

CHAPTER 11

PUD -PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 11.01 INTENT

This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Chapter to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- (a) To encourage the use of land in accordance with its character and adaptability.
- (b) To promote the conservation of natural features and resources including prime agricultural land.
- (c) To encourage innovation in land use planning and development.
- (d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of Orange Township.
- (e) To promote and ensure greater compatibility of design and use between neighboring properties.
- (f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the recommendations of the Township's Comprehensive Plan, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making.

SECTION 11.02 PUD AUTHORIZATION AND PERMITTED USES

A Planned Unit Development may be approved in any location within Orange Township by the Township Board except that in the Agricultural zone only single family residential uses shall be permitted within a PUD. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare mechanisms being designated into the development, and the following.

SECTION 11.03 QUALIFYING CONDITIONS

(a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two acres except in the case of two-family or multiple family dwelling project for which the minimum area requirement shall be one acre.

(b) **Unified Control**. The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.

(c) **Guarantee of Dedicated Open Space**. The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title 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 amendment is approved by the Township Board.

The agreement must be acceptable to 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 proposed allowable 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 open space.
- (3) Provide standards for scheduled maintenance of the dedicated open space including necessary pruning, harvesting of trees and new plantings.
- (4) Provide for maintenance to be undertaken by Orange 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 property within the PUD.

SECTION 11.04 DEVELOPMENT REQUIREMENTS

The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined by the Planning Commission and Township Board in order to achieve the objectives of this section based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. Other criteria which shall be used in making these determinations shall include the following:

- (a) Number and type of dwelling units.
- (b) Proximity and impact of the PUD on adjacent existing and future land uses.
- (c) Preservation of existing vegetation or other natural features on site.
- (d) Topography of the site.
- (e) Provision of water, sanitary sewer and storm sewer or approval of the Ionia County Health Department for on site well and septic systems.
- (f) Access for emergency vehicles to all dwellings.
- (g) To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.

SECTION 11.05 DENSITY BASED ON ZONING DISTRICT EQUIVALENT OF FUTURE LAND USE CATEGORY.

(a) An area which is requested for rezoning to PUD shall only be developed in accordance with the density and land uses recommended by the Township Comprehensive Plan. The permitted number of dwellings per acre (density) for the proposed PUD area shall be based on the following Density Table.

Density Table

Maximum Ave. Density

- 1.45 units/acre w/o public sewer& water.
- 2.17 units/acre w/ *either* public sewer or water.
- 3.63 units/acre w/ *both* public water & sewer.

- 3.63 units/acre for two family dwellings.
- 6 units/acre for multi-family dwellings.

(b) To determine the number of dwelling units which may be constructed within the PUD, multiply the permitted density from the Density Table by the total acreage of the site excluding those areas within the 100-year flood plain, wetland areas and areas permanently inundated by water such as lakes, ponds, streams and rivers, one-half of the areas with existing slopes of 20% or more and one half of the area of any golf course. The Planning Commission and the Township Board may in their discretion allow fewer dwelling units than would otherwise be permitted by this section.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a

professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

(c) Additional dwellings above what is allowed by Section 11.05(a) & (b) may be permitted at the discretion of the Township Board and Planning Commission if the development provides additional amenities or preserves additional open space 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 it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- (1) Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
- (2) Additional landscaping to preserve or enhance the rural view along the roadway.
- (3) Enhancement of existing wetlands, subject to applicable regulations.
- (4) Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents.
- (5) Provision of a public or private community water and/or sanitary sewer system.

(d) If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in the Density Table by the total acreage of the site including wetlands, floodplain, bodies of water, steep slopes, golf courses, and portions of the site within existing road right of way. In no case shall the number of dwelling units exceed what is permitted by this subsection.

SECTION 11.06 MINIMUM OPEN SPACE REQUIREMENTS.

(a) A minimum of 20 percent of the gross area of that portion of the site to be used for residential use shall be Dedicated Open Space.

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

- (1) The area within any public street right-of-way.
- (2) The area within private road access easements.
- (3) Any easement for overhead utility lines unless adjacent to qualified open space.
- (4) Fifty percent of any floodplain, lakes, streams, detention ponds or other surface water bodies, or wetlands.

