

**ACME TOWNSHIP ZONING ORDINANCE  
AMENDMENT 050  
ARTICLE XIX – PLANNED DEVELOPMENT**

**ARTICLE XIX: PLANNED DEVELOPMENT**

**19.1 INTENT AND PURPOSE**

- a. The Planned Development (PD) option is intended to allow, with Township approval, private or public development which is consistent with the goals and objectives of the Township Master Plan and Future Land Use Map.
- b. The development allowed under this Article shall be considered as an optional means of development only on terms agreeable to the Township.
- c. Use of the PD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the Township.
- d. It is further intended the PD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the Acme Township Community Master Plan and Future Land Use Plan Map.
- e. It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- f. The number of dwelling units for the PD development shall not exceed the number of dwelling units allowed under the underlying Zoning District, unless there is a density transfer approved by the Township.

**19.2 DEFINITIONS**

**Planned Development (PD):** means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Article, establishing functional use areas, density patterns, a fixed network of streets (where necessary) provisions for

public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

### 19.3 CRITERIA FOR QUALIFICATIONS

To qualify for the Planned Development option, it must be demonstrated that all of the following criteria will be met:

- a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts.
- b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.
- c. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.
- d. The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD.
- e. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- f. The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective f(9) in addition to its five (5) objectives.
  1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
  2. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.
  3. To accept dedication or set aside open space areas in perpetuity.
  4. To provide alternative uses for parcels which can provide transition buffers to residential areas.
  5. To promote the goals and objectives of the Township Master Plan.

6. To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
8. To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.
9. To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved.

#### 19.4 USES PERMITTED

- a. A land use plan shall be proposed for the area to be included within the PD. The land use plan shall be defined primarily by the Township Zoning Ordinance Districts that are most applicable to the various land use areas of the PD.
- b. Uses permitted and uses permitted subject to Special Use Permit approval in this Ordinance may be allowed within the districts identified on the PD plan, except that some uses may be specifically prohibited from districts designated on the PD plan. Alternatively, the Township may allow uses not permitted in the district if specifically noted on the PD plan. Conditions applicable to uses permitted subject to Special Use Permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PD plan.

#### 19.5 HEIGHT, BULK, DENSITY AND AREA STANDARDS

The standards about height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan except as specifically modified and noted on the PD plan.

#### 19.6 DENSITY TRANSFER

Acme Township encourages flexibility in the location and layout of development, within the overall density standards of this Ordinance. The Township therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), as provided below. For purposes of this Section, all sending parcel(s) and receiving parcel(s) shall be considered together as one PD parcel.

- a. All density transfers require a Special Use Permit approved by the Township Board, upon the recommendation of the Planning Commission, as part of a PD application. A Special Use Permit application for a density transfer shall be submitted and include:
  1. Signatures by the owners (or their authorized representatives) of the sending and receiving parcels.

2. A proposed development plan (subdivision and/or site plan) for the receiving parcel.
  3. Density calculations for both the sending and receiving parcels.
- b. Upon receipt of a Special Use Permit application for a density transfer the Township shall determine:
1. The number of allowable dwelling units permitted on the receiving parcel(s) based on the current zoning classification.
  2. The number of eligible dwelling units allowed to be transferred to the receiving parcel(s). The transferred dwelling units shall not increase the allowable density by more than 50%.
  3. The number of allowable dwelling units permitted on the sending parcel(s) based on the current zoning classification.
  4. The number of eligible dwelling units allowed to be transferred from the sending parcel(s).
- c. The Township Board, upon recommendation from the Planning Commission, may grant a Special Use Permit allowing the transfer to the receiving parcel(s) of some or all of the allowable residential dwelling units from the sending parcel(s) only if it finds that all of the following have been satisfied:
1. The sending parcels dwelling unit transfers are actual available dwelling units considering all limitations, including wetlands, and those units are documented.
  2. The addition of the transferred dwelling units to the receiving parcel will not increase the maximum allowable density by more than 50%.
  3. The addition of transferred dwelling units will not adversely affect the area surrounding the receiving parcel.
  4. The density transfer will benefit the Township by protecting developable land with conservation value on the sending parcel(s).
  5. The density transfer will be consistent with the sending and receiving zones designated on the Dwelling Unit Density Transfer Map. Exception may be granted by Township Board, upon the recommendation of the Planning Commission, to allow a density transfer FROM a receiving zone TO a receiving zone if:
    - a) The sending parcel(s) is deemed to contain unique natural, cultural, or historical features which should be preserved

