

PLEASANTON ZONING ORDINANCE ARTICLE 88: PLANNED UNIT DEVELOPMENT

8801.-PURPOSE

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned unit development- The rationale for this departure from normal policy is that virtually the entire Ordinance is drafted in contemplation of regulating separate, individually proposed uses. Whenever it can be demonstrated the needs of the community will be better served by a private plan which combines multiple structures or uses on a single area and maintains in so far as possible, our rural atmosphere, it may be possible to modify some of the regulations which inhibit such a plan without formal amendment of this Ordinance by issuing a Special Use Permit for a Planned Unit Development. The Commission in determining a Planned Unit Development may use the following.

- A. To permit flexibility in the regulation of land development;
- B. To encourage innovation in land use variety in design, layout, and type of structures constructed;
- C. To achieve economy and efficiencies in the use of land, natural resources, energy, and the provision of public services and utilities;
- D. To encourage useful open space.

8802. - ELIGIBILITY

No use shall be eligible for special treatment under this section unless all of the following conditions are found to be met by the Planning Commission:

- A. The application proposes a planned residential development as defined by this Ordinance;
- B. Planned Unit Development of the type contemplated is authorized by Special Use Permit in the relevant District;
- C. Every use contemplated in the Planned Unit Development in the respective Districts are:
 1. Listed as permitted uses in that District,
 2. Listed as Special Uses in that District.
- D. If a proposed use in a Planned Unit Development is a service establishment, and is not listed as a permitted use or Special Use in the respective district in which a Planned Unit Developments proposed; the use may still be part of the Planned Unit Development if the following conditions are met:
 1. The use is clearly an accessory use to the principle functions) in the Planned Unit Development.
 2. The use is conducted entirely within an enclosed building except for parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature;
 3. The use has all outside accessory and work areas enclosed by a solid wall;
 4. The minimum size of the structure is six hundred (600) square feet in building area; and
 5. The maximum size of all structures (building areas and total interior floor areas), whichever is less is three thousand (3,000) square feet in area.

- E. The open space preserved from development (by preservation easement to the township, county or land conservancy) shall be at least seventy (70) percent of the gross acreage of the parcel. Open space will be defined as a space that is functional for wildlife habitat, resource preservation, agricultural use, or recreation. Land in streets, sidewalks, parking areas, and yards shall not be considered as an open space. Natural bodies of water shall not be considered as open space.
- F. The proposed Planned Unit Development is on a parcel which is:
 - 1. Twenty (20) times the size of the minimum (or 2 acres) parcel size in a district where the minimum parcel size is one acre or less, or
 - 2. Five (5) times the size of the minimum parcel size in a district where the minimum parcel size is one (1) acre to fifteen (15) acres, or
 - 3. Planned Unit Developments spanning two (2) or more Districts shall meet the minimum land area requirements of each district.
- G. The resulting detached single family developmental sites created within the property proposed for the PUD shall each contain a minimum of fifteen thousand (15,000) square foot lot area (or its equivalent in the case of site condominium), which shall not include:
 - 1. Sand dune with slopes greater than eighteen (18) percent
 - 2. Beach contiguous to a lake or stream
 - 3. Wetland
 - 4. Area that is not accepted by District #10 Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the District #10 Health Department.
 - 5. High risk erosion area
 - 6. That part of a floodplain where flood waters is expected to have a destructive current.
 - 7. Existing public utility easements.
 - 8. Existing public rights-of-way.
 - 9. Waterfront setback areas, and
 - 10. Slopes over twenty-five (25) percent.
- H. The application is otherwise consistent with the legislative policy expressed in Section 8801.

8803. - PROCEDURE:

Prior to submitting a completed formal application for a Planned Unit Development Special Use Permit, the applicant shall request a pre-application conference. A representative(s) of the Planning Commission, the Zoning Administrator, Township Supervisor and others as the Township Planning Commission shall attend this pre-application conference and/or Township Board deemed appropriate to discuss the project and review procedures to ensure the applicant has a clear understanding of the process that is to be followed and the goals and objectives of the township. Upon submitting a request for a preliminary meeting, the applicant shall remit to the Zoning Administrator funds in an amount as specified in the Township Fee Schedule that shall be placed in escrow account used to offset the costs incurred by the Township in the considering of the proposed development. The township retains the right to obtain appropriate consultants at the applicant's expense with funds being drawn from the escrow account to cover these costs. The applicant or their representative shall present at such conference or conferences. The applicant at this meeting shall present the following information:

- A. Legal description of the property in question

- B. Total number of acres to be included in the project.
- C. A statement of the approximate number of residential units and/or the approximate number, type and square footage of nonresidential units,
- D. Approximate number of acres to be occupied/or devoted to each type of use.
- E. Departures from the regulation of the ordinance that may be requested.
- F. A scale drawing of the property depicting:
 - 1. The approximate number of acres to be preserved as open space.
 - 2. All known and discernible natural resource and/or natural feature areas of the property including areas of steep slopes, wetlands, sand dunes, water bodies, significant vegetation and other information that will assist the township in gaining a better understanding of the property. Applications for Planned Unit Development are essentially Special Use Permit applications, which request a waiver of basic dimensional restrictions. Submittal of the formal application shall contain that information as required on the application form and as specified in section 8604,9404,9405 and 9406. Accordingly, the Planning Commission under section 8601 *et seq* shall process them. Except that:
 - A. The specific procedures of State Zoning enabling statute shall be followed whenever they are inconsistent with section 8601 *et. seq's* procedures; and
 - B. Any basic restriction relating to minimum lot size, minimum usable floor area, maximum height or setbacks may be modified in accordance with section 8804. In addition to the procedure for reviewing site plans and Special Use Permits, when the application is for a Planned Unit Development the Planning Commission shall also consult with the following agencies prior to issuing a Planned Unit Development site plan:
 - A. The Pleasanton Township Water Department, if applicable.
 - B. The Bear Lake Township Fire Department.
 - C. The District # 10 Health District Sanitarian or DEQ, which ever is applicable, concerning onsite sewage disposal.
 - D. The Manistee County Planning Department.
 - E. The Manistee County Conservation District, P.A. 451 Erosion Specialist.
 - F. Manistee County Road Commission and/or the Michigan Department of Transportation, as appropriate.