- (5) The area within a platted lot or site condominium lot.
- (c) Standards for Dedicated Open Space. The following standards shall apply to the Dedicated Open Space provided in the development:
- (1) Dedicated Open Space shall be for use by all residents of the PUD.
 - (2) The dedicated open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
 - (3) If the site contains a lake, stream or other body of water, a portion of the Dedicated Open Space shall abut the body of water.
 - (4) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view.
 - (5) A Dedicated Open Space area shall be configured such that the open space is reasonably usable by residents of PUD. The minimum size of a Dedicated Open Space area shall be 20,000 square feet; provided, however, that the required open space abutting a public street may be less than 20,000 square feet; and, further provided, that the Planning Commission may approve other Dedicated Open Space areas of less than 20,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the PUD.
 - (6) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
 - (7) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical.
 - (8) Dedicated Open Space may consist of ball fields, tennis courts, swimming pools and related buildings, community buildings and golf courses, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.

SECTION 11.07 PROCEDURES

- (a) Pre-application Conference. Before submitting an application for a PUD, an applicant may meet with the Planning Commission or Township Zoning Administrator, Planner or

Engineer to submit information regarding a proposed PUD and to confer with the Planning Commission, or staff, about the proposed application and the PUD.

(b) **Application for PUD Approval.** An application for a PUD rezoning shall be in accordance with the application procedures for site plan review as required by Chapter 13 of this Ordinance.

(c) **Preliminary Development Plan** An applicant for PUD rezoning shall submit a site plan in accordance with the requirements for Preliminary Site Plan review as set forth in Chapter 14 of this Ordinance.

(d) **Environmental Impact Assessment** The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters.

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.
- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
- (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
- (5) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
- (6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County health department; county road commission; county drain commissioner; department of natural resources; intermediate school district; local board of education; county sheriff's department local fire department and other appropriate agencies.
- (7) Traffic impact study.
- (8) An economic feasibility study for the principal uses of the proposed PUD.

- (9) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

(e) **Review of Preliminary 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. The recommendations shall be based on the following considerations:

- (1) The requirements of this Ordinance.
- (2) The setback and placement of buildings and structures.
- (3) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
- (4) Off-street parking and loading areas where required.
- (5) Screening and buffering, including type, dimensions and character of materials used therefore.
- (6) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
- (7) Open spaces and recreational areas.
- (8) Drainage courses, flood plains, lakes, streams, and wetlands.
- (9) The number of dwellings proposed.
- (10) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.
- (11) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.

(f) **Final Development Plan.**

- (1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 14 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.

- (2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD plus the following:
 - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary 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 development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - (ii) Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
 - (iii) Any other information reasonably required by the Planning Commission in connection with its review of the -PUD and consideration of the rezoning of the lands in accordance with the PUD plan.

- (g) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. Notice of the public hearing shall be in compliance with the Michigan Zoning Enabling Act, 110 PA 2006 and shall provided as follows:
 - (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
 - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.
 - (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (5) The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses

currently exist within the property. If there are no street addresses, other means of identification may be used.

- (iii) State when and where the request will be considered; and
- (iv) Indicate when and where written comments will be received concerning the request.

(h) **Consideration of Final Development Plan by Planning Commission.** After public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The Planning Commission may recommend in favor of the rezoning of the lands in accordance with the final development plan; may recommend against rezoning of the lands in accordance with the final development plan; or may recommend such rezoning only if certain changes or modifications in the PUD are made or if certain specified conditions are imposed. The recommendations of the Planning Commission shall then be transmitted to the Township Board.

(i) **Standards for Approval.** In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

- (1) Granting the PUD rezoning 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.
- (2) 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.
- (3) The PUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this chapter.
- (4) The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
- (5) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.
- (6) Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- (7) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way.

- (8) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (9) Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.
- (11) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (12) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

(j) **Final Consideration of PUD by Township Board.** The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that 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 such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.

(k) **Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure 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 insure 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.

- (1) 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.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Part, be related to the standards established in the Part for the proposed PUD under consideration, and be necessary to insure 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 consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed.

If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property in accordance with the Michigan Zoning Enabling Act as amended. The amendment shall be forwarded to the Township Clerk for inclusion in the Orange Township Ordinance Book. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law. Following approval of the PUD rezoning the Official Zoning Map of Orange Township shall be changed to reflect the PUD zoning for the parcel.