- b) The density transfer to the receiving parcel will not place an undue hardship or strain on the Township infrastructure
  - c) The density transfer is in accordance with the Intent and Purpose of this Article
6. The parcel(s) receiving the density transfer will not exceed the land development build out (buildings, parking, setbacks, open space, etc.) prescribed by the Zoning District of the property unless waived by the Planning Commission and Township Board.
  7. Sending parcel(s) satisfying the requirements this section shall be executed and recorded in the office of the Grand Traverse County Register of Deeds, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. This reduction in density shall not prevent the owner(s) of the sending parcel(s) from developing the remaining allowable dwelling units under either an open space or conventional development plan, provided that all open space requirements are satisfied. The land area subject to the land transfer will remain perpetually in an undeveloped state by means of a conservation easement, or other legal means that runs with the land, as prescribed by the Township Zoning Ordinance, and approved by the Township.

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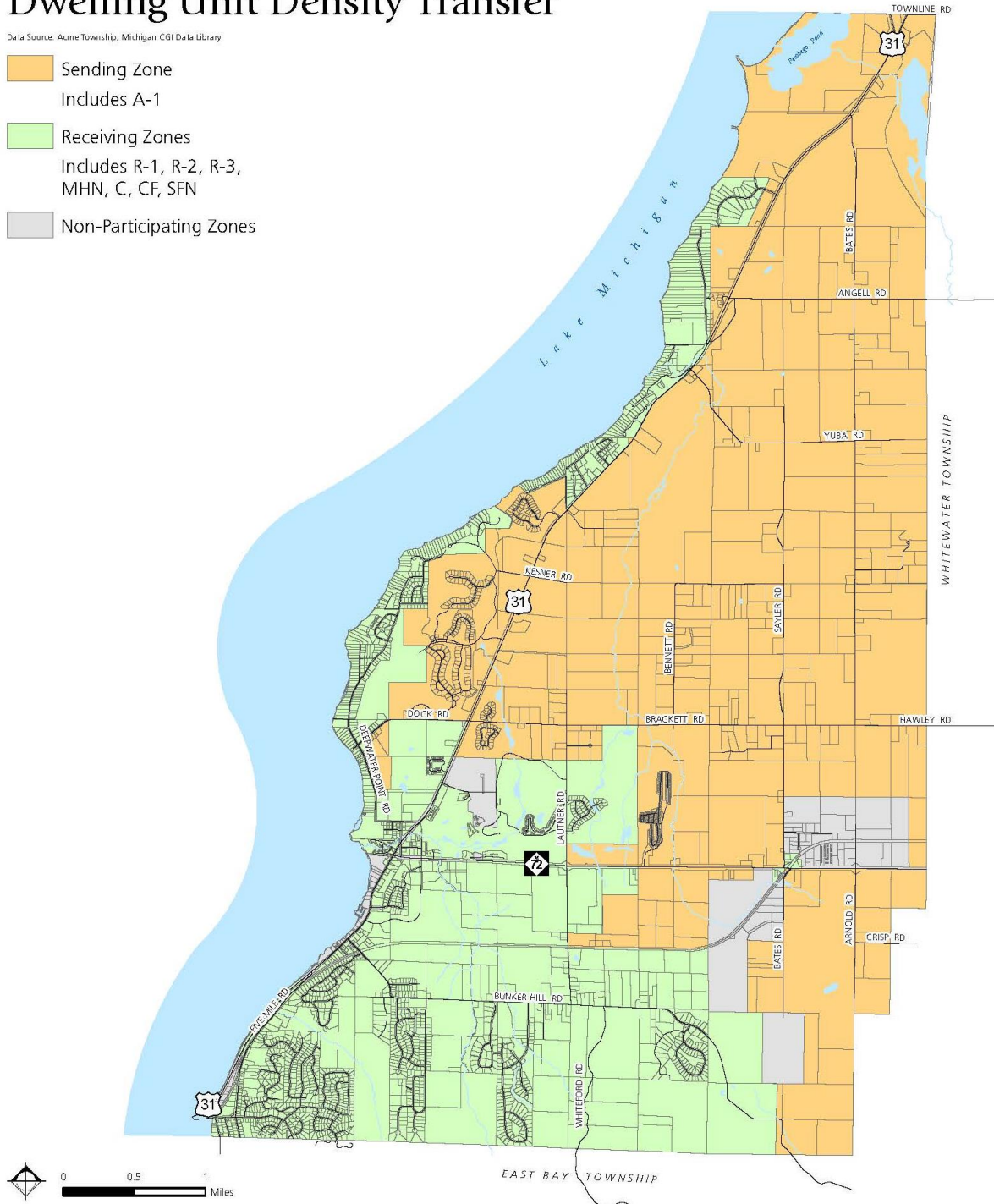
Figure 19.1: Dwelling Unit Density Transfer Map

