

The Manistee Township Board held a special meeting on Tuesday, December 17, 2019 at 9:30 am at the Manistee Township Hall. Board members present were Dennis Bjorkquist, John Dontz, Guy Finout, Connie Jankwietz, and Dianne Taylor. The meeting had been posted in compliance with the Open Meetings Act. Posting attached.

The meeting was called to order by Supervisor Bjorkquist with the pledge of allegiance.

There being no public comment, the Board reviewed the revisions to the proposed Sanitary Sewer Service Agreement between Manistee Township and the City of Manistee. After a lengthy discussion, Treasurer Jankwietz made a motion to adopt Resolution 2019-10, a resolution accepting the agreement and authorizing the Supervisor and Clerk to sign the agreement on behalf of Manistee Township; Trustee Dontz seconded the motion. In a roll call vote, the motion carried. The Agreement will be forwarded by our attorney to the City for their approval.

MANISTEE TOWNSHIP

Resolution No. 2019-10

At a special meeting of the Manistee Township Board held in the Township Hall located at 410 Holden St., Manistee, Michigan, 49660 on December 17, 2019 at 9:30 a.m.

PRESENT: Bjorkquist, Dontz, Finout, Jankwietz, and Taylor

ABSENT: None

The following resolution was made by Jankwietz and seconded by Dontz, to-wit:

Recitals

WHEREAS the City of Manistee and Manistee Township have been negotiating with respect to rates for sewer lines extending from the City of Manistee into Manistee Township; and

- A. WHEREAS based upon offers and negotiations an acceptable rate structure pursuant to an agreement has been reached, with said agreement **(to be approved by the City of Manistee after township approval)** which is attached as Exhibit A in draft form.

Resolution

NOW THEREFORE, BE IT RESOLVED that Manistee Township hereby accepts the agreement and authorizes the Manistee Township Supervisor and Manistee Township Clerk to sign the agreement on behalf of Manistee Township.

YES: Dontz, Finout, Jankwietz, Taylor, and Bjorkquist

NO: None

RESOLUTION DECLARED ADOPTED.

MANISTEE TOWNSHIP

By: _____
Dennis Bjorkquist, Supervisor

I, the undersigned, the Clerk of Manistee Township, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Manistee Township Board at its special meeting held on December 17, 2019 relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act.

Dated: _____

Dianne Taylor, Clerk

Brown Township is requesting to renew the Contractual Agreement for Fire and Medical Protection between Manistee Township and Brown Township. Effective January 1, 2020, the agreement calls for a \$2,000.00 annual stand-by fee. Fire calls will be \$200.00 for the first hour, and \$100.00 for each additional hour or portion of an hour thereafter. The agreement can be terminated by either party by giving a thirty (30) day notice. Treasurer Jankwietz made the motion to enter into the contract agreement with Brown Township; Trustee Dontz seconded. All voted in favor; motion carried.

Ordinance No. 2019-02, An Ordinance to Amend the Manistee Township Permanent Zoning Ordinance by Rezoning Certain Lands to Commercial (C-1) District, By Amending Certain Regulations Relating to Planned Unit Developments and By Repealing All Ordinance in Conflict Herewith, has been approved by the Planning Commission and brought to the Board to be approved by the Board as written except for paragraph 8803.2.a(2), which the Commission is recommending be removed from the ordinance. After discussion regarding the removal of the 18% slope restriction in the ordinance, Trustee Finout made the motion to adopt Ordinance

2019-02 as written after the removal of the 18% slope restriction in paragraph 8803.2.a(2); Trustee Dontz seconded. After a roll call vote, the motion carried.

MANISTEE TOWNSHIP

MANISTEE COUNTY

ORDINANCE NO. 2019-02

AN ORDINANCE TO AMEND THE MANISTEE TOWNSHIP PERMANENT ZONING ORDINANCE BY REZONING CERTAIN LANDS TO COMMERCIAL (C-1), BY ADDING NEW SPECIAL USES TO THE COMMERCIAL (C-1) DISTRICT, BY AMENDING CERTAIN REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS AND BY REPEALING ALL ORDINANCE IN CONFLICT HEREWITH

The Township of Manistee ORDAINS:

Section 1. Rezoning. The Manistee Township Zoning Ordinance (“Ordinance”) is hereby amended by rezoning the following described lands from un-zoned lands, Multiple Use (M-1), Ag-Forest Preservation (AP-1) or High Density Residential (R-1) to Commercial (C-1), to wit:

