

Special Use Permit - Planned Unit Development Checklist

Special Use Permit Number \_\_\_\_\_.

Parcel Code/s #28-11-\_\_\_\_ - \_\_\_\_ - \_\_\_\_

Property Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

ARTICLE VIII

**Ordinance Reference - Section 8.1.2 Permit Procedures:**

1. Submission of Application:

- a. \_\_\_\_\_ Fee No part of any fee shall be refundable.

**Ordinance Reference - Section 8.1.3**

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

General Standards: The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

2. **General Standards - Include a statement of HOW the proposed project meets the standards::**

- a. \_\_\_\_\_ Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- b. \_\_\_\_\_ Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- c. \_\_\_\_\_ Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
- d. \_\_\_\_\_ Not create excessive additional requirements at public cost for public facilities and services.
- e. \_\_\_\_\_ Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- f.

Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property

rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

**3. Include a statement of HOW the proposed project meets the standard:**

- a. \_\_\_\_\_ That the applicant may legally apply for site plan review.
- b. \_\_\_\_\_ That all required information has been provided.
- c. \_\_\_\_\_ That the proposed development conforms to all regulations of the zoning district in which it is located.
- d. \_\_\_\_\_ That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- e. \_\_\_\_\_ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
  - i. \_\_\_\_\_ Grand Traverse County Road Commission
  - ii. \_\_\_\_\_ Grand Traverse County Drain Commissioner
  - iii. \_\_\_\_\_ County DPW standards for sewer and water if public.
  - iv. \_\_\_\_\_ Grand Traverse County Health Department for private systems
  - v. \_\_\_\_\_ State and Federal Agencies for wetlands, public sewer and water.
- f. \_\_\_\_\_ That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- g. \_\_\_\_\_ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. \_\_\_\_\_ That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- i. \_\_\_\_\_ That the proposed development will not cause soil erosion or sedimentation problems.
- j. \_\_\_\_\_ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k. \_\_\_\_\_ That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l. \_\_\_\_\_ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m. \_\_\_\_\_ That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- n. \_\_\_\_\_ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. \_\_\_\_\_ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. \_\_\_\_\_ That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

- q. \_\_\_\_\_ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
  - r. \_\_\_\_\_ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
  - s. \_\_\_\_\_ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
4. **Present 8 copies of Site plan, plot plan, development plan**  
Drawn to scale (preferable 1"=50'), of total property involved showing:
- a. \_\_\_\_\_ the location of all abutting streets,
  - b. \_\_\_\_\_ the location of all existing and proposed structures and their uses
  - c. \_\_\_\_\_ the location and extent of all above ground development, both existing and proposed.
  - d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

***Is the project to be developed in Phases? \_\_\_ Yes; \_\_\_ No.***

5.        If the project is to be phased, provide documentation that:

- a.        Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- b.        Shows a proposed commencement date for each phase of the project.

**Section 8.3 Planned Unit Developments:**

**Section 8.3.2 Objectives:** The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

***Provide statements showing HOW the project meets the following Objectives:***

1.        Provides a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, lake shore, hills, and similar natural assets.
2.        Provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
3.        A more creative and imaginative approach in the development of residential areas.
4.        More efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential site.
5.        Encourage variety in the physical development pattern of the Township by providing a mixture of housing types.
6.        The retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.

**Section 8.3.3 Qualifying Conditions:** Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development.

1.        The planned unit development site shall not be less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit. PROVIDED that the site size requirement may be reduced by the Township Board if the Board determines that the proposed use is a suitable and reasonable use of the land.
2.        Located within a Residential or Agricultural District, or a combination of the above Districts.
3.        Where the County Health Department will approve, community type water and sewer facilities shall be provided as part of the site development. Package or other treatment systems shall be of sufficient capacity to process the total sewage load of the project. The location shall be such as to afford possible mechanical hook-up with the proposed Regional Treatment System when fully developed. It is recognized that joining water and sewer ventures with contiguous or nearby land owners may prove to be expedient.
4.        The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district or districts in which it is located subject to the provisions of Section 8.3.5(2)(b).

5. \_\_\_\_\_ For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to Peninsula Township, or retained by the property owner when specifically permitted by the Special Use Permit, or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give Peninsula Township a covenant or interest therein, so that there are assurances that the required open space shall remain open subject to the provisions of Section 8.3.6.
6. \_\_\_\_\_ The proposed planned unit development shall meet all of the standards and requirements outlined in this Article, Section 8.1.

