approved for use as a zero lot-line home. *See* Figure 2-1-8-5 below, Arrangement of Zero Lot-Line Setbacks.

2. Appropriate access and maintenance easements shall be provided to ensure that each lot owner is able to access and maintain the side of the building that is constructed upon the lot line. Easements for overhanging eaves may also be required, as appropriate to the design of the buildings.

Figure 2-1-8-5: Arrangement of Zero Lot-Line Setbacks



C. *Building Design Standards.* In addition to any other applicable residential building design standards, the following building design standards apply to all zero-lot line homes:

1. In order to provide a reasonable level of privacy in the adjoining side yard, no window, glass door, or door that includes windows shall be permitted on the zero lot-line side of the house unless:

   a. It opens into an enclosed yard, shred yard or courtyard; or

   b. It is composed of glass block, privacy glass, or similar treatment (except removable films), and is inoperable.

2. The lot shall include a usable combined side and rear yard on the opposite of the zero-lot line.

8911. Duplexes

A. *Lot and Building Standards.* Table 4, Duplex Lot and Building Standards, sets out the lot and building requirements for duplexes.

Table 4. Duplex Lot and Building Standards

Table 2-1-8-6: Duplex Lot and Building Standards

Lot Type	Vehicular Access	Minimum							Maximum	
		Lot Area	Lot Width	Lot Width, Corner	Front Setback	Street Side Setback (Building / Garage Door)	Interior Side Setback[3]	Rear Setback	Building Coverage	Height
Side-by-Side	Alley	2,550 sf.[1]	30 ft.[1]	40 ft.	12 ft.	12 ft.	5 ft.	2 ft.[4]	65%	35 ft.
	Street	4,000 sf.[1]	35 ft.[1]	45 ft.	20 ft.	15 ft. / 20 ft.	5 ft.	10 ft.	50%	35 ft.
Over-Under	Alley	4,000 sf.[2]	40 ft.[2]	50 ft.	15 ft.	15 ft.	5 ft.	2 ft.[4]	55%	35 ft.
	Street	7,000 sf.[2]	60 ft.[2]	70 ft.	20 ft.	20 ft.	5 ft.	10 ft.	50%	35 ft.

TABLE NOTES:
[1] Per unit.
[2] Per building.
[3] For outer building walls (does not apply to common wall).
[4] The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

8912. Town Houses

A. *Lot and Building Standards.* Table 5 below Town Houses Lot and Building Standards sets out the lot and building requirements for town houses.

Table 5: Town House Building Standards

Lot Type	Access	Minimum						Maximum		
		Unit Width	Street Setback	Alley Garage Setback	Non-street Frontage Perimeter Setback	Blding side to side space	Blding space, all oth-ers	Units Per Building	Bldg Cover	Height
Suburban	Alley or Pking Lot	20 ft.	15 ft.[1,]	2 ft.[2]	15 ft.	10 ft.	30 ft.[3]	8	100%	35 ft.
	Street	28 ft.	18 ft.	-	15 ft.	10 ft.	30 ft.[3]	8	100%	35 ft.
Urban	Alley or Pking Lot	16 ft.	10 ft.[1,]	2 ft.[2]	15 ft.[4]	10 ft.	20 ft.	10	100%	35 ft.

TABLE NOTES:
[1] Where garage access is directly from a side street, the minimum garage setback shall be 18 ft.
[2] The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.
[3] Building separation can be reduced to 20 feet if buildings are one or two stories.
[4] If less than one-half of the units in a townhome building are adjacent to a non-street frontage perimeter, then the minimum setback shall be 10 feet.

8913. Multiplex and multi-family

A. *Lot and Building Standards.* Table 2-1-8-8, Multiplex and Multifamily Lot and Building Standards, sets out the lot and building requirements for multiplex and multifamily.

Table 2-1-8-8: Multiplex and Multifamily Lot and Building Standards

		Minimum						Maximum		
Lot Type	Vehicular Access	Lot Area (per building)	Lot Width	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback	Units Per Building	Height[3]	Building Coverage[3]
Multiplex	Alley or Parking Court	3 unit bldg.: 8,000 sf.	3 unit bldg.: 75 ft.	15 ft.	15 ft.	6 ft.	2 ft.[1]	6	35 ft.	65%
		4 unit bldg.: 8,500 sf.	4 unit bldg.: 80 ft.							
		6 unit bldg.: 10,000 sf.	6 unit bldg.: 100 ft.							
	Street	3 unit bldg.: 8,000 sf.	3 unit bldg.: 80 ft.	20 ft.	18 ft. to building; 20 ft. to garage door, if any	6 ft.	15 ft.	interior lot: 3	35 ft.	55%
		4 unit bldg.: 10,000 sf.	4 unit bldg.: 100 ft.					corner lot: 4		
General Multifamily	Any	12,000 sf.	75 ft.	20 ft.	10 ft.	6 ft.	10 ft.[1]	not limited[2]	(by zoning)	60%
Urban Multifamily	Any	No minimum	50 ft.	10 ft.	10 ft.	10 ft.	0 ft.	not limited[2]	(by zoning)	90%

TABLE NOTES:
[1] The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.
[2] The total number of units allowed on the lot is limited by the density of the zoning district in which the property is located (if the zoning district limits density), but the number of units in any individual building is not specifically limited.
[3] Maximum height and maximum building coverage may vary based on the underlying zoning district in which the property is located.