51-07-122-013-00	51-07-740-027-00	51-07-740-030-00
51-07-122-016-20	51-07-740-029-00	51-07-740-028-00
51-07-127-005-00	51-07-740-033-00	51-07-740-025-00
51-07-127-005-05	51-07-680-020-00	51-07-740-021-00
51-07-680-001-00	51-07-680-019-00	51-07-740-019-00
51-07-680-005-00	51-07-680-017-00	51-07-740-018-00
51-07-680-008-00	51-07-680-012-00	51-07-122-019-00
51-07-680-009-00	51-07-680-010-00	51-07-122-016-00
51-07-680-011-00	51-07-680-007-00	51-07-122-017-00
51-07-680-016-00	51-07-680-006-00	51-07-740-031-00
51-07-680-018-00	51-07-680-004-00	51-07-680-040-00
51-07-680-022-00	51-07-680-003-00	51-07-122-012-00
51-07-680-041-00	51-07-740-022-00	51-07-122-011-60
51-07-122-011-00	51-07-122-010-00	51-07-122-009-00
51-07-122-008-00	51-07-122-002-00	51-07-122-003-00

51-07-127-004-50

Section 2. Map Amendment. The Official Manistee Township Zoning Map is hereby amended to reflect the rezoning described in Section 1 of this Ordinance and the Clerk and Supervisor of Manistee Township are hereby directed to make or cause to be made the changes to the map as indicated.

Section 3. Amend Section 5303. Section 5303 of the Ordinance is hereby amended by adding a new subsection 2 as follows, and renumbering subsections 2 through 17 as subsections 3 through 18:

- .2 Breweries (312120), Wineries (312130), and Distilleries (312140)

Section 4. Amend Article 88. Article 88 –Planned Unit Development, is hereby amended to read, in its entirety, as follows:

ARTICLE 88 PLANNED UNIT DEVELOPMENTS

8801. Intent.

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of new residential and commercial developments, to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Article provides incentives and opportunities for a mix of housing types and commercial uses subject to an overall project density based on the formula provided by this Article. Based on a comprehensive plan for the entire development, this Article allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

8802. Application of Planned Unit Development Provisions.

1. **Minimum Parcel Criteria:** The provisions of this Article may be applied to any parcel of land fifteen (15) acres or greater, under single ownership or control.
2. **Exceptions to Minimum Parcel Criteria:** Notwithstanding the provisions of paragraph 1, an application for a planned unit development on a parcel of land of less than fifteen (15) acres may be submitted if the Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one or more of the following conditions exists:
 - a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;

- b. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
 - c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
- 3. Application Criteria: An applicant for planned unit development must demonstrate all of the following:
 - a. Application of the planned unit development provisions will result in one of the following:
 - 1) A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or
 - 2) The long-term conservation of natural features and the environmental character to the Township will be achieved; or
 - 3) A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.
 - b. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
 - c. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

8803. Design Standards.

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

- 1. Uses: The plan may include a mix of commercial and residential uses which are permitted in the zoning districts which are incorporated within the Planned Unit Development, or which are consistent with the master plan for the area. A variety of housing types, including detached single-family dwellings, duplexes, or multi-family dwellings are permitted.

2. Permitted Density: Subject to the provisions for maximum number of dwelling units and buildings and for minimum lot size for detached single-family dwellings, no minimum lot sizes are required, and cluster design may be incorporated as a means of conserving natural features and providing additional common open space. The permitted number of dwelling units and other structures shall be determined as provided in this subsection, based on net parcel area.
 - a. Net parcel area for purposes of this Article shall mean the total parcel area of the lands proposed for the PUD, less
 - 1) The area of proposed or existing public or private rights-of-way and access drives; and
 - 2) Eighty percent (80%) of the area occupied by any bodies of water, wetlands, or floodplain areas.
 - b. The maximum number of dwelling units or commercial buildings included within the PUD shall be determined by application of sound site planning criteria to achieve integration of the PUD with the characteristics of the area, and shall consider other land use criteria, including the impacts of the density of the proposed PUD on existing densities in the area, the minimum lot sizes of the underlying and adjacent zoning districts, and the goals and objectives of the master plan, subject to the limitations in subsections c. and d. below.
 - c. For a PUD served by public sewer, the maximum number of dwelling units or commercial buildings within the PUD shall be limited as follows:
 - 1) There shall be at least eleven thousand (11,000) square feet of net parcel area for each detached single family dwelling.
 - 2) In addition, there shall be at least seven thousand five hundred (7,500) square feet of net parcel area for each dwelling unit with three or more bedrooms located in an attached dwelling, multi-family dwelling, semi-attached dwelling, townhouse dwelling or two-family dwelling.
 - 3) In addition, there shall be at least five thousand five hundred (5,500) square feet of net parcel area for each dwelling unit with two or fewer bedrooms located in an attached dwelling, multi-family dwelling, semi-attached dwelling, townhouse dwelling or two-family dwelling.
 - 4) In addition, there shall be at least 15,000 square feet of net parcel area for each commercial building.
 - 5) A PUD served by a private community septic system may be eligible for the density limitations provided in this subsection (c) if the

Planning Commission finds that the system presents a demonstrative public benefit in comparison to private individual septic systems, in consideration of environmental conditions, suitability of soils surrounding the septic systems, the likelihood or unlikelihood of future public sewer extensions, the consistency of the development with the Township's master plan, and similar factors.