8804. - BASIC RESTRICTIONS AND MODIFICATIONS PROCEDURE:

The Planning Commission shall calculate the number of units permitted for a Planned Unit Development by dividing the gross acreage of the development by the density of principal structures allowed in the District:

- A. When calculating available land area, all the land involved in the proposed Planned Unit Development may be used for gross acreage, regardless if the land is all in one (1) zoning district or not. The density obtained represents the maximum number of dwellings or principal structures, which may be permitted for development.
- B. If the gross acreage is located in more than one (1) district, then the density shall be calculated separately for each area in each respective zoning district. The district in which most of the land is located shall be used to determine which district regulations shall apply in determining requirements for parking, setbacks, building height, maximum percentage of lot coverage, minimum square feet of building area and

signage. The number of units determined to be allowable shall represent the maximum number of dwelling or principle structures, which may be permitted within the Planned Unit Development. The following equivalents shall be used for the purpose of calculating density:

- A. One (1) living unit equals one (1) dwelling unit (single family dwelling)
- B. Two (2) living units equals one (1), two (2) family dwelling (duplex)
- C. One (1) living unit equals one (1) dwelling unit in a multiple family dwelling (an apartment).
- D. Each one thousand (1,000) square feet (or fraction thereof) of service establishment space shall be equal to one (1) dwelling unit. Plus 0.25 living units for each additional one thousand (1,000) square feet. Following these calculations, the Planning Commission then may:
 - A. Permit clustering of development and/or allow a reduction in the size of individual lots within the Planned Unit Development below the minimum area required so long as the density for the entire available land area is not exceeded; and/or
 - B. Waive, wholly or in part, any minimum usable floor area requirement, set back, or maximum height of fifty (50) feet, in the District if doing so results in:
 - 1. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township and/or
 - 2. Lower costs for installation and/or maintenance of public utilities to be owned and operated by the Township, and or
 - 3. Public Park land developed in or near the development, and/or
 - 4. Preservation of open space and environmental (sand dune, beach, contiguous to a lake or stream, wetland, high risk erosion area, floodplain, water setback areas, areas not suitable for on-site sewage disposal, slopes over 25 percent) or visual benefits to the Township, and or
 - 5. Enhanced recreation opportunities, and/or
 - 6. Provide a particular image or appearance at the entrance way, and/or
 - 7. The perimeter setback for the entire parcel(s) is double that which would otherwise be required in the District in which the property is located.

Changes to an approved Planned Unit Development:

- A. An approved final development plan and any conditions imposed upon final Planned Unit Development approval shall not be changed except upon mutual consent of the Pleasanton Township Planning Commission and the applicant, and as otherwise provided by this Section.
- B. Except for changes determined to be minor changes as provided by the following section (3), changes to an approved Final Site Plan or any conditions imposed on final Planned Unit Development approval shall be reviewed and approved, approved with conditions, or denied by the Planning commission pursuant to the procedures provided by this Ordinance for an original request for Planned Unit Development approval.

- C. The Zoning Administrator, without review and approval by the Planning Commission, may approve minor changes to a Final Development Plan. For purposes of the Section, "Minor Changes" means changes which meet the following requirements:
1. For residential buildings, a one time change of no more than five (5) % in the size of each structure, and provided there is no change in the number of dwelling units.
 2. For non-residential buildings, a change of no more than five (5)% in gross floor area.
 3. The alteration of vertical elevations by no more than five (5)%.
 4. The relocation of building footprints by no more than five (5) feet, unless a specific setback or separation distance was imposed as a condition of the Planned Unit Development approval.
 5. An increase in area or areas designated on the Final Plan as open space.
 6. The substitution of plant materials included in the Final Development Plan, provided they are substituted by similar types of landscaping on a 1 to 1 or greater basis.
 7. Improvements made to access and circulation systems, such as the addition of pedestrian/bicycle paths.
 8. A reduction in the size of signs, or an increase in sign setbacks.
 9. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created.
 10. A change in the name of the Planned Unit Development or in the names of streets within the Planned Unit Development.
 11. Other similar changes of a minor nature proposed to be made to configuration, design, layout or topography of the Planned Unit Development which are deemed by the Zoning Administrator to be not material or significant in relation to the entire Planned Unit Development and which the Zoning Administrator determines would not have significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Pleasanton Township Planning Commission for its records. A decision of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.

The Zoning Administrator may refer any decision regarding a minor change to a Final Development Plan to the Pleasanton Township Planning Commission for review and approval. The Zoning Administrator shall refer major change to the Final Development Plan to the Planning Commission for approval. In making a determination as whether a change is a minor change, or whether to refer a change to the Pleasanton Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.