8914. Clustered Micro-home and Cottage housing types.

A. *Housing Type Equivalencies.* The clustered housing types may be mixed within a single cluster. For the purposes of the application of density standards and the minimum and maximum number of dwelling units in Table 2-1-8-9, Clustered Housing Types Site and Building Standards:

1. A micro-home is 400 gross floor area of building footprint or less and counted as one-half of a dwelling unit; and

2. A cottage is between 401 gross floor area and 1,200 gross floor area of building footprint and counted as one dwelling unit.

B. *Site and Building Standards.* The site and building standards for clustered housing types are set out in Table 2-1-8-9, Clustered Housing Types Site and Building Standards. Standards apply to the subject property upon which the cluster will be developed. Standards for individual lots in a cluster (if the cluster is divided into lots) are not specified.

C. *Subdivision Standards.* The standards for all other clustered subdivisions are set forth in Article 88: Planned Unit Development of the Wexford Joint Zoning Ordinance.

Table 2-1-8-9: Clustered Housing Types Site and Building Standards

	Standard
Cluster Size	
Min. Number of Dwelling Units (*see* Subsection A, above)	4
Max. Number of Dwelling Units (*see* Subsection A, above)	12[1]
Land Area and Open Space	
Min. Lot Area	-
Min. Width of Subject Property	75 ft.
Min. Open Space Ratio	35%
Setbacks (from subject property boundaries to individual buildings)	
Min. Front	15 ft.[2]
Min. Street Side	10 ft.
Min. Interior Side	10 ft.
Min. Rear	15 ft.
Parking Setbacks (from subject property boundaries to parking aisle or spaces)	
Min. Front	15 ft.
Min. All Other	5 ft.
Building Height and Spacing	
Max. Building Height (Dwelling Units)	28 ft.
Max. Building Height (Common Building)	28 ft.
Min. Building Spacing (Sides)	10 ft.
Min. Building Spacing (Front and Rear)	18 ft.

TABLE NOTES:
[1] A maximum of two housing clusters can be included in one development, for a total of 24 dwelling units.
[2] When fronting a public street, a front porch can encroach a maximum of 7 ft. into the setback.

Section 3: Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 4: Effective Date

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in Wexford County.

Section 5: Adoption

This Ordinance was duly adopted by the _____ Township Board at its regular meeting held on the ____ day of (month)_____, 2025.

Section 6: Publication

The Township Clerk shall cause tis Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Wexford County within thirty (30) days after adoption.

_____
Supervisor, _____Township

_____
Clerk, _____ Township

Adoption date:
Publication date:
Effective date:

CERTIFICATION

I, (name), the Clerk for _____ Township, Wexford County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Board of _____ Township at a regular meeting held on _____, 2025. The following members of the _____ Township Board were present at the meeting:

_____
_____
_____
_____
_____

_____
_____

The amendment was adopted by the _____ Township Board with ___ members of the Board voting in favor (_____) and ___ voting against (_____).
A copy of the ordinance amendment or a summary thereof was published in the (insert name of newspaper of general circulation in Oxford County on (date)_____.

_____
Clerk, _____ Township

SUBSTITUTE FOR

HOUSE BILL NO. 4081

A bill to amend 1967 PA 288, entitled

"Land division act,"

by amending section 108 (MCL 560.108), as added by 1996 PA 591.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, ~~4~~ **the following number of** parcels:

(*i*) Beginning on the effective date of the amendatory act that

added subsection (6), until 1 year after that date, and subject to subsection (6), 4 parcels.

(*ii*) Beginning 1 year after the effective date of the amendatory act that added subsection (6), 10 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(*i*) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(*ii*) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) Beginning on the effective date of the amendatory act that added this subsection, a parcel or tract may be partitioned or split at any time into a greater number of parcels or tracts than otherwise authorized by this section if the partitioning or splitting is authorized by and complies with standards set forth in an ordinance of the municipality or county having authority to approve or disapprove a division under section 109(1).

(7) ~~(6)~~ A parcel or tract created under the provisions of subsection (5) **or of an ordinance described in subsection (6)** may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5) **or of an ordinance described in subsection (6).**

Grobbel Environmental & Planning Associates
PO Box 58 Lake Leelanau Michigan 49653

October 20, 2025

Wexford Joint Planning Commission
Wexford County Building
4830 E. M-55 Highway
Cadillac, MI 49601

RE: Review and Comment on Article 88: Planned Unit Developments

Dear WJPC,

Per the request of Robert Hall, Zoning Administrator, I reviewed Article 88: Planned Unit Development (PUD) and offer the following comments:

1. **Section 8802 Eligibility** should be amended to expressly state that all *site condominium developments* proposal shall be reviewed under and comply with Article 88: PUDs. *Note: site condominium developments must be allowed pursuant to Michigan Condominium Act, P.A. 59 of 1978 (MCL Section 55.167).*

2. **Section 8802 Eligibility, Subsection E** should be amended to reduce the open space requirement from seventy (70) percent to fifty (50) percent of parcel's gross acreage in compliance with the Michigan Zoning Enabling Act, Section 125.3506(1).