- d. For a PUD which is not served by public sewer, the formula in subsection c. shall be applied by inserting the minimum lot sizes provided for that type of dwelling unit or use in the underlying zoning district instead of the areas stated in subsection c. If no corresponding minimum lot size per dwelling unit or use is so provided, the formula above shall be applied by doubling the areas stated in subsection c. The maximum number of dwelling units or commercial buildings shall be further limited as may be necessary for installation of on-site sewage disposal systems to serve the PUD which comply with District 10 Health Department Standards.
3. Each single-family detached dwelling intended for separate ownership shall be located upon a lot or condominium unit of at least eleven thousand (11,000) square feet. If the project is developed on a condominium basis without allocation of separate sites, the applicant shall demonstrate that the proposed layout could accommodate eleven thousand (11,000) square foot individually owned units if the project were so arranged. If the project is not served by a public or community sanitary sewer or water system, each condominium unit shall be of such additional size as may be necessary for installation of an on-site sewage disposal system and private well which complies with District 10 Health Department Standards.
4. Common Open Space: All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common unimproved open space which is readily accessible and available to the residents of the planned unit development. Up to twenty five (25) percent of the open space requirement may be fulfilled by wetland, floodplain, and/or open water areas.

Educational and Recreational Uses: Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, non-motorized trails, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Commission to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development. These educational and recreational facilities, if not open to the public, shall be available to

residents of the PUD on the same basis as they are available to other members of the establishment.

5. Commercial Uses:

- a. If a PUD is proposed to include a mix of commercial and residential uses, then the amount of land devoted to commercial uses shall be guided by the application of site planning criteria to achieve integration of the PUD with the characteristics of the area, and shall consider other land use criteria, including underlying zoning and the Township master plan, subject to the following limitation: The amount of land devoted to commercial use, including the access drives and parking serving commercial uses, shall not exceed the greater of sixty percent (60%) of the PUD site, or the percentage of the site which is within a commercial zoning district.
- b. Any commercial use permitted by right or a special use approval may be incorporated into a planned unit development, and the planned unit development agreement for the PUD shall specify commercial uses permitted, and any requirements for approval if the use is not provided for in the initial plan.
- c. Commercial uses shall be accessed by public or approved private roads and access driveways and sited in a manner to be compatible with adjacent residential development and traffic patterns.

Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with Section 1054 of this Ordinance. The PUD shall be designed to take advantage of opportunities for collective and shared parking to reduce the amount of impervious surface and unnecessary paving.

6. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.
7. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent uses or to existing or prospective development of the neighborhood. The Commission shall establish perimeter setbacks and landscaping and/or berms as appropriate for the buffering of adjacent properties from the planned unit development. Special attention shall be given to appropriate screening of non-residential uses in a planned unit development which is adjacent to residentially zoned or used property.
8. Phasing.

- a. If the planned unit development is proposed to be constructed in phases, the planned unit development agreement shall provide for the facilities and amenities which must be constructed, or appropriate security provided, before buildings within that phase are constructed or occupied.
 - b. The phasing provisions of the planned unit development agreement shall account for the potential that phasing may be delayed or future phases may not be constructed by ensuring that all necessary infrastructure, including roads, parking, stormwater facilities and water and sewer facilities are sufficient to serve the initial phase or phases or the project, if subsequent phases are delayed or never constructed. In addition, through deed restriction, dedication in subdivision documents, or provisions in condominium documents or other appropriate instruments, arrangements shall be made such that the minimum required open space shall be maintained as each phase is constructed.
 - c. Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat, condominium plan or other final plan approval by the Commission. This limit may be extended for a reasonable period to be determined by the Commission, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.
9. For a mixed commercial and residential PUD, the Commission may require that a certain percentage or number of one type of use must be constructed before the other type of use may be constructed, in order to carry out the intent and purpose of this Article to provide for a mixture of uses and not serve merely as an alternative to rezoning of property for the owner's desired use.
10. **Planned Unit Development Agreement:** The Agreement shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. The covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only with the approval of the Commission.
11. The applicant shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