**Section 8.3.4 Uses that May be Permitted:** The following uses of land and structures may be permitted within planned unit developments, **Indicate the proposed uses in the Planned Unit Development:**

1. \_\_\_\_\_ All uses permitted by right, or by special use permit in the respective Residential or Agricultural Districts in which the Planned Unit Development is proposed, subject to all the restrictions therefore.
2. \_\_\_\_\_ Two-family dwellings.
3. \_\_\_\_\_ Group housing, row houses, garden apartments, or other similar housing types which can be defined as single-family dwelling with no side yards between adjacent dwelling units.
4. \_\_\_\_\_ Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
  - a. \_\_\_\_\_ Private recreational facilities, but not golf courses, such as pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
  - b. \_\_\_\_\_ Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
  - c. \_\_\_\_\_ Commonly owned agricultural lands.
5. \_\_\_\_\_ Signs as allowed by Section 7.11.
6. \_\_\_\_\_ Agricultural lands.
7. \_\_\_\_\_ Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.

**Section 8.3.5 Lot Size Variation Procedure:** The lot area for Planned Unit Developments within Residential and Agricultural Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

1. **Site Acreage Computation:**
  - a. \_\_\_\_\_ The gross acreage proposed for a planned unit development.
  - b. \_\_\_\_\_ Acreage not included:
    - i. \_\_\_\_\_ Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
    - ii. \_\_\_\_\_ Lands below the Lake Michigan ordinary high water mark.
    - iii. \_\_\_\_\_ Lands used for commercial purposes subject to the requirements of Section 6.8.
  - c. **Maximum Number of Lots and Dwelling Units:**

- d. \_\_\_\_\_ Gross Acreage available for development. (1.a. minus 1.b.)
- e. \_\_\_\_\_ Subtract from the total gross area available a fixed percentage of said total for street right-of-way purposes.
  - i. \_\_\_\_\_ R-1A and R-1B Residential Districts - 15%.
  - ii. \_\_\_\_\_ R-1C Residential District - 20%.
  - iii. \_\_\_\_\_ R-1D Residential District - 30%.
  - iv. \_\_\_\_\_ A-1 Agricultural District - No Reduction.
- f. \_\_\_\_\_ Net Acreage available for development.
- g. \_\_\_\_\_ Allowed number of dwelling units (Sum of d.i. through d.v.).
  - i. \_\_\_\_\_ R-1A District (Net Acreage divided by 43,560 square feet).
  - ii. \_\_\_\_\_ R-1B District (Net Acreage divided by 25,000 square feet).
  - iii. \_\_\_\_\_ R-1C District (Net Acreage divided by 20,000 square feet).
  - iv. \_\_\_\_\_ R-1D District (Net Acreage divided by 15,000 square feet).
  - v. \_\_\_\_\_ A-1 District (Net Acreage divided by 5 Acres).
- h. \_\_\_\_\_ Requested additional density reasons such as higher than normal developing costs resulting from special requirements of Section 8.3.

2. Permissive Minimum Lot Area:

- a. \_\_\_\_\_ Districts R-1A and R-1B -- 12,000 square feet
- b. \_\_\_\_\_ District R-1C -- 9,000 square feet
- c. \_\_\_\_\_ District R-1D -- 5,000 square feet
- d. \_\_\_\_\_ District A-1 -- 22,000 square feet when the open space land is restricted agricultural land and 1 acre in all other cases.

3. Maximum Lot Area:

- a. \_\_\_\_\_ When the open space land is to be retained by the property owner as restricted agricultural land; the maximum residential lot size shall be one acre,
- b. \_\_\_\_\_ The Township Board may approve larger lots if prime agricultural land will not be lost.

4. Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

- a. \_\_\_\_\_ Front Yard: Twenty five (25) feet for all dwellings. PROVIDED that front yard requirements may be varied by the zoning board after consideration of common greens or other common open space if such space provides an average of 25 feet of front yard area per dwelling unit.
- b. \_\_\_\_\_ Side Yard: Fifteen (15) feet on each side for all one and two-family dwellings; none for town houses or row houses PROVIDED that there shall be a minimum of 15 feet between ends of contiguous groups of dwelling units.
- c. \_\_\_\_\_ Rear Yard: Thirty (30) feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Township Board after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.

5. Maximum Permissive Building Height:

- a. \_\_\_\_\_ 2.5 stories but not exceeding 35 feet.
- b. \_\_\_\_\_ Accessory buildings shall not exceed a height of 15 feet.