SECTION 11.08 AMENDMENTS TO APPROVED PUD.

(a) An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.

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

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than 10 feet.
- (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- (4) Changes of building materials to a higher quality.
- (5) Changes in floor plans which do not alter the character of the use.
- (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (7) Changes required or requested by the Township for safety reasons.
- (8) Changes which will preserve the natural features of the site without changes the basic site layout.

- (9) 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.

The Zoning Administrator may refer any decision regarding any proposed change to an approved 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.

- (c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 11.09 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 in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

SECTION 11.10 TIME LIMITATIONS ON DEVELOPMENT. Each PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. 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, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

CHAPTER 12

SITE CONDOMINIUMS

SECTION 12.01 PURPOSE AND SCOPE

Site condominiums are developments by a land division in which each condominium unit consists of an area of land and a volume of air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

SECTION 12.02 DEFINITIONS

For purposes of this chapter, the following words and phrases are defined as follows:

- (a) “Building envelope” means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the areas of each condominium unit within which the dwelling and any accessory structures may be built.
- (b) “Building site” means either:
 - (1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope; or
 - (2) The area within the condominium unit, taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a “building site” shall be considered to be the equivalent of a “lot.”

- (c) “Condominium Act” means Public Act 59 of 1978, as amended.
- (d) “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the exclusive use of the owner or co-owners of a specific unit or units.
- (e) “Site condominium development” means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- (f) “Site condominium development plan” means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
- (g) “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of that portion of the condominium project designed and intended for separate ownership and use.
- (h) Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed.”

SECTION 12.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION

- (a) Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this section. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan. For such hearing, notice shall be given as set forth in section 103 of the Michigan Zoning Enabling Act as follows:
 - (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
 - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.

- (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (5) The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (iii) State when and where the request will be considered; and
 - (iv) Indicate when and where written comments will be received concerning the request.
- (b) Application for review and approval of a site condominium development plan shall be initiated by submitting to the Township Clerk:
 - (1) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance; and
 - (2) An application fee in accordance with the fee schedule established by resolution of the Township Board.
- (c) The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards and requirements contained in Article IV of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. In addition, the following standards and requirements shall apply:
 - (1) In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
 - (2) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.

- (3) All private streets in a site condominium development shall be developed as required by the Township Private Road Ordinance.
- (4) If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Ionia County Department of Health and the Township in accordance with applicable standards.
- (5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Ionia County Health Department, Ionia County Road Commission, Ionia County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies where approval is required by law over any aspect of the proposed site condominium development.

SECTION 12.04 PLANNING COMMISSION RECOMMENDATION

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium development, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

SECTION 12.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 13 copies of a final site condominium development plan which complies with the requirements of this section and of Section 2.02 of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (b) The final site condominium plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the

recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.

- (c) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article IV of the Township Subdivision Ordinance and other applicable procedures, standards and requirements provided by this chapter.
- (d) As a condition of approval of a final site condominium development plan the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought to be deposited with the Township as provided by Section 505 of the Michigan Zoning Enabling Act.

SECTION 12.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS

A condominium development plan shall include the documents and information required by Section 66 of the Condominium Act and by Section 2.02 of the Township Subdivision Ordinance and shall also include the following:

- (1) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (2) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- (3) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- (4) A street construction, paving and maintenance plan for all private streets within the proposed condominium development.

SECTION 12.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with a final site condominium development plan as approved by the Township Board, including any conditions of approval.

SECTION 12.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

SECTION 12.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

SECTION 12.10 CHANGES TO APPROVED PLAN

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

(a) The following definitions shall apply:

- (1) “Exempt change” means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
 - (i) a change in the name of the development; in the name of a street within the development; or in the name of the developer;
 - (ii) a change in the voting rights of co-owners or mortgagees; or
 - (iii) any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.
- (2) “Major change” means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:
 - (i) an increase in the number of site condominium units;
 - (ii) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning

Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

- (3) “Minor change” means a minor change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that will result in:
- (i) a decrease in the number of site condominium units;
 - (ii) a reduction in the area of the building site for any site condominium unit;
 - (iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
 - (iv) a reduction in the total combined area of all limited common elements of the site condominium;
 - (v) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.
- (b) Any change which constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of a site condominium development, as set forth in Section 12.03(a) of this chapter, and shall also be reviewed and approved by the Township Board, as provided in this chapter for the original review and approval of preliminary and final plans.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this chapter for an original approval.
- (d) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt changes shall be filed with the Township Clerk.

