

**PARK TOWNSHIP
COUNTY OF OTTAWA, MICHIGAN**

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. ZO17-1

AN ORDINANCE TO CREATE A NEW ARTICLE IX (MANUFACTURED HOUSING COMMUNITY) OF THE PARK TOWNSHIP CODE OF ORDINANCES BY MOVING EXISTING SECTIONS 38-377 THROUGH 38-401 AND RENUMBERING THEM ACCORDINGLY; TO CREATE A NEW ARTICLE X (OPEN SPACE PRESERVATION DEVELOPMENT) OF THE PARK TOWNSHIP CODE OF ORDINANCES BY MOVING EXISTING SECTIONS 38-403 THROUGH 38-405 AND RENUMBERING THEM ACCORDINGLY; TO REPEAL SECTION 38-402; TO AMEND AND RESTATE ARTICLE III (DISTRICT REGULATIONS), DIVISION 8 (PLANNED UNIT DEVELOPMENT) OF THE PARK TOWNSHIP CODE OF ORDINANCES BY AMENDING THE REGULATIONS FOR PLANNED UNIT DEVELOPMENTS; TO AMEND SECTION 38-6 (DEFINITIONS) OF THE PARK TOWNSHIP CODE OF ORDINANCES BY AMENDING THE DEFINITION OF GROSS USEABLE ACRE AND ADDING A DEFINITION OF NET BUILDABLE ACREAGE.

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

SECTION 1. Creation of Chapter 38, Article IX “Manufactured Housing Community.” Chapter 38, Article IX, to be entitled “Manufactured Housing Community” is hereby created by moving the existing Sections 38-377 through 38-401 from Chapter 38, Article III, Division 8 of the Park Township Code of Ordinances, to the new Chapter 38, Article IX, and renumbering the Sections accordingly.

SECTION 2. Creation of Chapter 38, Article X “Open Space Preservation Development.” Chapter 38, Article X, to be entitled “Open Space Preservation Development” is hereby created by moving the existing Sections 38-403 through 38-405 from Chapter 38, Article III, Division 8

of the Park Township Code of Ordinances, to the new Chapter 38, Article X, and renumbering the Sections accordingly.

SECTION 3. Repeal of Section 38-402 “Planned Residential Development”. Section 38-402 of the Park Township Code of Ordinances, pertaining to “Planned Residential Development,” is hereby repealed.

SECTION 4. Amendment to and Restatement of Article III, Division 8. Article III, Division 8 of the Park Township Code of Ordinances, being the Planned Unit Development (PUD) District regulations, shall be amended and restated in its entirety to read as follows.

DIVISION 8 PLANNED UNIT DEVELOPMENT (PUD)

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 PUD should substantially meet 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 Chapter.
- (4) To provide for single or mixed use developments which respect the goals and objectives of this Chapter 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) The Township Board may approve a PUD in any location within Park Township provided the property meets the qualifying conditions set forth in Section 38-365.
- (2) Any land use allowed by the Park Township Zoning Ordinance, and other lawful and reasonable land uses that are not otherwise authorized by the 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 PUD 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 Division. 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 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 or the Township Board, 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 or the Township Board and in compliance with the standards for wetlands or floodplains established by the Michigan Department of Natural Resources at the time of the review.

- 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, which 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, and shall be subtracted to determine net buildable acreage.
- e. The number of acres remaining shall be the net buildable acreage.
- f. Multiply the net buildable acreage by the number of dwelling units per acre that result using the minimum residential lot size required by the current zoning district.

(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. In considering whether the PUD will result in a significant recognizable benefit to the Township and the residents of the PUD, the Planning Commission and Board shall consider whether the PUD includes 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 developments

- a. Where a mix of commercial, residential, or other combinations of land uses are proposed for one PUD, the density of the residential portion of the PUD site shall be calculated based upon the net buildable acreage of only that portion of the site where residential uses are permitted by the underlying zoning district.
- b. The formula to determine additional dwellings for a mixed use PUD shall be based upon the gross site acreage of only that portion of the PUD site where residential uses are permitted by the underlying zoning district.