ACME TOWNSHIP

# Dwelling Unit Density Transfer

Data Source: Acme Township, Michigan CGI Data Library

- Sending Zone  
Includes A-1
- Receiving Zones  
Includes R-1, R-2, R-3, MHN, C, CF, SFN
- Non-Participating Zones

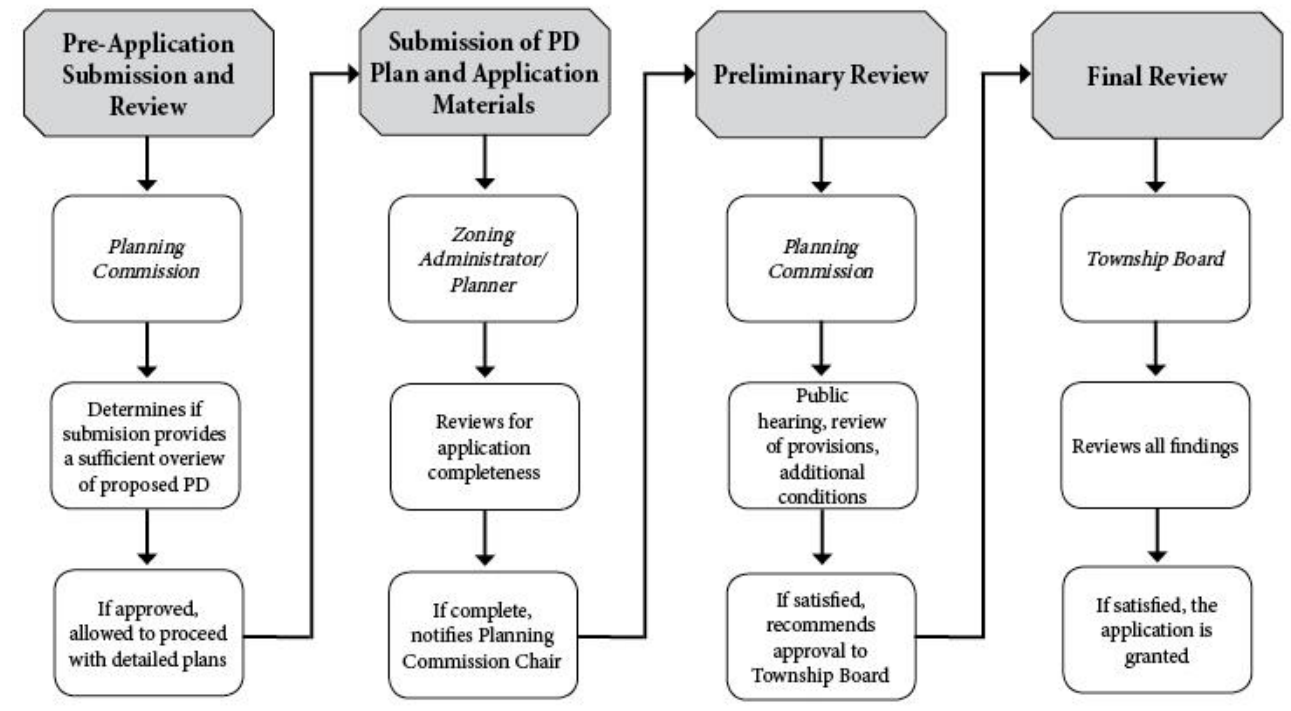


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## 19.7 PLANNED DEVELOPMENT APPLICATION SUBMISSION AND REVIEW PROCEDURES

The PD application submission and review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PD plan and application materials, 3) preliminary review and recommended approval or denial of the PD, and 4) final review and approval or denial of the PD. This procedure is illustrated in the Figure 19.2 and elaborated upon in the following subsections. A PD plan involving a density transfer shall have the transfer approved through a Special Use Permit as outlined in Section 19.6 after the pre-application submission and review step.