3. **Section 8802 Eligibility, Subsection F** should be deleted in it's entirety and simplified by stating which zoning districts PUDs are allowed in, and specifying the minimum acreage in that zoning district required to propose a PUD. The typical rural, lower Michigan approach is to allow PUDs in the agricultural district (or it's equivalent) only, and require a 10 to 20 acre parcel minimum. (*Recall that we previously also looked the expansion of allowable PUD allowable*

districts and reducing minimum required PUD acreage to encourage affordable housing. See my 2/11/25 Affordable Housing PUD approaches memo.) Also, PUD unit densities should be appropriately set within PUD eligible zoning districts. Typical lower northern Michigan rural Township PUD density is 2 units per acre.

4. **Section 8803 Procedure** should be retained.

5. **Section 8804 Basic Restrictions and Modification Procedure** should be deleted in it's entirety, and replaced with a stream-lined, simplified PUD ordinance that incentivizes developers to build affordable housing, maximize environmental protection, etc. by granting density bonuses, i.e., additional units are earned above the allowable unit density for voluntarily increasing open space, building affordable housing, maximal environmental protection, etc.. *See the attached example PUD from Bay Township, Charlevoix County, Michigan that I wrote and assisted in Township adoption.*

If you have any questions, please feel free to contact me directly at grobbelenvironmental@gmail.com or 231-499-7165. Thank you.

Sincerely,

Christopher P. Grobbel, Ph.D.
Sr. Planner

Article XI
Planned Unit Development (PUD) Ordinance

1. Purpose

The PUD zoning district is an overlay district that encompasses Agricultural and Residential zoning districts, and provides for the review of single and mixed-use land development projects on a case by case basis.

The types of land developments eligible for consideration as PUDs include, but are not necessarily limited to, single and two-family residential developments; single and two-family residential uses combined with golf course/country clubs; single use recreational and resort-oriented developments such as campgrounds, resorts, public or quasi-public golf courses; conference and retreat centers providing lodging and dining facilities together with residential facilities for management and staff. All site condominium projects and platted subdivisions proposed in Bay Township shall comply with this Article.

The PUD zoning district is established to accomplish the following objectives:

a. To encourage the use of land in ways consistent with its character and adaptability;

b. To encourage and provide incentives for the implementation of conservation design and low impact development principles within Bay Township;

c. To enable farmers and other landowners to realize their rightful equity in their land holdings by providing for the division, sale, and development of land;

d. To provide for the preservation of farmland, orchards, forest land, open space, visual and community character and to protect and preserve natural resources;

e. To provide for the division of land under the provisions of the Land Division Act (P.A. 591 of 1996, as amended) and the Condominium Act (P.A. 59 of 1978, as amended);

f. To provide for the orderly development of land and the orderly layout of lots;

g. To assure that land is suitable for the creation of building sites and to allow innovation and flexibility in the design of residential and mixed-use developments;

h. To provide for the provision of environmental amenities and recreational opportunities to present and future residents of the community by providing for the development of land in a manner consistent with the Bay Township Master Plan;

i. To provide for safe and adequate ingress and egress to lots;

j. To provide for the construction and maintenance of roads, storm water management systems, and public utilities in an economical and efficient manner;

k. To provide for the construction and maintenance of public facilities and infrastructure in a manner that does not overburden the Township's financial ability to provide such facilities and infrastructure;

l. To assure the equitable provision of fire, emergency, medical, and police services to all residents and property owners;

m. To encourage and accommodate innovation in the design, layout, and construction of land uses and land development projects;

n. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;

o. To promote and ensure greater compatibility of design and use between neighboring properties; and

p. To provide for other purposes as outlined in Section 503, Michigan Zoning Enabling Act, P.A. 110 of 2006.

11.2 General Requirements

Single and mixed-use PUDs shall be subject to the following general requirements:

a. Location
PUD may be established in an Agricultural or Residential zoning district.

b. Minimum Land Area
The minimum lot area eligible for PUD overlay is ten (10) acres.

c. Single Ownership and Control Required

The land and proposed PUD must be under single ownership or control. Single ownership and control shall consist of landownership and/or control by an individual or family, or a single legal entity. An individual, family or single legal entity shall assume responsibility for completing a PUD subject to the provisions of this Article.

d. Escrow Funds

Applicants shall be required to deposit escrow funds of a reasonable amount to cover costs associated with the Township's use of engineering, legal and planning consultants during the review of preliminary and final applications for PUD zoning.

e. Approved PUD Plan Functions as PUD District Regulations

The final site plan, other plans and statements submitted by applicants and conditions associated with an approved PUD shall constitute the zoning regulations governing the alteration of land and natural resources and the layout, construction, use and occupancy of buildings, improvements, and structures within a PUD.

11.3 PUD Zoning Districts are Established on Case by Case Basis

a. Single Use PUDs

Single use PUDs containing a use allowed in an underlying zoning district shall be established as a special use approved under Article XI of this Ordinance.

b. Mixed Use PUDs

Applications for mixed use PUDs shall be processed in the same manner as any other application for rezoning property. Mixed use PUDs may be established provided underlying zoning district use regulations will not be circumvented by the uses proposed.

The establishment of business or industrial uses in zoning districts in which such uses are not allowed as permitted or special uses are not permitted under any circumstances.