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 Planning Commission finding that the purpose and the objectives of the PUD District as required by Section 38-363 are met:
 - a. For land zoned AG, 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 zoned R-1, R-2, or R-3, 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 zoned R-4 or R-5 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 zoned R-4 or R-5 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 zoned R-4 or R-5, and proposed for Manufactured Housing Community, the regulations of Article IX of this Chapter regarding minimum Dedicated Open Space shall apply.
- (2) Areas Not Considered Dedicated Open Space. The following land areas shall not be considered, allowed, or approved 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.
 - f. Proposed detention and retention ponds. Stormwater management facilities such as rain gardens, bioswales, vegetated filter strips, constructed wetlands, and similar facilities may be considered, allowed, or approved as Dedicated Open Space upon recommendation of the Planning Commission and approval by the Township Board based upon a review of the purpose and objectives in Section 38-373 and the standards in Subsection 38-373(9).
 - g. Community drain fields if such areas are not completely underground.
 - h. Any area devoted to a golf course.
 - i. Landscaping buffers and greenbelts as required by ordinance

38-369 Standards for Dedicated Open Space

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

- (1) Dedicated 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) A portion of the Dedicated Open Space may be required to 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. When required, the depth of this area shall be recommended by the Planning Commission and as approved by the Township Board, 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) Dedicated 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. No more than 50 percent of the Dedicated Open Space may be devoted to these uses.
- (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 Dedicated 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 Dedicated Open Space, one or more of the following criteria shall apply:

- a. The non-contiguous Dedicated Open Space is located such that residents of the PUD can reasonably access and use the non-contiguous Dedicated Open Space.
- b. The non-contiguous Dedicated Open Space will be open to use by the residents of the PUD and the general public.

- c. The Dedicated Open Space contains unique features not found on the lands contiguous to the PUD, and the non-contiguous Dedicated Open Space will be open to use or observation by the residents of the PUD and the general public.

38-370 Dedicated Open Space for non-residential uses

The intent of this Section is to ensure that each PUD that proposes non-residential uses (such as commercial or institutional uses) shall provide permanent Dedicated Open Space for the non-residential portion of the PUD site in the form of civic space, such as a central green for sitting, viewing of 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) Dedicated Open Space areas shall be arranged and designed to contribute to the attractiveness and function of the PUD 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 civic square which functions as a focal point for the non-residential portions of the PUD and serves 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 Township Board, satisfies the intent of this section.

38-371 Guarantee and Maintenance of Dedicated Open Space

The applicant shall provide an open space preservation and maintenance agreement to the Township guaranteeing that all Dedicated Open Space portions of the PUD shall always be maintained in the manner approved. The agreement shall permanently bind all successors and future owners in title. This provision shall not prohibit a transfer of ownership or control of all or any part of the PUD, 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 agreement will be subject to the review and approval of 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.
- (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 that maintenance may 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. The Agreement shall also provide that any costs incurred by the Township in providing such maintenance, including but not limited to all costs of labor (wages and benefits), materials, equipment, and administrative costs shall be proportionately assessed to the owners of the properties within the PUD and that any unpaid assessment will become a lien against the property.

38-372 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. In making such a decision and recommendation, the Township Board and Planning Commission shall consider 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 Township Board and 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.

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 grant an appropriate easement to the adjoining property for the road connection and illustrate that easement for the future road on the approved PUD site plan, and shall record an agreement (subject to the approval 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. The Township Board may require the

applicant to provide a bond, letter of credit, or other financial guarantee at the time of the PUD approval to ensure that the road is extended as required.

38-373 Procedures

(1) Pre-application conference and presentation

- 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 shall, upon request by 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, the applicant shall submit an application for PUD approval that shall include a completed application form, and ten sets of the Preliminary PUD Development Plan including an electronic file of the Development Plan. The application materials 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 of the property.
- g. Project description.
- h. Size of the property in acres, and any information deemed necessary by the Planning Commission to determine Gross Site Acreage and Net Buildable Acreage.
- 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, along with the fee or fees as set by resolution of the Township Board.

