CHAPTER 13A
FAMILY RECREATION PLANNED UNIT DEVELOPMENT

Section 13A.01. Description and Purpose. This chapter is intended to allow for a wide-range of outdoor and indoor recreational and entertainment activities during all seasons. Commercial uses are permitted to enhance the recreational and entertainment uses within the district, but the primary focus of the district is to provide and foster recreational and entertainment activities.

Section 13A.02. Authorization. A Family Recreation Planned Unit Development ("FR-PUD" or "PUD") shall be approved by amendment to the zoning map, approval of preliminary and final development plans in accordance with this chapter, with an accompanying ordinance specifying the terms and conditions of approval of the PUD. Approval under this chapter, including all aspects of the final plan and conditions imposed thereon shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. An applicant may submit an application for rezoning of property to FR-PUD, and the Township Board may approve the rezoning of property to FR-PUD, with or without the submittal and approval of a preliminary or final development plan.

Violation of any provision of a planned unit development ordinance and the final plan and conditions imposed thereon shall in all respects be considered a violation of the Zoning Ordinance.

Section 13A.03. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Antique shows, arts and crafts sales, auctions, farmers' markets, flea markets, outdoor festivals and other similar uses.

(b) Banquet halls.

(c) Governmental, administration or service buildings which are owned and operated by a governmental body or agency.

(d) Health and physical fitness establishments.

(e) Ice cream parlors, fudge shops.

(f) Indoor or outdoor commercial recreation facilities including, but not limited to, ice or roller skating, tennis, swimming, bowling, rock climbing, miniature golf.

(g) Indoor cinema.

(h) Outdoor amphitheaters or other outdoor concert or performance venues.

(i) Professional, semi-professional or amateur sporting teams and events (either conducted within an enclosed facility or outdoors).

(j) Publicly-owned athletic grounds.

(k) Publicly-owned swimming pools.

(l) Public parks, public walking, hiking, biking and cross-country skiing trails.

(m) Restaurants and delicatessens (but not including drive-in or drive-through restaurants).

(n) Theaters or auditoriums (but not including drive-in theaters).

(o) Other similar recreational or entertainment uses when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:

(1) The size, nature and character of the proposed use.

(2) The proximity of the use to adjoining properties.

(3) The parking facilities provided for the use.

(4) Any likely traffic congestion or traffic hazard.

(5) The likelihood of adverse effects on adjoining and nearby lands.

(6) How well the use harmonizes with and enhances the other uses existing or approved for the FR-PUD and the adjacent and nearby lands.

Section 13A.04. Eligibility for Family Entertainment Planned Unit Development Zoning.

(a) Lands for which a FR-PUD application is made shall be under single ownership or under the control of a single entity, but if not, then all parties in interest shall join in the application, unless the applicant is the Township. The Township may require proof of such ownership or joint control.

(b) The Township itself may apply for the rezoning of lands to the FR-PUD District, but if it does so, at least eight days' written notice of the Planning Commission public hearing on the rezoning shall be sent by first-class regular mail to the owners of the lands, as such ownership is shown in the current tax assessment roll.

(c) The lands proposed for FR-PUD rezoning shall contain a minimum of five contiguous acres.

(d) **Applications for Rezoning and Approval of Development Plan.**

(1) A property owner or the Township may submit an application for rezoning of property to the Family Recreation Planned Unit Development with or without the submittal of a preliminary development plan as described in

this chapter. If an applicant does not submit a preliminary development plan for review by the Planning Commission with the application for rezoning, the Planning Commission and Township Board shall proceed to consider the application for rezoning in accordance with this Ordinance; provided, however, that if the applicant's property is rezoned to the Family Recreation Planned Unit Development district in accordance with this chapter, no building permit or other approval for any use within the PUD shall be issued unless and until the applicant submits a preliminary development plan and the preliminary plan and final development plan are reviewed and approved in accordance with this chapter.

(2) If rezoning of the property is approved by the Township Board, the applicant may submit a preliminary plan for all or a portion of the PUD. If a preliminary plan and final development plan for a portion of the PUD are submitted and approved in accordance with this chapter, the applicant may only develop that portion of the approved PUD. The applicant shall submit and obtain approval of preliminary and final development plans for any remaining portions of the FR-PUD.

