

**PARK TOWNSHIP
COUNTY OF OTTAWA, MICHIGAN**

***DRAFT
FOR PUBLIC HEARING OF FEBRUARY 14, 2017***

At a regular meeting of the Township Board for the Township of Park, Ottawa County, Michigan, held in the Park Township Hall, 52 152nd Avenue, on the ____ day of ____, 2017 at 7:00 p.m.

PRESENT: Members: _____

ABSENT: Members: _____

The following ordinance was offered for adoption by Member _____ and supported by Member _____.

ORDINANCE NO. 17-1

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF PARK TOWNSHIP BY DELETING IN ITS ENTIRETY DIVISION 8 OF ARTICLE III, PLANNED UNIT DEVELOPMENT (PUD); AND BY ADDING NEW DIVISION 8 TO AMEND THE REGULATIONS FOR PLANNED UNIT DEVELOPMENTS; AND TO INCORPORATE SECTIONS 38-377 AND 38-404 INTO THE PARK TOWNSHIP ZONING ORDINANCE AS NEW ARTICLES IX AND X; TO AMEND THE DEFINITION OF GROSS USEABLE ACRE; AND ADD A DEFINITION OF NET BUILDABLE ACREAGE.

THE TOWNSHIP OF PARK (the “Township”) ORDAINS:

SECTION 1 Delete Division 8 in its entirety, and add new Division 8 to read as follows:

DIVISION 8 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

38-363 Description and purpose.

The purpose of Planned Unit Development (“PUD”) regulations is to encourage and allow more creative and innovative design of land development and use than is possible under conventional zoning district regulations. Planned Unit Developments are intended to allow flexibility in planning and in designing development proposals, which ideally results in a development that contains more amenities through preservation of natural and cultural resources, and through providing a combination of complementary uses. The result is ultimately a development that is more desirable than one produced in accordance with conventional zoning ordinance and subdivision controls.

Through proper design and review, each Planned Unit Development should achieve the following objectives:

- (1) To allow a mix of uses, structures, facilities, housing types and open space that are compatible with existing and planned uses on nearby properties.
- (2) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, forests, flood plains, natural drainage patterns, agricultural lands, wildlife habitat and other natural site features.
- (3) To provide for the regulation of lawful and reasonable land uses not otherwise authorized within this Ordinance.
- (4) To provide for single or mixed use developments which respect the goals and objectives of this Ordinance and the Park Township Master Plan.
- (5) To encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.
- (6) To implement the vision of the Park Township Master Plan in order to provide a high standard of quality of life, varied housing options, and richness of natural assets.

38-364 Authorization and permitted uses.

- (1) A Planned Unit Development zoning district may be approved by the Township Board in any location within Park Township. The approval of a Planned Unit Development application shall require approval of the Park Township Board of Trustees.
- (2) Any land use allowed by the Park Township Zoning Ordinance may be approved by the Township Board within a PUD as a principal or accessory use subject to adequate provisions for the public health, safety, and welfare within the PUD, except Manufactured Housing Communities may only be approved within a PUD in areas recommended in the Park Township Master Plan for High Density Residential and zoned R-4 Medium Density Single and Two-Family Residence District prior to consideration as a PUD.
- (3) Private roads are allowed in a Planned Unit Development subject to the requirements of Section 38-512 herein.

38-365 Qualifying conditions.

- (1) **Minimum PUD area size.** In order to be eligible for a PUD, the area proposed for a PUD shall consist of a minimum of two (2) contiguous acres; with the exception that, in the C-1 Neighborhood Business District and the C-2 Resort Service District, the minimum size shall be one (1) contiguous acre.

- (2) **Completion of PUD as approved.** Upon the transfer of ownership or control of the entire PUD or individual properties within the PUD, all requirements approved by the Township Board shall continue to be met and the development shall be completed in its entirety as approved.

38-366 Development requirements for all uses.