11.4 Pre-application Conference (refer to Attachment A for Flow Chart of the PUD Review/ Approval Process)

Applicants shall attend a pre-application conference with the zoning administrator and/or Township planner to present PUD concepts for informal, non-binding informational purposes. Pre-application conferences are intended to allow applicants to address Article 11.8 Design and Approval Standards; develop an administratively complete PUD application prior to consideration by the Planning Commission; and to allow the Township to inform applicants of the Township's PUD and other land use goals, policies and objectives, and to identify and address any potential areas of concern.

Statements made by applicants or the Zoning Administrator at pre-application conferences are intended to be informational and not legally binding.

11.5 Applications

Applications for PUDs shall be submitted and processed as outlined below:

a. Single Use PUDs

Single use PUDs containing a use allowed in an underlying zoning district shall be established as a special use. Single use PUD applications shall be submitted to the Zoning Administrator not less than 30 days before the date on which the Planning Commission will first consider same.

b. Mixed Use PUDs

Applications for mixed use PUDs shall be processed in the same manner as any other application for rezoning property. Mixed use PUDs may be established provided underlying zoning district use regulations will not be circumvented by the uses proposed.

Applications shall consist of the following materials and information:

a. A completed application form;

b. An application fee;

c. An escrow fee within twenty (20) days of the zoning administrator and/or Planning Commission's determination of the required reasonable escrow amount;

d. A preliminary PUD site plan complying with the provisions of Article 12.8 Content of Site Plans. If the PUD is proposed for development in phases, the location and timing of each phase must be indicated on the site plan;

e. A natural and cultural features inventory identifying primary conservation areas such as wetlands, waterways, floodplains, shorelines, views into and from the site, etc. and secondary conservation areas such as steep slopes, ridgelines, old buildings/structures, historic/archeological features,
farmland, groundwater recharge/discharge areas, significant plant/wildlife habitat, etc., and potential development areas.

f. A site yield plan showing potential lots, roads, lot density, etc. allowed by underlying zoning.

g. A conservation design plan indicating development areas and proposed lots, common elements such as conservation areas, access roads, utilities, and acreage percent of conservation area set asides.

h. A typewritten legal description of the property.

i. A typewritten statement describing:

1. The number of acres of land subject to the application;
2. The use or uses to be established in the proposed PUD, including the number and area of lots or building sites; number, type, and floor area of dwelling units; and the number, type, and floor area of all other buildings; and
3. If a PUD is proposed for phased development, a tentative construction schedule must also be provided.

11.6 Review Process

The steps followed in the single and mixed-use PUD review processes are outlined below. Steps 1 through 5 apply to both types of developments. Step 6 applies only to single-use developments. Steps 6a and 7 apply only to mixed-use developments.

Step 1 The Zoning Administrator notifies the applicant in writing that a PUD application is administratively complete and that escrow funds have been created or reasonable assurances are received in writing from a financial institution or other third party that escrow funds will be created.

Step 2 Applicant files application for preliminary PUD approval at least thirty (30) days before the date of the regularly scheduled Planning Commission meeting at which the applicant wishes to have the application considered.

Step 3 Planning Commission reviews the application, preliminary site plan, supporting documentation and if adequate information has been provided by the applicant, then the Planning Commission sets a date for public heading in accordance with Article 11.7.

The Planning Commission may request modifications to the preliminary site plan or may request that the applicant submit additional information deemed necessary to continue informed deliberations on the application. In such cases, the Planning Commission shall table consideration of the application until the modified site plan and/or additional adequate information is provided by the applicant.

Step 4 Planning Commission conducts public hearing.
1. Applicant presents the proposal;
2. Public makes comments and asks questions;
3. Commissioners make comments and ask questions;
4. Applicant addresses comments and questions; and
5. Planning Commission preliminarily approves, approves with conditions, or denies application.

Within a reasonable period of time following the public hearing, the Planning Commission shall approve, deny, or approve with conditions the preliminary PUD site plan. The Planning Commission's decision must be consistent with the following standards:

The Planning Commission’s decision must be in writing and include findings of fact clearly describing how the preliminary PUD does or does not comply with the provisions of this Article. The finding of fact shall state the bases for the Planning Commission's decision, and make specific reference to each of the design and approval standards outlined under Article 11.8 below.

Approval of a preliminary PUD site plan authorizes the applicant to proceed with the preparation of an application for final PUD approval.

Step 5
Applicant submits written request for review of final PUD plans and supporting documentation not less than twenty (20) days before the date of the regularly scheduled Planning Commission meeting at which the applicant wishes to have the application considered.

This request must be accompanied by the following materials and information:
1. Final site plan;
2. Itemized cost estimate for construction of all improvements;
3. A soils report delineating soil types at the site, septic suitability, construction suitability, etc. as determined by the Charlevoix County Soil Survey;

4. Approvals by the Northwest Michigan Community Health Agency; approval from fire and safety officials; approval from the Charlevoix County Road Commission for public road development (if any); and approval from Bay Township Board of Trustees for private road development;
5. At the request of the Planning Commission, a hydrogeological report shall be provided documenting the depth to groundwater, groundwater flow direction, groundwater flow velocity, potential to impact nearby water well supplies and/or natural features, and/or the results of pump test(s), etc.;
6. Documentation of arrangements for construction of improvements; and
7. Proposed covenants, deed restrictions, master deed, condominium or property owners' association by-laws.

Step 6
Final Review by Planning Commission (single-use PUDs only)
Planning Commission reviews the final PUD site plan and supporting documentation and approves, approves with conditions, or denies application.