(3) In the case of a proposed preliminary and final development plan for only a portion of the PUD, the Township may in its discretion require the simultaneous submission of a plan for the development for all or part of the remaining lands in the PUD, if reasonably necessary to assure eventual, satisfactory development of the entire PUD. The Township may impose conditions on the final development plan for a portion of the PUD that restrict or otherwise regulate the use and development of the other lands in the PUD, in order that the entire PUD shall, over time, be developed and used in a manner consistent with the requirements and objectives of this chapter.

(e) **Review Procedures.**

(1) **Optional Preapplication Conference.** Before submitting an application for rezoning to a PUD and/or an application for preliminary development plan approval for all or a portion of a FR-PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed development and to confer with the Planning Commission about the proposed application and the FR-PUD.

(f) **Preliminary Development Plan.**

(1) An applicant for FR-PUD rezoning or an applicant for approval of a development plan for all or a portion of the PUD in accordance with the Family Recreation PUD shall submit a site plan of the development which contains the information required for site plans according to Chapter 17 of this Ordinance, and which contains the following additional information:

(i) A narrative describing the PUD including the proposed uses, likely hours of operation for the uses within the PUD and any proposed phasing of the PUD.

(ii) Proposed building envelopes and areas for drainfields and set aside drainfields, if required.

(iii) If required by the Planning Commission, the preliminary development plan shall include an environmental impact analysis, traffic impact study, economic analysis, and/or other information on the impact of the uses within the PUD on governmental services, roads and highways, and the local schools and school district. The Planning Commission may, in addition, request that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, and other governmental units regarding impacts on matters within their jurisdiction.

(2) **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended change or modification thereof. The recommendations shall be based upon consideration of the requirements of this Ordinance and, in particular, the requirements of this chapter.

(3) **Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given by one publication and by mail to all persons to whom any real property is assessed within 300 feet of the lands included in the PUD, not less than seven days prior to the date of the advisory public hearing. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.

(g) **Final Development Plan.** After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit a final development plan to the Township for all or a portion of the PUD, which contains the information required for a preliminary development plan, and which addresses other matters requested by the Planning Commission. Copies of the final development plan shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the PUD, any proposed phasing of the PUD, and the projected time for completion of each phase.

(h) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan. Notice of the hearing shall

be given by two publications in a newspaper of general circulation within the Township. The first publication shall be printed not more than 30 days and not less than 20 days, and the second publication not more than eight days, before the date of the hearing.

(i) **Recommendation by Planning Commission**. After public hearing, the Planning Commission shall make recommendations to the Township Board regarding the final development plan. The Planning Commission may recommend that the final development plan be approved; it may recommend that the final development plan not be approved; or it may recommend conditional approval of the final development plan only if certain changes or modifications in the final development plan are made or if certain specific conditions are imposed.

(j) **Consideration by Township Board.**

(1) The Planning Commission shall forward to the Township Board the PUD final development plan, the application for the rezoning of lands to the PUD district and other relevant materials.

(2) The Township Board shall review the PUD final development plan, the record of the Planning Commission proceedings and the recommendations submitted by the Planning Commission.

(3) The Township Board shall convene a public hearing on the PUD final development plan and the proposed ordinance to rezone the land to the PUD district.

(4) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.

(5) In making a decision on the PUD final development plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD final development plan:

(i) Comply with the standards and requirements for eligibility for family recreation planned unit development zoning as stated in Section 13A.04(a) and (c);

(ii) Comply with the permitted uses for the family recreation PUD as stated in Section 13A.03;

(iii) Comply with the other standards, conditions and requirements for family recreation PUDs as stated in this chapter;

(iv) Promote the intent and purposes of this Ordinance;

(v) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed PUD; and

(vi) Ensure that the proposed PUD will be consistent with the public health, safety, and welfare needs of the Township.

(6) After the public hearing and after its review and consideration of the PUD plan and the proposed PUD ordinance, the Township Board shall approve, approve with conditions or deny the PUD plan and the PUD ordinance. The PUD ordinance, if adopted, shall be an amendment in the zoning map.

(7) The design, development, construction and use of the lands comprising the PUD, and all elements and features thereof, shall comply with the PUD ordinance as adopted by the Township Board.

(k) **Conditions of Approval.** The Township Board may impose reasonable conditions upon approval to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.

(2) Shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed project.

(3) Shall be necessary to meet the intended purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.