SECTION 12.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master

deed for the site condominium project. Further, all major changes to a development shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the Ionia County Register of Deeds shall be provided to the Township within 10 days after recording.

SECTION 12.12 COMMENCEMENT OF CONSTRUCTION

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two-year period.

SECTION 12.13 VARIANCES

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Township Board, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Township Board may attach conditions to the variance.

CHAPTER 13

M-66 ACCESS MANAGEMENT OVERLAY ZONE

SECTION 13.01 LOCATION

The M-66 Access Management Overlay Zone is defined as that area lying within 500 feet of the M-66 right-of-way (and having access to M-66), between Portland Road and the North Township boundary. The following regulations shall prevail over any specific district regulations specified herein and shall apply to all zoning districts within the corridor.

SECTION 13.02 PURPOSE AND INTENT

The intent of this ordinance is to provide standards that will preserve the traffic capacity and speed, and enhance the safety of the highway; by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls help provide for orderly growth and prevent harmful aspects of “commercial strip” development. This in turn will protect the long-term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this Ordinance upon expansion or redevelopment. In such cases, the standards contained herein shall be applied to the maximum extent possible.

The standards of this section are further intended to:

- a) Minimize disruptive and potentially hazardous traffic conflicts thereby reducing the frequency of fatal, injury and property damage crashes;
- b) Separate traffic conflict areas by reducing the number of direct access points;
- c) Provide efficient spacing and size standards between access points and between access points and intersections;
- d) Establish uniform access standards to ensure fair and equal application;
- e) Implement the goals and recommendations of the M-66 corridor plan;
- f) Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- g) Require coordinated access among several landowners;
- h) Ensure reasonable access to properties, though the access may not always be direct access;

SECTION 13.03 ACCESS MANAGEMENT OVERLAY DISTRICT STANDARDS

- a) **Applicability** - The standards of this section shall apply to any project within the M-66 Access Management Overlay Zone which extends 500 feet east of the M-66 right-of-way. The access standards of this section are applied simultaneously with the standards of the zoning district which is being proposed for development. The standards shall be applied to any use for which a site plan review is required.
- b) **Structure Setback** - No structure other than signs or billboards, utility structures that are not buildings, transfer stations or substations, shall be permitted within 100 feet of the highway right-of-way.
- c) **Parking Setback and Landscaping** - No parking shall be located within 50 feet of highway right-of-way. The 50 feet setback shall be landscaped as required in Section 4.16 herein.
- d) **Minimum Lot Width** - One hundred fifty feet for single family dwellings on individual parcels and 250 feet for multi-family residential, mobile home parks, commercial, office, and industrial use. Smaller lots in existence on or before the adoption of this standard are exempt. Parcels in common ownership at the effective date of this ordinance shall be considered as one parcel.
- e) **Number of Driveways** - One driveway shall be permitted for each lot which has the minimum required lot width. Lots created prior to the effective date of this Ordinance, however, shall also be permitted one driveway if no other reasonable access is available.

Additional driveways may be allowed by the Planning Commission if the applicant provides justification that traffic safety will be improved with the additional driveways based upon standard traffic engineering criteria that encompasses analyses of trip generation, distribution and level of service.
- f) **Stormwater Drainage** - Driveways shall be constructed such that drainage is channeled away from the street right-of-way.
- g) **Ingress/Egress Angle** - All driveways shall be on a ninety-degree angle with the roadway unless physical modifications and directional signs are used to enforce one-way operations or restricted turning movements.
- h) **Driveway Locations** - Driveways shall not be constructed along any acceleration or deceleration lanes or tapers.
- i) **Costs** - All costs associated with site plan review, the applicant shall pay traffic analysis and traffic impact analysis.

SECTION 13.04 DRIVEWAY STANDARDS

a) Location.