8804. Procedure for Review and Approval.

1. The Zoning Administrator, subject to final Planning Commission decision, may waive or reduce the information required to be provided at the conceptual or preliminary planned unit development stage, if the information provided is sufficient to allow review by the Planning Commission and public comment concerning compliance of the proposed PUD with this Article, the Zoning Ordinance, and the Township master plan.
2. **Optional Conceptual Planned Unit Development Submittal:** An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.
3. The applicant shall provide twelve (12) copies of the conceptual submittal to Zoning Administrator at least twenty one (21) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Commission's agenda.
4. The following minimum information must be provided as part of the concept submittal.
 - a. Statement of purpose, objectives, and development program including:
 - 1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
 - 2) Total project area.
 - 3) Description of existing site characteristics.
 - 4) Description of proposed character of the development.
 - 5) Densities, areas and setbacks for various residential types.
 - 6) Area and percent of developed and undeveloped open spaces.
 - 7) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
 - 8) Proposed project phasing and estimated timing schedule by phase to completion.

- 9) Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.
- b. Generalized development plan and program, including:
- 1) Location map at a minimum scale of one (1") inch equals two thousand (2,000) feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
 - 2) Generalized graphic depiction at a scale of one (1") inch equals two hundred (200') feet showing the following:
 - (a) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
 - (b) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
 - (c) Existing adjacent land uses, zoning and structures within 200 feet of the proposed planned unit development boundary.
 - (d) Proposed internal pedestrian and vehicular circulation system.
 - (e) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
 - (f) Areas to be preserved in a natural state.
 - 3) Other data or graphics which will serve to further describe the proposed planned unit development.
5. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Commission may refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant.
6. Preliminary Planned Unit Development Submittal: A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

- a. The applicant shall provide twelve (12) copies of the preliminary planned unit development submittal to the Zoning Administrator at least twenty one (21) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Commission's agenda.
- b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 8804.3 of this Ordinance.
 - 1) Existing Site Features
 - (a) Physical development plan prepared at a minimum scale of one (1") inch equals one hundred (100') feet.
 - (b) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
 - (c) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
 - (d) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads. Street names shall be approved by the Manistee County Road Commission.
 - (e) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
 - (f) Topography drawn at a two (2') foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200') feet outside the proposed planned unit development boundaries.

7. Proposed Development Features

- a. Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways. Road names shall be approved by the Manistee County Road Commission.
 - b. Layout, numbers, and dimensions of single-family lots, including building setback lines.
 - c. Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
 - d. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
 - e. Depiction of major wooded areas and description of means to be employed to preserve them.
 - f. An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
 - g. An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Manistee County Drain Commissioner.
 - h. Conceptual site grading and conceptual landscaping plans
 - i. Depiction of proposed development phases.
 - j. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
8. Tabulations
- a. Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
 - b. Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
 - c. Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.
9. Planned Unit Development Agreement
- a. Legal description of the total site.
 - b. Statement of developer's interest in the land proposed for development.

- c. Statement regarding the manner in which open space is to be maintained.
 - d. Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
 - e. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
 - f. Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
 - g. Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.
10. The Commission shall accept the submittal and refer the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
 11. The Commission shall review the preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then set a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the requirement of the Michigan Zoning Enabling Act, 2006 PA 110, as amended.
 12. The Commission shall hold a public hearing.
 13. The Commission shall either approve, approves with modification, or deny the preliminary planned unit development submittal.
 14. Following approval of the preliminary planned unit development submittal, the Commission shall authorize the developer to prepare the planned unit development agreement and the final planned development submittal.
 15. The developer shall prepare a planned unit development agreement which shall be reviewed by the Township Attorney, Planner, and Engineer.
 16. The Commission shall review the planned unit development agreement and either approve, approve with conditions, or deny the planned unit development agreement.
 17. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded, and the underlying zoning will take effect.

However, the Commission, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two (2) such twenty-four (24) month extensions may be granted.