Step 6a
Final Review by Planning Commission (for mixed-use PUDs only)

Planning Commission reviews final application, final site plan and supporting documentation and recommends that Township Board approve, approve with conditions, or deny the final PUD application. The Planning Commission's recommendation must be transmitted to the Charlevoix County Planning Commission for review, and comment as is required of any Planning Commission recommendation on the rezoning of property.

If the County Planning Commission's response has not been received by the Township within fifteen (15) days of receipt of the Township Planning Commission's recommendation, it shall be presumed that the County has waived its right for review. If such recommendation has been received, it shall be considered by the Township Planning Commission and forwarded to the Township Board with the Township Planning Commission's original recommendation.

Step 7
Final Action by Township Board (for mixed-use PUDs only)

The Township Board may take any of the following actions:
1. Conduct additional public hearings, if desired. If so, notification of such hearings shall be published in accordance with state law.
2. Refer the Planning Commission's recommendation on the PUD to the Planning Commission for further deliberation if the Board considers amendments, changes, additions or departures advisable.
3. Approve or reject the PUD as recommended by the Planning Commission.
4. If approved, publish a notice describing the nature and extent of the PUD in a newspaper within fifteen (15) days of the date of it's approval by the Township Board.

11.7 Public Hearing Requirements

At least one public hearing shall be conducted on applications for all PUDs. The date and time of the public hearing shall be set by the Planning Commission during Step 3 described above.

The notice shall 1) describe the nature of the proposed PUD; 2) indicate the property subject to the application (an address, tax number, or legal description); 3) state where and when the application will be considered; 4) indicate when and where the application, preliminary site plan and other materials may be inspected by the public and; 5) state when and where written comments on the application will be received.

1. Publication

Notice including the date, time and place of a public hearing must be posted outside the Township Hall and published once in a newspaper of general circulation in Bay Township. The publication must occur not more than fifteen (15) and not less than twenty (20) days before the date of the public hearing.

2. Delivery

Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in Bay Township, and to each electric, gas, pipeline, and telephone public utility company and each railroad company operating within the underlying zoning district, that has registered its name with the Planning Commission for the purpose of receiving the notice.

Notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following: a) describe the nature of the request, b) indicate the property that is the subject of the request including a listing of all existing street addresses within the property, however street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, c) state when and where the request will be considered, and d) indicate when and were written comments will be received.

11.8 Design and Approval Standards

Before approving or recommending approval of preliminary and final single or mixed use PUDs, the Planning Commission must insure compliance with the following standards:

a. Design Standards

1. Perimeter Setbacks/Greenbelt Buffer Zone

All PUD projects shall establish and maintain perimeter setbacks of one hundred (100) feet, which may be reduced at the discretion of the Planning Commission. Setback areas shall be maintained as a greenbelt buffer zone. Perimeter greenbelt buffer zones shall be one hundred (100) feet in width, which may also be reduced at the discretion of the Planning Commission. Such greenbelt buffer zones shall be maintained as vegetated open space or be re-planted with native vegetation consisting or trees, shrubs and/or ground covers to create an effective visual buffer between a PUD and adjacent land uses. Refer to Appendix B for a list if allowable native plant species.

Pedestrian and bicycle pathways may occupy setback areas, and such areas may be used for stormwater management and/or snow storage. Pathways, if proposed, shall be four (4) feet or less in width; within a ten (10) foot dedicated easement; utilize mulch, crushed stone, or other natural surfaces; be non-lighted; meander to avoid tree removal, minimize impact on neighboring and on-site land uses; and be intended for non-motorized use only.

2. Density and Open Space Requirements

The maximum number of single and two-family dwelling units permitted in a single or mixed-use PUD shall be based on a density of one (1) lot or condominium unit per three (3) acres of land area, excluding land areas in, dedicated to, improved for, or occupied by any of the following:

i. Surface waters, wetlands or floodplains;
ii. Existing or proposed public or private road right-of-ways;
iii. Existing or proposed constructed utility and stormwater drainage structures and/or easements;
iv. Existing or proposed parking areas; or
v. Existing buildings, including historic structures or sites.

Lots and condominium units may vary in size. There shall be no minimum parcel size except what is deemed necessary for adequate septic disposal as required by the District 13 Health Department. There will be no maximum parcel size. Rather, the total land area dedicated to single and two-family residential lots or condominium units and all other improvements shall not exceed forty (40%) percent of the parent parcel(s) preexisting area.

Not less that sixty percent (60%) of the total land area shall be dedicated open space to be held in common association ownership. Any of the following natural and cultural features existing at a proposed PUD should be located within the sixty percent (60%) open space area to the greatest extent feasible, including but not limited to: scenic vistas; pathways or other recreation areas internal to the development and intended for use by PUD landowners/association members; historic sites and structures; wetlands; and floodplains.

Such open space shall be set aside by the applicant through an irrevocable conveyance acceptable to the Township. The conveyance shall insure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use without approval by the Planning Commission for single use PUDs and by the Township Board for mixed use PUDs. Forms of conveyance may include:

i. A recorded deed restriction;
ii. Covenants that run with the land in perpetuity; or
iii. A conservation easement established in accordance with the provisions of P.A. 197 of 1980, as amended.