The lot area, lot width, building height, setback, and other dimensional and yard requirements, supplemental regulations, landscaping, signs, lighting and parking regulations and other development regulations which would otherwise be applicable to the type of land use being requested for the PUD shall be determined by the Township Board following a recommendation from the Planning Commission in order to achieve the objectives of this Article. Criteria which shall be used in making these determinations shall include the following:

- (1) Number, location, size, and type of dwelling units.
- (2) Type, location, and amount of non-residential uses proposed.
- (3) Proximity and impact of the PUD on adjacent existing and future land uses.
- (4) Preservation of existing vegetation or other natural features on site.
- (5) Topography of the site.
- (6) Provision of public and or community water, sanitary sewer and storm sewer or approval of the Ottawa County Health Department for on-site well and septic systems.
- (7) Access for emergency vehicles to all buildings and areas.
- (8) Provisions for pedestrian circulation, recreational amenities, and open space.
- (9) Traffic circulation and safety.

38-367 Development requirements for PUDs with residential uses.

For Planned Unit Developments which will devote all or a portion of the site to residential use, the following requirements shall apply, in addition to the requirements of Section 38-366:

- (1) Number of dwellings permitted

An area which is requested for approval to a PUD shall only be developed in accordance with the density recommended by the Township Master Plan and according to the requirements of Section 38-367 (2). In a case where no density is recommended by the Master Plan, the density shall be determined by using the minimum lot size required by the current zoning district for the area for residential uses according to the requirements of Section 38-367 (2).

(2) Formula to determine number of dwellings on net buildable acreage

The number of dwellings which may be constructed within a PUD shall be determined as follows:

- a. Determine gross site acreage. The gross site acreage may include road right-of-way only if the legal description for the land includes the road-right-of way.
- b. Subtract all the areas of existing wetlands, creeks, streams, ponds, lakes, or other water bodies, floodplains, critical dunes, and slopes of 20% or greater.
- c. If requested by the Planning Commission, the determination of the existence of wetlands or floodplain areas on a parcel shall be demonstrated through a written determination by the Michigan Department of Natural Resources, or by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.
- d. Subtract acreage proposed to be devoted to non-residential uses, except those areas proposed for, but not limited to, parks, playgrounds, and open space shall not be subtracted. Facilities proposed for, but not limited to, community buildings, indoor recreational facilities, and similar facilities shall be considered non-residential uses.
- e. The number of acres remaining shall be the net buildable acreage.
- f. Multiply the net buildable acreage by the density as recommended in the Master Plan. In a case where no density is recommended by the Master Plan, the permitted density shall be determined by dividing the net buildable acreage by the number of units per acre that result using the minimum residential lot size required by the current zoning district.

<u>Density Table Based upon Master Plan Category</u>	
<u>Master Plan Category</u>	<u>Recommended Density</u>
AG Agriculture	1 unit per 10.0 acres
RER Rural Estate Residential	1 unit per 5.0 acres
LDR Low Density Residential	1 unit per 2.9 acres
SR Shoreline Residential	1 unit per 1.0 acre
MLR Macatawa Lakefront Residential	1 unit per 2.9 acres
HDR High Density Residential	5.1 units per acre w/water and sewer (single family) 4.3 units per acre w/water but wo/sewer (single family) 2.9 units per acre wo/water and sewer (single family) 2.9 units per acre w/water and sewer (two-family) 2.1 units per acre w/water but wo/sewer (two-family) 1.4 units per acre wo/water and sewer (two-family) 6-8 units per acre (3 or more units attached)

(3) Additional dwellings

Additional dwellings above that authorized by Section 38-367 (1) and (2) may be allowed at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space beyond that required by Section 38-368, which would result in a significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so that it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities with the exception of golf courses.
- b. Additional landscaping to preserve or enhance the views along the roadway.