18. Final Planned Unit Development Submittal
 - a. The final planned unit development submittal for all or a portion of the total planned unit development shall be reviewed by the Commission and acted upon by the Commission to assure substantial compliance with the preliminary planned unit development submittal.
19. The final planned unit development submittal must be prepared as one of the following:
 - a. Subdivision Plat as defined by the Land Division Act
 - 1) The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
 - b. Condominium Plan as defined by the Condominium Act
 - 1) The final planned unit development submittal for a condominium must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
 - c. For a final planned unit development submittal for a development which will not be a plat or a condominium, the plan must be prepared in the form of a site plan in accordance with Article 94 of the zoning ordinance.
 - d. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:
 - 1) Detailed grading plan, with soil erosion and stormwater plan.
 - 2) Detailed landscaping plan.
 - 3) Detailed utilities layout.
 - 4) Tabulations showing:

- (a) Total phase acreage and percent of total planned unit development.
 - (b) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
 - (c) Total phase density and percent of total planned unit development.
 - (d) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
 - (e) Percent of ground area covered by structures other than detached single-family dwelling units.
- 5) Supporting materials
- (a) Legal description of the total phase, each use area, and dedicated open space.
 - (b) Copies of covenants, easements, and other restrictions to be imposed
 - (c) Proposed dates of construction start and completion of phase.
- e. The final planned unit development submittal shall not:
- 1) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by ten (10) percent or greater as determined by the Commission; or
 - 2) Involve a reduction of the area set aside for common space; or
 - 3) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
 - 4) Increase by more than five (5) percent the total ground area covered by buildings.
- f. The final planned unit development submittal shall be processed in accordance with the following procedures:
- 1) The applicant shall provide twelve (12) copies of the final planned unit development submittal to the Zoning Administrator at least twenty one (21) days before the meeting at which the submittal will

be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Commission's agenda.

- 2) The Commission shall accept the submittal and refer the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
 - 3) The Commission shall review the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.
- g. Before the Commission grants final approval to any planned unit development, the Commission shall determine that:
- 1) Provisions, satisfactory to the Commission have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Commission.
 - 2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Commission.
 - 3) The final plan for any phase is in conformity with the overall comprehensive plan of the entire parcel. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal in accordance with Section 8807.
20. Following approval of a final planned unit development submittal by the Commission, the developer may begin processing the plat through the Township Board in conformance with the Land Division Act or the condominium plan through the Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

8805. Appeals.

The decision of the Commission to approve, approve with conditions or deny a planned unit development application shall be final. No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

8806. Fees.

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.

8807. Changes to an Approved PUD.

1. Except for changes determined to be minor changes as provided by this Section, changes to an approved final development plan or to any conditions imposed on final PUD approval shall be reviewed and approved, approved with conditions, or denied by the Commission pursuant to the procedures provided by this chapter for an original request for PUD approval, except that no public hearing is required unless the Commission determines the changes requested would fundamentally alter the nature or scope of the PUD.
2. Minor changes to a final development plan may be approved by the Zoning Administrator without review and approval by the Planning Commission. For purposes of the section, "minor changes" means changes which meet the following qualifications:
 - a. For residential buildings, a reduction or increase by not more than 5 percent in the size of structures, provided that there is no increase in the number of dwelling units.
 - b. For non-residential buildings, a reduction or increase by no more than 5 percent (or 5,000 square feet, whichever is less) in gross floor area.
 - c. A revision in floor plans, if consistent with the character of the use.
 - d. The alteration of vertical elevations by no more than 5 percent.
 - e. The relocation of building footprints by no more than five feet, unless a specific setback or separation distance was imposed as a condition of PUD approval.
 - f. An increase in area of areas designated on the final plan as open space.

- g. 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, as determined by the Zoning Administrator.
- h. Improvements made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
- i. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
- j. A reduction in the size of signs, or an increase in sign setbacks.
- k. 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 by the redesign.
- l. A change in the name of the PUD or in the names of streets within the PUD.
- m. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the PUD which are deemed by the Zoning Administrator to be not material or significant in relation to the entire PUD and which the Zoning Administrator determines would not have any 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 Planning Commission for its records.

- 3. The Zoning Administrator may refer a decision regarding any proposed change to a Final Development Plan to the Planning Commission for review and approval, even if the change may qualify as a minor change under this Section. In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Section 5. Severability

If any section, clause, or provision of this Chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Chapter. The Township Board hereby declares that it would have passed this Chapter and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 6. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 7. Effective Date

This Ordinance shall become effective 21 days following its introduction, adoption and publication in a newspaper of general circulation within the Township.

Those voting in favor: Finout, Jankwietz, Taylor, Dontz, Bjorkquist

Those voting against: None

Those absent or abstaining: None

ORDINANCE DECLARED PASSED.

Dianne Taylor, Township Clerk

CERTIFICATION

I, Dianne Taylor, Clerk of Manistee Township, Manistee County, Michigan, do hereby **CERTIFY** that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the 17th day of December, 2019.

Dianne Taylor, Township Clerk

There being no further business or public comment, a motion to adjourn was made by Clerk Taylor; seconded by Trustee Dontz, at 10:30 am. All in favor; motion carried.

Respectfully submitted,

Dianne Taylor
Manistee Township Clerk