3. Gross Site Density Calculation

Additional site density may be developed by the applicant by the permanent protection of the following natural and cultural features in accordance with Table 1 as follows:

Table 1: Example Conservation Points/Density Incentives and Credits

Example Calculation for Hypothetical 200-acre parcel					
CONSERVATION POINT SYSTEM CHART	**LAND AREA**		**CONSERVATION POINTS**	**(POINTS x AREA)**	**POINTS PER LAND TYPE**
	acres	**%**			
Conservation Lands/Buildable Lands:					
•Active Farmland	**0**	**0%**	**0.8**	**0.8 x 0.0**	***0***
•Inactive Farmland	**55**	**28%**	**0.7**	**0.7 x 0.28**	***0.17875***
•Woodlands	**30**	**15%**	**0.5**	**0.5 x 0.15**	***0.075***
•Scenic Viewsheds	**5**	**3%**	**1.0**	**1.0 x 0.03**	***0.025***
Unbuildable Lands:					
•Wetlands	**15**	**8%**	**0.8**	**0.8 x 0.08**	***0.06***
•Steep slopes (>18%)	**20**	**10%**	**0.4**	**0.4 x 0.1**	***0.04***
Shorelines	**0**	**0%**	**1.0**	**1.0 x 0.0**	***0***
Adjoining Conservation Lands			**0.4**		***0.4***
TOTAL Open Space	**125**	**62.5%**			
TOTAL Development Lands	**75**	**37.5%**			
TOTAL Lands	**200**	**100%**			
Conservation Bonus	***0.5 pt. - If land percentage exceeds 60%***		**0.625 + 0.5**		***1.125***
CREDITS					
Environmental Contamination Clean-up			**0.3**		
Innovative Stormwater Treatment			**0.5**		***0.50***
Pathways			**0.2**		
Recreation Areas			**0.3**		
Water frontage (at least 500.0 lineal ft. or more and vegetated buffer required)			**1.0**		
Wetland Buffers (25.0 ft. no-grade buffer and 40.0 ft. building setback buffer required)			**0.8**		
Significant plant/wildlife habitat			**0.6**		
Historic/Archeological Sites and/or Structures			**0.3**		
Total Conservation Points:					***1.625***
Developer is entitled up to **2 additional units** beyond that established in underlying zoning district.					

4. Layout of Residential Lots and Non-Residential Uses

Residential lots and non-residential buildings and improvements shall be laid out to the greatest extent feasible, as follows:

i. On soils most suitable for septic systems. Hydric soils and soils containing a permanent high water table or hydric inclusions are to be avoided.

ii. Within the outside one-hundred (100) feet of the edge of a woodlot, or along the far edge of open fields adjacent to any woodland.

iii. Below the crest of ridgelines, and in other locations least likely to block scenic vistas as seen from public roads and surface waters.

iv. On areas not actively being used for agricultural purposes, or on soils not designated as prime, unique, or important farmland soils, or timberland soils important on a national or regional basis.

v. On pre-development slopes of less than eighteen (18) percent. Plans for residential lots proposed to be created on pre-development steep slopes of eighteen (18) to twenty-five (25) percent must be accompanied by a statement from a licensed architect or professional engineer indicating that the steep slope may be safely developed, and explanation of the construction methods to be used in overcoming foundation and other structural problems potentially presented by steep slope conditions, preserving the natural vegetation and drainage, and preventing soil erosion.

Plans for residential lots intended to be created on pre-development slopes greater than twenty-five (25%) percent must be accompanied by stamped, detailed plans and a statement from a licensed architect or professional engineer indicating that the steep slope may be safely developed, and explanation of the construction methods to be used in overcoming foundation and other structural problems potentially presented by steep slope conditions, preserving the natural vegetation and drainage, and preventing soil erosion.

Special land use approval must also be obtained for lot creation in pre-development areas of 25% slope or greater in accordance with Article XIII.

5. Setbacks

Lot and building setbacks shall be as follows:

i. Waterfront lots proposed within a PUD shall comply with Article VI: Waterfront Overlay District within this Ordinance.

ii. Side setbacks shall be fifteen (15) feet, and may be modified or waived at the Planning Commission's discretion.

iii. Front and rear building setbacks shall be established on the basis of underlying zoning district regulations according to Article V, though front and rear setbacks may be modified or waived at the discretion of the Planning Commission.

6. Access

Each building site, lot, dwelling unit or other use shall have access to a public road by way of a public or private road.

7. Roads

PUDs shall provide for vehicular access to all uses and areas. All roads must provide dedicated easements and shall be designed by a Professional Engineer in compliance with the Bay Township Private Road Ordinance, Bay Township Ordinance No. 16, as amended, be approved by the Bay Township Board of Trustees. The Planning Commission may recommend and the Township Board of Trustees may waive maximum grade, radius and width standards as deemed appropriate for the protection of natural or cultural features on a particular site and for compliance with these design standards. In no instance shall a road be approved which renders the development or that road being incapable of being serviced by commonly used public safety vehicles.

8. Signs

Signs, other than required for traffic circulation and/or public safety, shall not be allowed at PUD projects.

9. Lighting

All exterior lighting fixtures, whether attached to a building or freestanding, shall be of unified design and shall be fully shielded, shaded and downward directed. Lighting fixtures shall be located so as not to illuminate the night sky or produce glare outside of the boundaries of the development. Light fixtures/ poles shall be fourteen (14) feet or less in height.