- c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.
- d. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.
- e. Provision of a public or private community water and/or sanitary sewer system.
- f. If additional dwelling units are to be allowed, the maximum number of dwelling units shall be determined according to the formula in Section 38-367 (2) a. and f. by utilizing the gross site acreage. In no case shall the number of dwelling units exceed that allowed by this subsection.

(4) Mixed Use

- a. In the case of mixed use developments, where commercial, residential, or other combinations of types of uses are proposed for one PUD, density of the residential portion of the site shall be calculated based upon only that portion of the site where residential uses are proposed.
- b. In the case of mixed use developments, the formula to determine additional dwellings shall be based upon the gross site acreage of only that portion of the site where residential uses are proposed.

38-368 Dedicated Open Space Requirements

- (1) A PUD with residential uses shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. The Planning Commission shall have the discretion to recommend to the Township Board more than the minimum amount of Dedicated Open Space required by the following, if such recommendation is made pursuant to the purpose of the PUD District as required by Section 38-363:
 - a. For land master planned for AG, Agricultural, a minimum of 40 percent of the gross site area devoted to residential use shall be permanently preserved as Dedicated Open Space.
 - b. For land master planned for RER Rural Estate Residential, LDR Low Density Residential, SR shoreline Residential, or MLR Macatawa Lakefront Residential, a minimum of 20 percent of the gross site area devoted to residential use shall be permanently preserved as Dedicated Open Space.
 - c. For land master planned HDR High Density Residential and not served with public or private sewer, a minimum of 20 percent of the gross site area devoted to residential use shall permanently be preserved as Dedicated Open Space. For land master planned HDR High Density Residential and served with public or private sewer, and for those uses proposed for multi-family development, a minimum of 15 percent of the gross site area devoted to residential use shall be permanently preserved as Dedicated Open Space.

- d. For land master planned HDR High Density Residential, and proposed for Manufactured Housing Community, the regulations of Article IX regarding minimum Dedicated Open Space shall apply.

(2) Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:

- a. The area within any public or private road easement or right-of way.
- b. Any easement for overhead utility lines unless adjacent to qualified open space.
- c. Only fifty percent of the area of any existing floodplain, streams, wetlands, lakes, ponds, and slopes which are 20% or greater shall be counted as Dedicated Open Space.
- d. The area within a platted lot or site condominium lot.
- e. The area of required setbacks or required distances between buildings unless, upon a recommendation by the Planning Commission and approval of the Township Board, these areas are determined to function as useable open space.
- f. Proposed detention and retention ponds. Stormwater management facilities such as rain gardens, bioswales, vegetated filter strips, constructed wetlands, and similar facilities may be classified as Dedicated Open Space upon recommendation of the Planning Commission and approval by the Township Board.
- g. Community drain fields if such areas are not completely underground.
- h. Any area devoted to a golf course.
- i. Required landscaping buffers and greenbelts.

38-369 Standards for Dedicated Open Space

The following standards shall apply to the Dedicated Open Space provided in the development:

- (1) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands, or significant cultural features such as existing landmark structures or vegetation.
- (2) Upon recommendation by the Planning Commission and approval by the Township Board, a portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. This area shall be left in its natural condition or landscaped to provide a view compatible with the existing or desired character of the area. The depth of this area shall be recommended by the Planning Commission, but in no case shall be less than 30 feet, and shall not include the road right-of-way.

- (3) If the site contains a lake, stream or other body of water, the Township Board, following a recommendation from the Planning Commission, may require a portion of the Dedicated Open Space to abut the body of water.
- (4) Open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths where practicable.
- (5) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practicable.
- (6) Dedicated Open Space may consist of ball fields, tennis courts, children's play area, skate parks, swimming pools and related buildings, community buildings, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.
- (7) The Dedicated Open Space shall be available and useable for all residents of the PUD, subject to reasonable rules. Safe and convenient pedestrian access to the Dedicated Open Space shall be provided.
- (8) The Dedicated Open space shall be designed to be used primarily by residents of the PUD but this shall not prohibit non-PUD residents from utilizing these accessory uses provided rules for such use are set forth in the Open Space Agreement required by Section 38-671 herein.
- (9) Non-contiguous open space