**Figure 19.2:** Planned Development Application Submission and Review Process



### 19.7.1 PRE-APPLICATION SUBMISSION AND REVIEW

- a. Any person owning or controlling land in the Township may make application for consideration of a PD. Such application shall be made by presenting a request for a preliminary determination to whether a parcel qualifies for the PD option.
- b. The request shall be submitted to the Township and the submission shall include the information required below.
  1. Proof the criteria set forth in the Criteria for Qualification section above, are or will be met.
  2. A schematic land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

3. A plan to protect natural features or preservation of open space or greenbelts.
  4. A storm water management plan incorporating low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
  5. The Planning Commission shall review the applicant's request for qualification. If approved, the applicant may then continue to prepare a PD Plan on which a final determination will be made.
- c. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a parcel(s) qualifies for the PD option under the Criteria for Qualification in Section 19.3. If approved, the applicant may then continue to prepare a PD plan on which a final determination will be made. An approved request for qualification is not a guarantee for final PD approval.

#### 19.7.2 SUBMISSION OF PLANNED DEVELOPMENT PLAN AND APPLICATION MATERIALS

The application, reports, and drawings shall be filed in paper and digital format. Printed drawings shall be on 24" x 36" sheets. All drawings shall be provided to the Township in AutoCad™, MicroStation, or similar site civil / architectural drawing format requested by the Planning Commission. Other graphics and exhibits, text and tabular information shall be provided in Adobe Acrobat™ "pdf" format. All drawings shall be created at a scale not smaller than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Township.

- a. A proposed PD plan application shall be submitted to the Township for review that contains the following:
1. A boundary survey of the exact acreage prepared by a registered land surveyor or civil engineer.
  2. A topographic map of the entire area at a contour interval of not more than two feet. This map shall show all major stands of trees, bodies of water, wetlands and unbuildable areas
  3. A proposed development plan showing the following, but not limited to:
    - a) Land use areas represented by the Zoning Districts listed as A-1, R-1, R-2, R-3, MHN, C, CF, or B-4 of this Ordinance.
    - b) A circulation plan including vehicular circulation patterns, major drives and location of vehicular access, parking areas, non-motorized circulation patterns, pedestrian and bicycle facilities, and cross sections of public and private streets.
    - c) Transition treatment, including minimum building setbacks to land adjoining the PD and between different land use areas within the PD.



- d) The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.
  - e) The general location of residential unit types and densities and lot sizes by area.
  - f) The general location and type of all Low Impact Development (LID) storm water management technologies.
  - g) Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.
  - h) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.
  - i) A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
  - j) A preliminary grading plan, showing the extent of grading and delineating any areas, which are not to be graded or disturbed.
  - k) A public or private water distribution, storm and sanitary sewer plan.
  - l) Elevations of the proposed buildings using traditional building materials shall be used. Materials such as exterior insulation finish system (EIFS), fluted concrete masonry units, concrete panels, panel brick, and scored concrete masonry unit block are not considered traditional building materials.
  - m) A written statement explaining in detail the full intent of the applicant, showing dwelling unit types or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
4. A market study, traffic impact study, and /or environmental impact assessment, if requested by the Planning Commission or Board of Trustees.
  5. A pattern book or design guidelines manual if requested by the Planning Commission or Board of Trustees.
- b.** The Township Zoning Administrator and/or Planner will review the PD plan application for completeness. Once deemed complete, the Township Zoning Administrator and/or Planner shall notify the Planning Commission Chair who will place the application on the agenda for a preliminary review by the Planning Commission.