10. Parking Areas

Common parking areas, if proposed, shall be designed and constructed to adequately serve the needs of all buildings and uses within the PUD. Such areas are encouraged to utilize permeable surfaces such as permeable pavement, porous pavers, etc.

Common parking areas shall be screened from view from adjoining property as deemed appropriate by the Planning Commission for the setting and zoning district in which a PUD is located. Screening can be accomplished by existing trees or other vegetation or by landscaped native plant buffers or greenbelts.

Common parking areas shall provide stormwater management systems that infiltrate to groundwater to prevent off-site impacts of any kind. The use of innovate stormwater management, treatment and disposal is strongly encouraged, such as rain gardens, grassed waterways, constructed wetlands, etc. The direct discharge of stormwater from parking areas to natural watercourses, wetlands, or other surface waters is prohibited.

11. Driveways and Access

Access to the PUD from adjoining public roads shall be designed and constructed to insure the safety of vehicles and pedestrians. Clear vision areas shall be maintained at adjoining public roads and at public and private road rights-of-way in accordance with Bay Township Private Road Ordinance, as amended, site distance standards.

12. Snow Removal

Adequate areas shall be provided for the storage and disposal of snow removed from roadways, walkways, and parking areas during the winter months.

13. Access for Emergency Services

Routes for police, fire, and emergency medical services vehicles shall be provided to all buildings and uses in accordance with fire and safety agency standards and guidelines. Such routes shall be maintained to assure access to all buildings and uses in the PUD year-round under all weather

conditions. Site plan approval is required from police, fire and emergency services agencies before a PUD application shall be considered administratively complete in accordance with Sections 11.4 and 11.5.

14. Loading, Service, and Storage Areas

Areas used for the delivery or pickup of goods or materials, or for servicing vehicles or equipment, shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Areas used for the storage of waste materials shall be screened from view from adjoining properties and public roadways. Screening may be provided by existing trees and other vegetation, or by landscaped native plant buffers or greenbelts.

15. Stormwater drainage

Stormwater runoff from improved areas shall be managed to prevent off-site impacts. Each PUD shall be provided with a storm drainage system that maintains stormwater runoff at a predevelopment rate. Stormwater plan preliminary approval is required from county and/or state agencies before a PUD application shall be considered administratively complete in accordance with Sections 11.4 and 11.5. Final stormwater plan approval is required from county and/or state agencies before final Planning Commission PUD approval in accordance with Step 6, Section 11.6.

16. Integration of Natural Features

Lots, buildings, roads, and other improvements shall be situated to minimize alteration of floodplains, stands of mature trees, productive woodlots, and farmland.

17. Utility Service

Utilities services shall be installed underground.

18. Dry hydrants or underground water storage tanks may be required as a condition of approval.

b. Approval Standards

1. The use or uses established in a proposed PUD shall be consistent with the Township's Master Plan and Zoning Ordinance. The type of development authorized by the PUD zoning will be
2. consistent with the intent and purpose of the Master Plan, the Zoning Ordinance, as well as with the intent and purpose of the zoning district in which the PUD is located.

3. The proposed PUD will create recognizable and substantial benefit to the community in addition to the property owner/developer. The granting of PUD zoning will result in a recognizable and
4. substantial benefit to the users of the PUD and the Township. Such benefits would not likely be
5. realized if the PUD zoning was not granted.

6. The Proposed PUD will not unreasonably burden public roads, facilities, utilities and services. The use or uses established in the PUD will not result in a material burden on police and fire services nor on other public services or facilities.

7. The proposed PUD will not unreasonably impact use and development of surrounding property. The use or uses established in the PUD will not diminish the opportunity for surrounding properties to use and develop their property as zoned.

5. The proposed PUD must be under single ownership or control. An individual or single legal entity as a landowner or having control has responsibility for completing the project in conformity with the approved final site plan and any conditions of approval.

6. Natural and cultural features and amenities, including waterbodies and waterways, natural and artificial drainage ways, shorelines, wetlands, floodplains, groundwater recharge/discharge areas, historic places and structures, woodlots, etc., shall be meaningfully incorporated into the design and construction of the PUD. The PUD shall be designed so as to result in a minimal disturbance of the natural topography.

7. Buildings and improvements must be completed prior to use and occupancy unless such use or occupancy will not impair the health, safety, and general welfare of the users or occupants of the PUD or of users and occupants of adjoining property. The Planning Commission may establish conditions applicable to completion of buildings and other improvements.

8. As a condition of approval of a PUD site plan, the Planning Commission may require a
9. performance guarantee of a sufficient sum to assure the installation or construction of those
10. features or components of the approved PUD considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed PUD.

Features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, survey monuments and irons, streets/roads, curbing, landscaping, fencing, walls/berms, screening, vegetated buffers, snow removal, emergency vehicle access, lighting, drainage facilities, pathways, sidewalks, paving, common driveways, roads, parking, common potable water facilities (if any), common septic and/or sewage treatment and disposal facilities (if any), utilities and similar items. Improvements do not include the entire PUD.

When required, performance guarantees shall be deposited with the Township Clerk before any land clearing, excavation or other construction activities commence at or within a PUD.