If requested by the applicant, the Planning Commission may recommend and the Township Board may approve Dedicated Open Space that is not contiguous with the rest of the PUD. In determining whether to approve non-contiguous open space, one or more of the following criteria shall apply:

- a. The non-contiguous open space is located such that residents of the PUD can reasonably access and use the non-contiguous open space.
- b. The non-contiguous open space will be open to use by the residents of the PUD and the general public.
- c. The open space contains unique features not found on the lands contiguous to the PUD, and the non-contiguous open space will be open to use or observation by the residents of the PUD and the general public.

38-670 Dedicated open space for non-residential uses

The intent of this Section is to ensure that each PUD project which proposes non-residential uses (such as commercial or institutional uses) shall provide permanent Dedicated Open Space for the commercial or institutional portion in the form of civic space such as a central green for sitting, viewing or small outdoor events, or provide objects or areas of interest such as a fountain or plaza

or provide rain gardens or other bio-retention areas for the purpose of storm water detention which shall also function as a visual amenity.

- (1) Open space areas shall be arranged and designed to contribute to the attractiveness and function of the proposed development and shall, insofar as reasonably possible, be interspersed throughout the site.
- (2) At least one Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Planning Commission, satisfies the intent of this section.

38-671 Guarantee of Dedicated Open Space

The applicant shall provide an open space preservation and maintenance agreement to the Township stating that all Dedicated Open Space portions of the development shall always be maintained in the manner approved. Documents shall be presented to the Township that permanently bind all successors and future owners in title land and others to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD plan, unless an express amendment is approved by the Township Board. The residents of the PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.

The agreement must be acceptable to (and approved by) the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

- (1) Indicate the permitted use(s) of the Dedicated Open Space.
- (2) Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Dedicated Open Space. The owners of property which is within the PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open space.
- (3) Provide for scheduled maintenance of the Dedicated Open Space including necessary pruning, mowing, replacement of dead or diseased vegetation, and harvesting of trees and new plantings.
- (4) Provide for scheduled maintenance of any structures or facilities located within the Dedicated Open Space including trails.

- (5) Provide for maintenance to be undertaken by Park Township in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the properties within the PUD.

38-672 Public and private street connections to adjacent property

Public or private streets may be required to be extended to an adjacent property line by the Township Board following a recommendation from the Planning Commission which shall be based on the following standards:

- (1) The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the street system to access adjoining residential areas. In making this determination, the Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or present difficulty in extending the public or private road, and if the adjacent site is already developed so as to prevent the extension of the public or private road.
- (2) The road extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant.
- (3) If such a connection is required, the applicant shall construct the road to the adjacent property line at the time that the public or private road is built or the applicant shall illustrate an easement for the future road on the approved PUD site plan and record an agreement (approved by the Township) to construct the road connection within the easement when the adjacent property develops and the Planning Commission determines the necessity of the road connection.
- (4) Upon completion of the connection, the applicant shall grant a permanent access easement (acceptable to the Township) to the adjoining properties to allow for the uninterrupted movement of people and vehicles.

38-673 Procedures

- (1) Pre-application conference
 - a. Before submitting an application for PUD approval, the applicant shall meet with the Zoning Administrator who may request the attendance of the Township Planner, Township Engineer, or other professional or Township official.
 - b. The applicant shall provide a conceptual drawing or other information about the development of the property.
 - c. The purpose of the pre-application meeting is to explain the PUD review process to the applicant along with site design requirements in order to assist the applicant in preparing a PUD site plan for review by the Planning Commission.

- d. No formal action may be taken at a pre-application conference nor will any statements made at the pre-application conference be legally binding commitments.
- e. The applicant may, upon request by the applicant, the Zoning Administrator, or other Township official, make a pre-application presentation to the Planning Commission. This presentation shall include a conceptual drawing and other information sufficient to inform the Planning Commission of the proposal, and to provide the applicant with preliminary comments from the Planning Commission. No formal action may be taken at a pre-application presentation nor will any statements made at the pre-application presentation be legally binding commitments.

