

Adopted on 12-15-05 PUD Ordinance Amendment Language:

**Chapter 10A
PUD - Planned Unit Development**

Section 10A.01 Intent

Planned Unit Development in Danby Township may be established as a Special Land Use when approved by the Township Board in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other zoning districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Chapter.

Section 10A.02 Qualifying Conditions

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. The PUD site shall be not less than ten (10) acres in area. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be forty (40) acres. Recreational amenities such as golf courses and health clubs, and ancillary commercial activities such as club houses and pro shops, shall not be considered non-residential uses for purposes of this section.
- B. All PUDs shall be capable of being adequately served with public or private water and sanitary sewer facilities.
- C. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners, or by person(s) with legal interest, of all properties.
- D. The proposed uses of the PUD must be consistent with the recommended uses and densities of the Danby Township Basic Zoning Plan for the subject property.
- E. A minimum of twenty-five (25) percent of the PUD site shall be preserved as common open space, exclusive of rights-of-way, easements, required yards, parking areas, storm water detention basins, and commercial recreational facilities such as golf courses.

Section 10A.03 Permitted Uses and Modifications of District Requirements

- A. Any use permitted by right or special approval in any district shall be permitted within a

PUD; provided such use(s) conforms to the recommendations of the Danby Township Basic Zoning Plan for the subject property.

- B. The area, width, and setback requirements of the underlying zoning district may be reduced up to a maximum of fifty (50) percent; provided Ionia County Health Department approval is obtained for on-site water and septic systems, if applicable. Further, any reduction in required lot area shall result in a corresponding increase in common open space (one (1) square foot of additional open space for each one (1) square foot of reduced lot area) in addition to the minimum twenty-five (25) percent required for all PUDs.

Section 10A.04 Pre-application Conference

- A. A pre-application conference may be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. As part of the pre-application conference, the applicant shall submit nine (9) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- C. The Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of PUDs in the Township, whether it qualifies under the minimum requirements of Section 10A.02 and whether the general concept is consistent with the Basic Zoning Plan. In no case shall any representations made by the Planning Commission be construed as an endorsement of the PUD or an approval of the concept.

Section 10A.05 PUD Application and Preliminary Development Plan

Applicants seeking approval of a PUD District shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. The application shall include the following:

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Township Board.
- C. A narrative statement describing:
 - 1. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 10A.01.
 - 2. The relationship of the PUD to the Basic Zoning Plan.

3. Phases of development and approximate time frame for each phase.
 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 5. Anticipated start and completion of construction.
 6. Location, type, and size of areas to be dedicated for common open space.
- D. Fifteen (15) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
1. Name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow.
 2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres.
 3. Existing zoning and land use of all abutting properties.
 4. Existing natural features on the site including water, stands of trees, drainage ways, flood plains, wetlands, steep slopes, and similar features.
 5. Existing buildings on the site.
 6. Proposed uses and their approximate locations.
 7. Right-of-way and pavement edges of existing streets abutting the PUD.
 8. Approximate locations of proposed access drives and streets within the PUD.
 9. Proposed method of providing water, sanitary sewer, and storm water drainage facilities.
 10. Layout and typical dimensions of proposed lots.
 11. Approximate phases of development.
 12. Proposed residential density by area or phase.

Section 10A.06

Notice and Public Hearing for PUD

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the Zoning Act. The notice shall:

1. Describe the nature of the proposed PUD.
 2. Describe the property which is the subject of the PUD application, by both legal description and street address.
 3. State the time, date, and place of the public hearing.
 4. State when and where written comments will be received concerning the application.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

Section 10A.07 Planning Commission Recommendation

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Basic Zoning Plan, compatibility with surrounding uses, and consistency with the intent and qualifying conditions of this Chapter and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD request. In its recommendation to the Board, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identify those specific conditions, if any, it considers necessary.

Section 10A.08 Township Board Action

After receiving the recommendation of the Planning Commission and following the standards of Section 10A.07, the Township Board shall review the application package, preliminary development plan, the record of the Planning Commission proceedings and the recommendation. The Board shall then make its findings as to approval, approval with conditions, or denial. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the final development plan are submitted to the Township Board and approved.

Section 10A.09 PUD Application and Final Development Plan

Within twelve (12) months of the Township Board's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Township Board.
- C. A written response to the findings, review comments, and conditions, if any, from the

Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.

- D. A site plan containing all of the information required in Section 11.02D. For developments consisting of three (3) or more phases, a plan meeting the requirements of 10A.05 D may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

Section 10A.10 Planning Commission Review of Final Development Plan

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 10A.06 – 10A.08.
- B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Sec. 10A.11.
- C. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- D. The decision of the Planning Commission may be appealed to the Township Board, which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of Sec. 10A.11.

Section 10A.11 Standards for Approval

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Sec. 10A.02.
- B. The uses to be conducted within the proposed PUD are consistent with the Basic Zoning Plan.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Sec. 10A.01 and represents a development opportunity for the community

that could not be achieved through conventional zoning.

- F. The proposed PUD meets all the review standards of Section 11.04, Site Plan Review Standards.

Section 10A.12 PUD Agreement

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Ionia County Register of Deeds.

Section 10A.13 Changes to an Approved PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the Township, County, State or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be

submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

- D. The Zoning Administrator shall notify the Planning Commission, in writing, of any minor changes to a PUD that have been approved.

Section 10A.14 Time Limit for Approved PUD District

Each development shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
 - 1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - 2. The PUD requirements and standards, including those of the Zoning Ordinance and Basic Zoning Plan, which are reasonably related to the development have not changed.
- B. Should neither of the provisions of Section 10A.14A. be fulfilled, or an extension has expired without construction underway, the PUD approval shall be null and void.

Section 10A.15 Financial Guarantee

In accordance with section 15.04, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

The following additional sections of the Ordinance should be added:

- Section 5.03 V. Planned Unit Development
- Section 6.03 M. Planned Unit Development
- Section 7.03 G. Planned Unit Development
- Section 9.03 U. Planned Unit Development
- Section 10.03 J. Planned Unit Development