Performance guarantees shall be processed in the following manner:

a) Prior to the issuance of any Township zoning permits for lots within a PUD, the applicant or their agent shall submit and itemized estimate of the cost of the required improvements that are
b) subject to the performance guarantee, which shall then be reviewed by the Planning
c) Commission and Zoning Administrator. The amount of the performance guarantee shall be
d) one-hundred percent (100%) of the cost of purchasing materials, installation and construction of the required improvements, plus the cost of necessary engineering, planner, legal and
e) inspection costs borne by the Township and a reasonable amount for contingencies.
f) The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other surety instrument acceptable to the Township.
g) Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a land use permit for the subject PUD, provided in consultation with the Planning Commission it is in compliance with all other applicable provisions of this Zoning Ordinance and other applicable Bay Township ordinances.
h) The Zoning Administrator, upon written request of the obligor, shall rebate portions of the
i) performance guarantee upon the Zoning Administrator’s determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
j) When all of the required improvements have been completed, the obligor shall send written
k) notice to the Zoning Administrator of the completion of all improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of reason(s) for any rejections.
l) If partial approval is granted, the obligor shall be released from liability pursuant to relevant
m) portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

n) The Zoning Administrator/Township Clerk shall maintain a record of required performance guarantees.

11.9 Actions Following Final PUD Approval

Three (3) copies of the approved final site plan shall be signed and dated by the Planning Commission Chair and the applicant. A copy of the Planning Commission's approving report or recommendation shall be attached to each signed final site plan. A mixed use PUD application shall require similar action by the Township Board.

One (1) site plan shall be provided to the applicant. One (1) shall be provided to the Township Clerk for inclusion in the Bay Township Zoning Ordinance. One (1) copy shall be provided to the Zoning Administrator for inclusion in his or her files of Township approval of the PUD.

If a final application for a mixed-use PUD is approved by the Township Board, a notice describing the nature and extent of the PUD district shall be published in a newspaper within fifteen (15) days after approval by the Township Board.

11.10 Statement of Compliance Required

All buildings, structures and improvements within an approved final PUD shall be established in strict compliance with the approved final site plan and any conditions of approval. All buildings and improvements shall be constructed as illustrated on the approved final site plan. No project related construction of any type is allowed until final PUD approval.

Following completion of site plan elements, including but not limited to the construction of buildings, shared facilities, roads, utilities, structures and other improvements, the applicant shall provide a statement, prepared by an independent professional (a licensed surveyor, professional engineer, registered landscape architect) certifying that all common buildings, shared structures, and improvements have been constructed in compliance with approval granted.

11.11 Recorded Affidavit Required

An affidavit in a form acceptable to the Bay Township Attorney containing the information outlined in this Article shall be recorded with the Charlevoix County Register of Deeds within thirty (30) days following approval:

a) Date of approval of the PUD by the Planning Commission (in the case of single-use PUDS) or Township Board (in the case of mixed-use PUDS).

b) Legal description of the property.

c) A statement by the applicant(s) certifying that the property will be developed in accordance with:

1. The site plan and other information approved by the Planning Commission or Township Board, and

2. All conditions associated with approval of the PUD.

This statement shall specifically indicate that no modifications shall be made to the PUD as

approved; to the final site plan or other information provided by the applicant; or to any conditions associated with approval of the PUD, unless approved under the modification provisions of this Article.

Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One (1) copy shall be attached to his or her copy of the signed site plan. One (1) copy shall be placed in the Planning Commission's record of proceedings on the PUD. One (1) copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD.

11.12 Modification of an Approved PUD

a. Minor modifications to a PUD may be approved by the Planning Commission by mutual agreement between the applicants or successors in interest as follows:

1. Reorientation of buildings provided no such structure is moved more than twenty five (25) feet from the original plan location; the move is determined to be necessary based on site conditions not previously known; the intent, concept, and objectives of the PUD are not circumvented; and no greater impact is exerted on adjacent properties.

2. Redistribution of the dwelling units among the proposed structures, provided building heights are not increased, and the density of dwelling units is not increased.

3. Minor realignment of roads, pedestrian ways, parking areas based on the need to respect site features (topography, soils, bedrock, vegetation) or to accommodate minor reorientation of buildings.

b. Major Modifications

Major modifications to an approved PUD shall be subject to review and approval under a new application for PUD. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty (120) square feet; or increases in the number of building sites, lots, or dwelling units; increases in land area occupied by non-residential uses; decrease in open space set-aside; or the addition of other buildings, structures, uses and improvements not originally included in the final PUD plan as approved.

11.13 PUD Plan Expiration and Renewal

The expiration, repeal and renewal of a PUD site plan, whether preliminary or final, shall be in accordance with the following standards:

a. Plan Expiration

PUD approval shall automatically expire after twenty-four (24) months, following the effective approval date, if one or more of the following apply:

1. In the case of a final site plan no earthwork or construction activities are in evidence and no valid construction permits are in effect;

2. The project appears to be abandoned, there is no apparent interest in continuing the PUD as established, and no applications for renewal have been received;

3. No apparent effort is being made to market the PUD project or operate it as an active development; or

4. In the case of a preliminary site plan, the use proposals are different from the approved preliminary site plan.

b. Plan Renewal

To forestall automatic expiration, the PUD applicant shall request renewal of the PUD prior to the expiration date. Renewal shall be by formal action of the Planning Commission. Renewal requests shall be filed at least seven (7) days prior to the scheduled meeting date of the Planning Commission, but no formal public hearing is required. Renewals shall be for periods not to exceed twelve (12) months and only two (2) such renewals shall be permitted.