(2) Submit PUD application materials

Following the pre-application conference, an application for PUD approval review shall include a completed application form, and ten sets of the Preliminary PUD Development Plan including an electronic file of the Development Plan, which shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee or fees as set by resolution of the Township Board. The application shall at a minimum contain all of the following information:

- a. The applicant's name, address and phone number.
- b. Proof that the applicant is the owner of the property or has a sufficient legal or financial interest in the property.
- c. The name, address and phone number of the owner(s) of record if different than the applicant.
- d. The address of the property.
- e. Legal description of the property.
- f. Current zoning.
- g. Project description.
- h. Size of the parcel in acres.
- i. Signature of the applicant and owner of the property.
- j. A narrative describing:
 1. The objectives of the PUD and how it relates to the intent of the PUD District as described in Section 38-363.
 2. The relationship of the PUD to the Park Township Master 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 Open Space.
7. All proposed modifications from the zoning regulations which would otherwise be applicable to the uses and structures of the current zoning of the property in the absence of a PUD.

(3) Preliminary PUD Development Plan.

The Preliminary PUD Development Plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain all of the information as required by Section 38-102 of this Ordinance, and the following information unless specifically waived by the Planning Commission:

- a. Small scale sketch of properties with parcel lines, streets, zoning, and uses of land within one-half mile of the site. This sketch shall be sufficient to illustrate the character of the area surrounding the proposed PUD.
- b. Significant natural features and other natural characteristics on the site and within 100 feet of the site, including but not limited to open space, stands of trees, bodies of water, brooks, streams, wetlands, floodplains, slopes of 20% or greater, and similar natural features.
- c. Significant cultural amenities such as historic sites or structures, fence rows of trees, specimen trees, or other culturally significant features.
- d. Proposed lots with lot line dimensions and the area of all lots or site condominium units, and all proposed setbacks. Notes on the PUD Development Plan shall state all proposed modifications from the zoning regulations which would otherwise be applicable to the uses and structures of the current zoning of the property in the absence of a PUD.
- e. All driveways opposite the site.

(4) Environmental Impact Assessment.

The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final PUD Development Plan.

- (5) Review of Preliminary PUD Development Plan. The Planning Commission shall review the Preliminary Development Plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof.
- (6) Final PUD Development Plan. After receiving the recommendations of the Planning Commission on the Preliminary PUD Development Plan, the applicant for a PUD shall

submit a Final PUD Development Plan to the Township in accordance with the requirements for submittal of the Preliminary PUD Development Plan.

The Final PUD Development Plan shall contain all of the information required for Preliminary PUD Plan review (unless specifically waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD) plus the following:

- a. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Preliminary PUD Development Plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the Final PUD Development Plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - b. Projected time for completion of the entire PUD, proposed phasing, if any, of the PUD and the projected time for completion of each phase.
 - c. Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the approval of development of the lands in accordance with the PUD plan.
- (7) Planning Commission Review of Final PUD Development Plan. The Planning Commission shall prepare a report containing its recommendation to the Township Board concerning the PUD request. The report shall state the conclusions of the Planning Commission concerning the PUD request, the basis for the Planning Commission's recommendation, and any conditions recommended for approval of the PUD.
- (8) Planning Commission Public Hearing on Final PUD Development Plan. Prior to making a recommendation to the Township Board, the Planning Commission shall hold an advisory public hearing on the Final PUD Development Plan. The giving of public notice for the public hearing shall be as required by The Michigan Zoning Enabling Act, PA 110 of 2006 as amended.
- (9) Standards for Approval. In making a recommendation to the Township Board to approve a PUD, the Planning Commission shall find that the proposed PUD meets all of the following standards:
- a. Granting approval of the Final PUD Development Plan will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
 - c. The PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and objectives of this Division 3 and this Ordinance.