### 19.7.3 PRELIMINARY REVIEW AND APPROVAL OF PLANNED DEVELOPMENT

Planning Commission Review of Proposed PD Plan:

- a.** Upon notification from the Township Zoning Administrator and/or Planner of a complete PD plan application, the Planning Commission shall review the proposed PD plan and make a determination about the proposal's qualification for the PD option and for adherence to the following objectives and requirements:
  - 1. The proposed PD adheres to the conditions for qualification of the PD option and promotes the land use goals and objectives of the Township.
  - 2. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Article, the provisions of this Section shall apply to the lands embraced within a PD area.
  - 3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.
- b.** The Planning Commission shall hold a public hearing on the PD plan and shall give notice as provided in Section 9.1.2(c).
- c.** After the public hearing and review, the Planning Commission shall report its findings and recommendations to the Township Board.

#### **19.7.4 FINAL REVIEW AND APPROVAL OF PLANNED DEVELOPMENT**

- a.** On receiving the report and recommendation of the Planning Commission, the Board shall review all findings. If the Board shall decide to grant the application, it shall direct the Township attorney to prepare a PD contract setting forth the conditions on which such approval is based. Once the PD contract is prepared it shall be signed by the Township and the applicant.
- b.** The PD contract shall become effective on execution after its approval. The PD Contract shall be recorded at the Grand Traverse County Register of Deeds' office. Once an area has been included within a plan under a PD contract, no development may take place in such area nor may any use of it be made except under such PD contract, unless under an approved amendment, or the plan under a PD contract is terminated. Amendments to the PD plan and/or PD contract shall follow the processes in Section 19.11.
- c.** An approved plan under a PD contract may be terminated by the applicant or the applicant's successors or assigns, before any development within the area involved, by filing with the Township and recording at the Grand Traverse County Register of Deeds an affidavit so stating. The approval of the plan under the PD contract shall terminate on such recording.
- d.** No approved plan under a PD contract shall be terminated after development begins except with the approval of the Board and of all parties in interest in the land.

- e. Within one year following execution of the PD contract by the Township Board, final site plans for an area embraced within the PD must be filed as provided. If such plats or plans have not been filed within the one-year period, the right to develop the approved plan under the PD contract shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the Township Board. The Township Board may authorize an extension of up to one (1) year.
- f. The termination of a PD contract involving a density transfer shall nullify the transaction and all transferred densities shall return to the original sending parcel(s). The return of the transferred densities shall be recorded at the Grand Traverse County Register of Deeds' office.

**19.8 SUBMISSION OF FINAL SITE PLANS; SCHEDULE FOR COMPLETION OF PLANNED DEVELOPMENT**

Before any permits are issued for the PD, final site plans and open space plans for a project area shall be submitted to the Township for review and approval by the Planning Commission, and where applicable the Township Board, of the following:

- a. Review and approval of site plans shall comply with Article VIII: Site Plans, as well as this Section except as otherwise modified in the approved plan and PD contract.
- b. Before approving of any final site plans, the Planning Commission shall decide that:
  1. All portions of the project area shown on the approved plan for the PD for use by the public or the residents of lands within the PD have been committed to such uses under the PD contract;
  2. The final site plans are in conformity with the approved contract and plan for the PD;
  3. Provisions have been made under the PD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PD contract.
  4. If development of approved final site plans is not substantially completed in three years after approval, further final submittals under the PD shall stop until the part in question is completed or cause can be shown for not completing same.
- c. The applicant shall be required, as the PD is built, to provide the Township with "as built" drawings in both paper and digital format following the same provisions outlined in Section 19.7.

**19.9 FEES**

Fees for review of PD plans under this Section shall be established by resolution of the Township Board.

**19.10 INTERPRETATION OF APPROVAL**

Approval of a PD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the Township and the applicant.

**19.11 AMENDMENTS TO PLANNED DEVELOPMENT PLAN**

Proposed amendments or changes to an approved PD plan and/or PD contract shall be presented to the Planning Commission following the same procedures for amending a Special Use Permit outlined in Section 9.1.4. The Planning Commission shall decide whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning Commission decides the proposed amendment is material in nature and warrants a major amendment, the Planning Commission shall hold a public hearing and make a recommendation to the Board to approve or deny the request.

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