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 or Township Board in connection with the 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. The recommendation of the Planning Commission and the decision of the Township Board to approve a PUD shall be based on a finding that the application meets all of the following standards:
- a. The PUD 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 and consistent with the intent and objectives of this Chapter 38, Article III, Division 8 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. The PUD will protect all floodplains and wetlands from filling except as approved for essential services or recreation amenities.
 - f. The PUD will preserve and maintain mature woodlands, fields, pastures, and meadows; and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

- g. The PUD will leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.
 - h. The PUD will protect 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 PUD 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 PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.
 - m. If a PUD is to be completed in phases, the PUD 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 PUD promotes the intent and purpose of this Ordinance; and whether the PUD 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 shall approve the Final PUD Development Plan, and may impose reasonable conditions on approval as provided in Subsection (11) below.

(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 PUD 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 PUD; residents, and landowners immediately adjacent to the PUD; 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 PUD.
- c. They shall be reasonably necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Chapter 38, Article III, Division 8 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.

38-374 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 shall be subject to the of the requirements of State of Michigan Condominium Act, Act 59 of 1978, as amended.

38-375 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 PUD.

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. Adding additional land to an approved PUD may not be deemed a minor change, but will always require an amendment to the approved PUD.

38-376 Performance guarantees

The applicant may be required to provide a bond, letter of credit, escrow deposit, or other reasonable performance guarantees or assurances deemed satisfactory to the Township Board in the circumstances and as authorized by law. The amount

and form of the performance guarantee shall be determined by the Township Board, and may be based upon a recommendation from the Planning Commission.

38-377 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.

38-378 Appeal or variance

The Zoning Board of Appeals shall not have jurisdiction to accept appeals or to grant variances with respect to an approved PUD. Variances within a PUD that is within a subdivision shall be subject to the requirements Chapter 18, Article II, Division 5, Section 18-151 of the Code of Ordinances.

38-379 Existing approved PUD's

- (1) Planned Unit Developments that were given either Preliminary or Final PUD Development Plan approval prior to _____, 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 _____, 2017, may be approved by the Zoning Administrator according to the requirements of Section 38-380. 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.

SECTION 5. Amendment to Section 38-6. Section 38-6 of the Park Township Code of Ordinances, being certain definitions, shall be amended by amending the definition of “Gross Usable Acre/Gross Site Acreage” and by adding a new definition of “Net Buildable Acreage” to be placed alphabetically within Section 38-6 and to read respectively as follows.

ABUT

To physically touch or border upon, or to share a common property line. A property is considered to abut another property when the two properties share all or a portion of a common property line or the property lines touch, such as at a corner.

ADJACENT

To be near but not necessarily abut, adjoin, or be contiguous. A property is considered to be adjacent to another property when the two properties are nearby, but do not share a common property line.

ADJOIN

To physically touch or border upon, or share all or part of a common property line with another lot or parcel of land. A property is considered to adjoin another property when the two properties share all or part of a common property line.

CONTIGUOUS

To abut or adjoin another property by sharing all or portion of a boundary line or property line. A property is considered to be contiguous to another property when the two properties share all or a portion of a common property line.

DWELLING UNIT

A building, or a portion of a building, with one or more rooms, including bathroom, kitchen, and sleeping facilities, connected together in a manner designed and maintained as a self-contained unit for residential occupancy by one or more people living as a single housekeeping unit.

GROSS SITE ACREAGE

The total area in acres in any PUD 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).

OWNERSHIP INTEREST

A proprietary interest in land which confers certain rights and responsibilities, held by any individual, firm, association, syndicate, partnership, or corporation.

SECTION 6. 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 7. Effective Date.

This Ordinance amending the Park Township Code of Ordinances, Chapter 38 – Zoning 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, provided that the effective date shall be extended as necessary to comply with the requirements of Section 402 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended (MCL 125.3402).

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