- d. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will be generally compatible with the character of the surrounding area.
- e. Protects all floodplains and wetlands from filling except as approved for essential services or recreation amenities.
- f. Preserves and maintains mature woodlands, fields, pastures, and meadows; and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- g. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.
- h. Protects the rural roadside character where desirable.
- i. Pedestrian walkways may be provided so that pedestrians can walk safely and easily throughout the site.
- j. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of natural and environmental site features.
 - k. The project will be adequately served by public utilities and services such as police and fire protection or public or on-site community water or sanitary sewer.
 - l. The proposed PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.
 - m. If a project is to be completed in phases, the project shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all of the features necessary to ensure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area. The Planning Commission may recommend (and the Township Board may require) that neighborhood amenities such as recreational facilities, walkways, and similar facilities be completed upon occupancy of a determined number or percentage of dwelling units or non-residential uses.

(10) Public Hearing and Final Consideration of the PUD by Township Board. The Township Board shall review the Final PUD Development Plan and the recommendations submitted by the Planning Commission. The Township Board shall conduct a public hearing and provide notice as required by The Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

Following the public hearing, the Township Board shall determine whether the Final PUD Development Plan complies with the standards of Section 38-673 (9) and with the conditions recommended by the Planning Commission; whether the proposed project promotes the intent and purpose of this Ordinance; and whether the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets all such standards, conditions, and requirements, the Township Board may approve the Final PUD Development Plan.

(11) **Conditions of Approval.** The Township Board may impose reasonable conditions upon any PUD approval. Such conditions may include those reasonably necessary to ensure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration; residents, and landowners immediately adjacent to the proposed project; and the community as a whole.
- b. They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- c. They shall be reasonably necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual written consent of the Township Board and the property owner. The Township Board shall maintain a record of all conditions which are imposed.

38-674 Planned Unit Developments subject to land division, subdivision, condominium and site condominium regulations

- (1) Applications for Planned Unit Developments proposed as land divisions or subdivisions shall be subject to the Park Township regulations for land divisions and subdivisions of Chapter 18 Land Divisions and Subdivisions.
- (2) Applications for Planned Unit Developments proposed as condominiums or site condominiums shall be subject to the of the requirements of State of Michigan Condominium Act, Act 59 of 1978, as amended.

38-675 Amendments to an approved PUD

An approved Final PUD Development Plan (and any conditions imposed upon Final PUD approval) shall not be changed except upon the mutual written consent of the Township Board and the applicant as required by this section.

- (1) **Minor Amendments.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and shall indicate that such change does not substantially change the basic design or alter the conditions required for the plan.

The following items shall be considered as minor changes:

- a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than 10 feet.
 - c. Plantings approved in the landscape site plan may be replaced by similar types of landscaping.
 - d. Changes in floor plans which do not alter the character of the use.
 - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes required or requested by the Township for safety reasons.
 - g. Changes which will preserve the natural features of the site without changing the basic site layout.
 - h. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- (2) The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD to the Planning Commission for review and approval regardless of whether the change may qualify as a minor change. In making a determination whether a proposed change is a minor change, or whether to refer a proposed change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
- (3) If the Zoning Administrator determines that the requested modification to the approved PUD is not minor, resubmission to the Planning Commission for a formal amendment shall be required and shall be conducted in the same manner as an original application.

38-676 Performance guarantees

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory to the Township Board in the circumstances and authorized by law. The amount and form of the performance guarantee shall be determined by the Township Board based upon a recommendation from the Planning Commission.

38-677 Time limitations on development

- (1) Each PUD shall be under substantial construction within one (1) year after the date of approval of the Final PUD Development Plan and adoption by the Township Board of a PUD resolution that includes a report stating all conditions of approval of the PUD. If the requirement for substantial construction within one year is not met, following a review and

recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the Township showing that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD.

