
IOSCO TOWNSHIP ZONING

ARTICLE 10

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

INDEX

- Section 10.1 Purpose and Intent**
- Section 10.2 PUD Regulations**
- Section 10.3 Application Procedure**
- Section 10.4 Project Design Standards**
- Section 10.5 General Design Standards**
- Section 10.6 Additional Conditions That May Apply**
- Section 10.7 Phasing and Commencement of Construction**
- Section 10.8 Effect of Approval**

IOSCO TOWNSHIP ZONING

ARTICLE 10

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

Section 10.1 Purpose and Intent.

Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, agricultural, traffic circulation and recreational opportunities for the people of the Township ; and bring about a greater compatibility of design and use. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

Section 10.2 PUD Regulations.

- 10.2.1 **Zoning** - A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this Ordinance upon the review of the Planning Commission and approval of the Township Board.
- 10.2.2 **Eligible Land Uses** - Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- 10.2.3 **Roads** - All roads integral to a PUD are subject to the Iosco Township Road Ordinance (General Ordinance #22) other than as may be modified within this Ordinance.
- 10.2.4 **Criteria for Eligibility** - The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being eligible for consideration as a PUD under this zoning article:

- A) ***Benefits of PUD*** - Granting of a planned unit development will result in at least one of the following:
- i) ***Unique Benefits***. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - ii) ***Preservation of Natural Assets***. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - iii) ***Zoning Conformance***. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- B) ***Density Impact*** - The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
- C) ***Public Services*** - The proposed development shall be consistent with the public health, safety and welfare of the Township .
- D) ***Enviornmental Impact*** - The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
- E) ***Community Impact*** - The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- F) ***Unified Control*** - The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- G) ***Township Master Plan*** - The proposed development shall be consistent with the Goals and Policies of the Master Plan.

Section 10.3 Application Procedure.

Other than as required by this Ordinance, the application process shall be per Iosco Township Zoning Article 3 “Administration and Enforcement”

- 10.3.1 **Preapplication Conference (Optional)** – Prior to the submission of an application for planned unit development approval, the applicant may meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.
- 10.3.2 **Preliminary Plan** – Following the Preapplication Conference, the applicant shall provide a Preliminary Site Plan for review per Iosco Township Articles 3 “Administration and Enforcement” and Article 9 “Site Plans”.
- A) **Additional Site Plan Requirements** – A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 10.2.4 have been met.
- 10.3.3 **Final Plan** – Upon approval of a Preliminary Site Plan, the applicant shall submit a Final Site Plan for review per Iosco Township Article 9 “Site Plans”, along with the following additional requirements:
- A) **Report.** A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 10.2.4 have been met.
- B) **Roads.** Requirements per Private Road Ordinance (General Ordinance #22) including final draft of Private Road Maintenance Agreement per the Private Road Ordinance (General Ordinance #22).

- C) ***Preliminary Review Updates.*** All updates required as stipulation to granting of the Authorization to Submit Final Site Plan.
- D) ***Deviations from Ordinance.*** A table shall be provided on the site plan which specifically details all the deviations from the Iosco Township Zoning Ordinance specifications that would apply to the proposed land use, if the PUD option did not exist. Only those deviations consistent with the intent of this Ordinance shall be considered.
- E) ***Deviations from Preliminary Plan.*** A table shall be provided separate from the site plan that outlines the specific changes and alterations of the plan from the Preliminary Site Plan whether the change was optional or required.
- F) ***Project Management.*** A specific schedule of the intended development and construction details, including phasing or timing.
- G) ***General Improvements.*** A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- H) ***Material Details.*** A specification of the exterior building materials with respect to the structures proposed in the project.
- I) ***Authorization.*** Signatures of all parties having an interest in the property.

Section 10.4 Project Design Standards.

10.4.1 Residential Design Standards.

Density - Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. A density bonus may be granted under the Open Space and Farm Land Preservation Option, should they become available in the Township.

Wetlands - All residential density calculations shall be based on building lots or units that do not impact wetlands regulated by the Michigan Department of Environmental Quality. Wetlands shall be determined by an Independent Wetlands Delineation and may also be included as part of the Township engineering review per Article 3 “Administration and Enforcement”.

Open Space Restrictions - Areas Not Considered Open Space include:

- A) All rights-of-way or easements designated for road purposes
- B) Areas designated for water retention
- C) Any portion of the project used for commercial purposes
- D) Areas within the minimum setbacks of a dwelling unit

10.4.2 Non-Residential Design Standards.

Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.

The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

Section 10.5 General Design Standards.

10.5.1 Zoning Regulations - All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a Principal Permitted Use. In all cases, the strictest provisions shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township as designed into the project plan for the purpose of achieving the objectives of this Article.

10.5.2 Natural Resources - To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:

- A) The availability of feasible and prudent alternative methods of accomplishing any development.
- B) The extent and permanence of the beneficial or detrimental effects of the proposed activity.

C) The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

- 10.5.3 **Community Impact** - There shall be a perimeter setback and berming, as found to be necessary by the Township , for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the non-residential project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Township Board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- 10.5.4 **Design Standards** - Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- 10.5.5 **Utilities** - There shall be underground installation of utilities, including electric, cable and telephone, as found necessary by the Township .
- 10.5.6 **Walkways** - Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the Township.
- 10.5.7 **Community Ascetics** - Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. Care should be taken to prevent a neighborhood of look alike homes.
- 10.5.8 **Buffers** - Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Township , in its discretion, shall review and approve the design and location of such mechanisms.
- 10.5.9 **Ambiguity Resolution** - The Township Board upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, and other Township standards or policies as a guide.

Section 10.6 Additional Conditions That May Apply.

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 10.7 Phasing and Commencement of Construction.

10.7.1 **Phasing:** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after Planning Commission review. In addition, a separate final site plan shall be submitted for review and approval on each phase.

10.7.2 **Commencement and Completion of Construction:** To ensure completion of required improvements, the Township is authorized to impose performance guarantees in accordance with Article 3 “Administration and Enforcement”. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not commenced within such time, any approval of a site plan on the project shall expire and considered to be null and void.

An extension for a specified period may be granted by the Township Board per Article 3 “Administration and Enforcement”, upon good cause shown if such request is made to the Township Board prior to the expiration of the initial

period. Moreover, in the event a site plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as a PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

Section 10.8 Effect of Approval.

When approved, the Planned Unit Development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Livingston County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.