

VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT

Ordinance 2004-9
Adopted Date May 17, 2004

PUD Zoning Ordinance Amendment

An ordinance to amend certain portions of Chapter 4, General and Special Regulations, of the Vergennes Township Zoning Ordinance.

The Township of Vergennes hereby ordains:

Section 1. Amend Chapter 4, Section 4.29, E, to read as follows:

- E. *Review and Approval Process.* All PUD applications shall be considered under the Special Exception Use provisions of Section 201.502. Final approval or disapproval of an application for a PUD and the site plan pertaining to the PUD shall be the responsibility of the Township Board. The Board, prior to making its decision, shall receive the report and recommendation of the Planning Commission in accord with the following procedure:
1. *Pre-application Conference.* Prior to submitting an application for a PUD, the applicant shall arrange for an informal conference with the Planning Commission to obtain information and guidance regarding PUD regulation, the Township's land use plan, and the application process. The applicant shall present at such conference a preliminary sketch plan of the PUD, and the following information:
 - a. A legal description of the property;
 - b. The total number of acres to be included in the project;
 - c. The approximate number of residential units and/or the approximate number, type and square footage of non-residential units;
 - d. Known Ordinance deviations to be sought;
 - e. The number of acres to be preserved as open or recreation space; and
 - f. All known natural resources and natural features proposed to be preserved, lost and/or replaced.
 - g. Test plan as described in subsection D.1.a of this Section.
 2. *Preliminary Development Plan Review.* Subsequent to the above conferences, the

applicant shall submit to the Planning Commission ten (10) copies of a preliminary site plan and the supporting information. In addition to the requirements of Section 201.502 D the preliminary site plan shall contain the following:

- a. Site map showing area, size, boundary lines and dimensions.
- b. Existing and proposed land uses and their approximately locations.
- c. Topographic character of the site.
- d. Character and approximate density of the proposed PUD.
- e. Circulation patterns, including pedestrian walkways and streets or roads.
- f. Proposed public or common use areas, including parks, open space, and greenbelts.
- g. Existing flood plans, wetlands, bodies of water, other unbuildable areas and hydrological information.
- h. Plans for public services, such as roads, gas lines, electric lines, telephone lines, cable TV lines (and sewer and water lines if and when available).
- i. Soil borings.
- j. A narrative describing the overall objectives of the proposed PUD, financing plans, method for maintenance of open areas, private roads, recreation areas and parking areas, if any. In addition, a discussion of impact on local schools, environmentally-sensitive areas, stage of construction, expected commencement date and length of time for each stage and a statement of why the proposed PUD will enhance the area as compared to existing land use requirements for the underlying district.

The Planning commission shall review the preliminary development plan beginning within forty-five (45) days of receipt of all required materials, unless an extension is mutually agreed upon.

Following such review the Planning Commission shall transmit its recommendations on findings of fact (subsection C. above) and comments and recommendations to the site plan (subsection D. above) to the applicant. ~~and schedule a public hearing on the preliminary proposal in accordance with Section 201.502C.4 of the Zoning Ordinance.~~

The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary plan, and shall forward a report of its action and recommendations to the Township Board who shall schedule a public hearing on the preliminary proposal in accordance with Section 201.502C.4 of the Zoning Ordinance. Following said hearing, the Township Board shall approve, approve with conditions or deny the application, taking into consideration the recommendations of the Planning Commission. The effect of approval or approval with conditions, shall be to authorize the concept embodied in the preliminary

plan, subject to submission, review and approval of the final plan.

Approval of the preliminary plan shall not constitute final approval, and preliminary approval shall be subject to review and approval of the final plan as provided for in this section.

Following the public hearing, the applicant may modify the preliminary plan to conform with **any** ~~the~~ conditions **of approval established by the Township Board.** ~~and/or recommendations of the Planning Commission.~~

3. *Final Development Plan Review.* Within six (6) months following receipt of preliminary plan approval, the applicant shall submit to the Planning Commission ten (10) copies of a final site plan, conforming to subsection F.2 below. The Planning Commission shall review the Final PUD Plan and submit its recommendation to the Township Board. After receipt of the recommendation of the Planning Commission, the Township Board shall approve, approve with conditions or deny the Final PUD Plan. The Township Board will incorporate its conclusions, the basis for its decision and any conditions imposed, into a report for the public record.

Section 2. Conflicts. If any provision of the Vergennes Township Zoning Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall be applied.

Section 3. Severability. Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

Section 5. Effective Date. This ordinance shall become effective eight (8) days after its publication in a newspaper of general circulation in the Township.

Certification

I, Mari C. Stone, Township Clerk of the Township of Vergennes, hereby certify that Ordinance 2004-9 was adopted at a regular meeting of the Vergennes Township Board on May 17, 2004, and the Ordinance or a summary of the ordinance was published in the Lowell Ledger, a newspaper of general circulation in the Township of Vergennes, on June 9, 2004.

Mari C. Stone,
Vergennes Township Clerk