- (2) If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD (or any part thereof) shall be of no further effect, and all approvals of the PUD shall be void.
- (3) If the PUD has been approved with more than one phase, and substantial construction on any phase has not commenced within one year from the period of completion of the preceding phase, or within any authorized extension thereof, following a review and recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the Township showing that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the phases of the PUD. If approval of any extensions for construction of phases of the PUD are denied, any building permits issued for the PUD (or any part thereof) shall be of no further effect, and all approvals of the PUD shall be void.

38-678 Appeal or variance

The Zoning Board of Appeals shall not have jurisdiction to accept appeals or to grant variances with respect to an approved Planned Unit Developments. Variances within Planned Unit Developments within Subdivisions shall be subject to the requirements Chapter 18, Article II, Division 5, Section 18-151 of the General Code of Ordinances.

38-679 Existing approved PUD's

- (1) Planned Unit Developments that were given either Preliminary or Final PUD Development Plan approval prior to the effective date of this Ordinance, _____, 2017, shall be considered to be conforming uses and shall continue to be regulated by the approved Preliminary or Final PUD Development Plan and any conditions imposed for that particular PUD.
- (2) A minor change to a Planned Unit Development that was given either Preliminary or Final PUD Development Plan approval prior to the effective date of this Ordinance, _____, 2017, may be approved by the Zoning Administrator according to the requirements of Section 38-680. Any change that is not a minor change shall be resubmitted to the Township in the same manner as the original application, and shall be subject to the requirements of Division 8 of Article III as of the effective date of ____, 2017.

38-680 Amendments to approved PUD's

Amendments to an approved PUD shall be permitted according to the following regulations:

- (1) Minor changes may be approved by the Zoning Administrator upon determining that the proposed amendments 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:
 - a. Reduction of the size of any building and/or sign unless the reduction in the size of the building may result in a change in the intended character and purpose of the PUD.
 - b. Movement of buildings by no more than 20 feet except that buildings shall not move more than 10 feet toward a PUD boundary or public street.
 - c. Landscaping or fencing approved in the PUD Final Site Plan that is replaced by similar landscaping or fencing to an equal or greater extent.
 - d. Internal rearrangement of a parking lot which does not affect the number of parking spaces or significantly alter access locations or design.
 - e. Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations or for reasons of public safety.
 - f. Changes which will preserve the natural features of the site without changing the basic site layout.
 - g. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- (2) The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
- (3) If the Zoning Administrator determines that the requested modification to the approved approved PUD site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 2 Section 38-377 through 38-401 shall be incorporated into the Park Township Zoning Ordinance as new Article IX Manufactured Housing Community and re-numbered accordingly.

SECTION 3 Section 38-403 through 38-405 shall be incorporated into the Park Township Zoning Ordinance as new Article X Open Space Preservation Development and re-numbered accordingly.

SECTION 4 Amend Section 38-6 Definitions to read as follows:

GROSS USABLE ACRE SITE ACREAGE

The total area ~~per in~~ acres in any PUD district ~~that is suitable for development, i.e., excluding areas of swamps steep slopes, or other natural or manmade limitations, which preclude or limit development.~~ **that is determined according to the requirements of Section 38-367 (2) a. and that may include road right-of-way if the legal description for the land includes the road right-of-way.**

NET BUILDABLE ACREAGE

The area in acres in any PUD that is determined according to the requirements of Section 38-367 (2).

SECTION 5 SEVERABILITY:

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby, and shall remain in full force and effect.

SECTION 6 EFFECTIVE DATE:

This Ordinance shall take effect upon the expiration of seven (7) days after the date of publication of the Ordinance or a summary of its provisions in a local newspaper of general circulation in accordance with the law.

The vote in favor of this Ordinance was:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF OTTAWA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Park at a regular meeting held on the date first stated above, and I further certify that the public notice of such meeting was given as provided by law.

Skip Keeter, Township Clerk