6. Section 8.3.6 Open Space Requirements Option: The Township Board shall utilize one of the following three options for dedication of the provided open space:
- a. \_\_\_\_\_ That open space land shall be set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development.
    - i. \_\_\_\_\_ Such open space shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in tract lot owners as tenants in common.
    - ii. \_\_\_\_\_ Documents providing for the maintenance of said land and any buildings thereon to assure that open space land remains open shall be provided to the Township Board for its approval.
  - b. \_\_\_\_\_ That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners provided that the Township Board makes the following determinations:
    - i. \_\_\_\_\_ The location and extent of said land is not in conflict with the Comprehensive Development Plan of Peninsula Township.
    - ii. \_\_\_\_\_ The access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.
  - c. \_\_\_\_\_ That open space shall be retained in agricultural use as specified on the site plan with the following conditions:
    - i. \_\_\_\_\_ Land shall be used exclusively for farming purposes but no building shall be placed thereon nor shall any special uses be permitted.
    - ii. \_\_\_\_\_ A conservation easement shall be granted to Peninsula Township that restricts uses on the agricultural property to those above uses approved by the Township Board.
    - iii. \_\_\_\_\_ A farmstead parcel consisting of a residence for the owner or operator of the farm along with any or all of the following outbuildings may be shown on the site plan if approved by the Township Board:
      - (1) \_\_\_\_\_ Barns existing or proposed for uses necessary for agricultural production.
      - (2) \_\_\_\_\_ Outbuildings existing or proposed for storage of machinery and equipment used for agricultural production.
      - (3) \_\_\_\_\_ If a farmstead is shown on the site plan it shall be counted as one of the allowed dwelling units in the Planned Unit Development.
7. Section 7.7 Developments Abutting Agricultural Lands: Section 7.7.1 Agricultural Setback: The following setbacks shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed; and on those metes and bounds parcels created after the effective date of this amendment, as provided below
- a. Section 7.7.1.1 Requirement Agricultural Setback:
    - i. \_\_\_\_\_ A setback of 100 feet from the property line of the adjacent property shall be required for accessory uses, buildings or structures as follows:
      - (1) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned A-1 Agriculture, and;
      - (2) When a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned

Residential but is shown on the Agricultural Preserve Map of the Peninsula Township Comprehensive Plan as adopted and amended from time to time by the Planning Commission.

- ii. \_\_\_\_\_ A setback of 50 feet from the property line of the adjacent property shall be required for those portions of metes and bounds parcels created after the adoption of this amendment that have a common line with land that is zoned A-1 Agriculture unless that A-1 Agriculture zoned land is being used for residential purposes.
  - iii. \_\_\_\_\_ The setback areas required by (1) and (2) above shall not be used for accessory uses, buildings or structures.
  - iv. \_\_\_\_\_ A setback of 100 feet shall be required when a planned unit development, subdivision, condominium, mobile home park, or other group housing is developed adjacent to land that is zoned Residential but is currently being used for agricultural production that includes the carrying on of usual soil practices of cultivation, spraying and fertilization.
- b. \_\_\_\_\_ Section 7.7.1.2 Lot Designation: Subdivision Lots or Condominium Limited Common Elements adjacent to such agricultural lands shall have designated building sites shown on the preliminary and final plans. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites.
- c. \_\_\_\_\_ Section 7.7.1.3 Exceptions to Required Setbacks:
- i. \_\_\_\_\_ The Township Board may, upon recommendation of the Planning Commission, decrease the required setback on any or all lots or limited common elements when the Township Board determines that one or more of the following conditions exist:
    - (1) \_\_\_\_\_ The existence of topographic conditions i.e. steep slopes, changes in grade, wetlands etc. or other site conditions which make it:
      - (a) \_\_\_\_\_ unlikely that any of the uses allowed in the agricultural district would be located on the adjacent agriculturally zoned land; or
      - (b) \_\_\_\_\_ so that the properties are sufficiently separated to mitigate incompatibilities of use.
    - (2) \_\_\_\_\_ There exists an easement such as a conservation easement on the land adjacent to the proposed plat that restricts agricultural uses in such a manner that protection to future homeowners is equal or better than that provided by the 100 foot setback.
    - (3) \_\_\_\_\_ There are existing residential uses along the lot line of the agriculturally zoned property.
8. \_\_\_\_\_ Section 8.3.7 Affidavit. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the special use permit, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved special use permit unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.