- 1) Driveways shall be located: so that no undue interference with the free movement of road traffic will result; to provide the required sight distance; and to provide the most favorable driveway grade based on standards in MDOT Driveway Criteria, Rule 63, of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.
- 2) If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be provided.
- 3) In order to minimize left turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 250 feet on M-66 from those on the opposite side of the highway, measured centerline to centerline of the driveway. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveway.
- 4) Where parcels, lots, or building sites have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto M-66 may be permitted by the Planning Commission.
- 5) In the case of expansion, alteration, change of use or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway may be required.

b) Spacing and Design.

Driveways along M-66 shall be spaced a minimum of 455 feet apart due to the posted speed of 55 miles per hour.

- c) Driveway profile shall be designed and constructed according to MDOT Driveway Criteria, Rule 63, of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.
- d) Traffic signs and pavement markings shall conform to the current Michigan Manual of Uniform Traffic Control Devices.
- e) Driveway Spacing from Intersections.

The minimum distance between a driveway and an intersecting street shall be subject to the following regulations.

Access Points along M-66
Full Movement Access Point Channelized for right-turn-

Intersecting Street	(Feet)	in, right-turn-out (Feet)
Arterial	250	100
Signalized Non-Arterial	125	75
Other Street	100	75

Access Points Along Side Streets Intersecting M-66

Arterial	Full Movement Access Point (Feet)	Channelized for right-turn-in, right-turn-out (Feet)
Arterial	200	100
Signalized Non-Arterial	100	75
Other Street	75	75

* Measured from nearest edge of access point throat to the nearest edge of intersection.

- f) In the case where an intersection setback cannot be met, the Planning Commission may require that the access point be constructed on an alternative street or be provided through a shared access point that meets the applicable intersection setback. Where no other alternative exists, the Planning Commission may allow construction of the drive along a property line farthest from the intersection to minimize the impacts to the intersection.
- g) Frontage Roads, Service Drives and Parking Lot Connections and Joint Driveways.

The Planning Commission shall have the authority to require a frontage road, service drive or that adjoining parking lots be connected as deemed necessary.

Service drives shall be constructed according to the following standards.

- 1) The service drive shall be a minimum of 24 feet wide constructed to the Ionia County Road Commission standards.
- 2) A minimum of 15 feet snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of 15 feet from the M-66 right-of-way.
- 3) All driveway radii shall be concrete curbs.
- 4) The location of the entrance to the service drive from a public or private road shall be subject to the requirements of Section 13.04(e) to provide for adequate stacking and maneuvering.
- 5) The service drive shall be a private drive maintained by adjoining property owners or users who shall enter into a formal legal agreement together for the joint maintenance of the service drive. This agreement shall be provided to the Township before a building permit is issued.

- 6) Landscaping along the service drive shall conform to the requirements of Section 4.16 herein. Installation and maintenance of landscaping shall be the responsibility of the developer owner or a property owners association.
- 7) All separate parking areas shall use no more than one access point or driveway to the service drive.
- 8) Parking lot cross-connections may be used as an alternative to frontage service roads if, in the opinion of the Planning Commission, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded easements and maintained by adjoining property owners or users who shall enter into a formal legal agreement together for the joint maintenance of the service drive.

SECTION 13.05 COORDINATION WITH ROAD AGENCIES

All projects submitted to the Planning Commission which are located within the M-66 Access Management Overlay Zone shall also be submitted to the Ionia County Road Commission and Michigan Department of Transportation. The Planning Commission shall consider the comments of these agencies in making a decision regarding the access requirements of this Section.

SECTION 13.06 MODIFICATIONS

The Planning Commission shall have the authority to waive or modify the requirements of this Chapter when strict adherence to them would result in unreasonable access to the site. In determining a modification of these, the Commission shall consider the following criteria.

- 1) The type and location of uses on the site.
- 2) The location, size and design of existing and proposed parking areas.
- 3) The existing and projected traffic volume on adjacent roadways.
- 4) Compatibility between adjacent land uses.
- 5) Land ownership and location of lot lines.
- 6) The recommendations of the M-66 Corridor Plan.
- 7) Topography and sight distance along adjacent roadways and on the site.
- 8) Distance from intersections.
- 9) Location of driveways opposite the site.