

**CHARTER TOWNSHIP OF SOUTH HAVEN**

**ORDINANCE NO. 147**

**ORDINANCE AMENDING THE ZONING ORDINANCE OF SOUTH HAVEN  
CHARTER TOWNSHIP**

**SOUTH HAVEN CHARTER TOWNSHIP ORDAINS:**

**Section 1. Purpose.**

The Township adopts the following amendments for the health, safety and welfare of Township residents.

**Section 2. Amendment of Article XVI.** Article 16 is amended as follows:

**Section 16.01 is hereby amended to add a subsection (c) as follows:**

- (c) TYPE III PUDs. The Type III PUD can be either the same uses in district not requiring a rezoning or a rezoning to combine uses from different districts. The Type III PUD is intended to allow for the development of affordable single-family housing under 680 sq ft on lots less than 10,000 sq ft in area and less than 65 feet in lot width where municipal sewer and water supplies are available.

**Section 16.02(A) is hereby amended to read, in its entirety, as follows:**

A. MINIMUM LOT OR PARCEL SIZE REQUIRED for Type I and II PUD projects in the various zoning districts shall be:

- 1) RD- 15 acres
- 2) LDR - 10 acres
- 3) MDR-10 acres
- 4) HDR- 10 acres
- 5) MFR - 10 acres
- 6) OS - 5 acres
- 7) NSC - 5 acres
- 8) HSC - 5 acres
- 9) CSC - 5 acres
- 10) HC- 5 acres
- 11 ) I - 5 acres
- 12) When a combination of uses from more than one (1) zoning district is proposed in a PUD (Type II PUD rezoning as in Section 16.01.B. ), then:
  - a. The PUD shall be located on a lot of sufficient size to contain all structures, parking, and landscaping buffering required for the most intense development proposed for the site.
  - b. The amount of land required of the total project area and the degree to which the land uses may be mixed is dependent upon the zoning district. The following table describes the extent of mixed use allowed in each district:

DISTRICT	REQUIRED PUD SIZE	% NON-RESIDENTIAL LAND
RD	15 acres	maximum 5%
LDR	10 acres	maximum 15%
MDR	10 acres	maximum 25%
HDR	10 acres	maximum 30%
MFR	10 acres	maximum 30%
OS	5 acres	maximum 50%
NSC	5 acres	maximum 40%
HSC	5 acres	maximum 70%
CSC	5 acres	maximum 100%
HC	5 acres	maximum 100%*
I	5 acres	maximum 100%*

\*residential not allowed

13) Type III - 5 acres

**Section 16.02(B) is hereby amended to add a subsection (3) as follows:**

3. A “Type III PUD” can be located in a residential or commercial district where municipal sewer and water is available. Refer to review process for Type I, B1 above if development is for uses allowed in the underlying district and Type II, B2 above for developments proposing uses from other districts than underlying district.

**Section 16.06(C) is hereby amended to read, in its entirety, as follows:**

- C. The Township Planning Commission shall hold a public hearing on the application site plan, and supporting information.
  1. The public hearing for a Type I and III PUD shall follow the same procedures as that required in Article XV, Special Uses.
  2. The public hearing for a Type II and III PUD shall follow the same procedures as that required in Article XXV, Amending the Zoning Ordinance and Map.

**Section 16.06(E) is hereby amended to read, in its entirety, as follows:**

E. The Planning Commission shall undertake a study of the application and site plan and, in the case of a Type II and III PUD, shall submit a report of its recommendations after public hearing to the Township Board. The report for a Type II and III PUD shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendation for approval, approval with conditions, or denial with reasons stated in the official minutes of the Planning Commission. Materials and the information to be considered in this study and review process shall include input from such agencies as the Sewer and Water Authority, County Health Department, County Road Commission and/or Michigan Department of Transportation, County Drain Commissioner, Michigan Department of Environmental Quality, among other County, State, Township and local public agencies having public interest responsibility in the PUD development project.

**Section 16.06(F) is hereby amended to read, in its entirety, as follows:**

F. For the Type II and III PUD, after making its recommendations to the Township Board, the Planning Commission shall transmit the PUD to the Van Buren County Planning Commission if amendments to the Zoning Ordinance text or Zoning District Map are required, for its approval, approval with conditions or disapproval as its recommendation to the Township Board.

**Section 16.06(G) is hereby amended to read, in its entirety, as follows:**

G. For Type II and III PUDs, the Township Board shall review the application and site plan and the Township and County Planning Commission's recommendations thereon, and shall approve, or deny approval of the application and site plan. Major changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. If the Township Board disagrees with the Planning Commission recommendation, it shall refer the matter back to the Planning Commission for additional consideration before denying its approval of a Type II and III PUD. The Township Board may attach conditions to its approval of a Type II and III PUD proposal without referring the proposal back to the Planning Commission if those conditions are not major changes to the approval.

**Section 16.06(H) is hereby amended to read, in its entirety, as follows:**

H. For Type I, II, or III PUD, if the application and site plan are approved by the Township, the applicant and all owner(s) of record of all property included within the PUD shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by a future Township Board and future applicant and owner(s) of record or the assigned agent( s) of their heirs, successors and assigns.

The title of section 16.07 is hereby amended to read as follows: TYPE I AND III PUD PROJECTS AND RESIDENTIAL TYPE I AND III BONUS

**Section 16.07(B) is hereby amended to read, in its entirety, as follows:**

B. Bonus density for Residential Type I and III PUD projects and residential portions of Type II and III PUD districts: The intent of this provision is to provide developers with an economic incentive to create affordable housing and/or open space available for recreational uses.

1. The overall density of a Residential Type I and III PUD project or a residential portion of a Type II and III PUD, may exceed the LDR, MDR, HDR and MFR zoning district densities or dwelling units per acre of developable land contained in a parcel of land by no more than 25%, as set out below:

DISTRICT	DENSITY	BONUS (MAXIMUM DENSITY)
LDR	2.18	2.73 dwelling units per net developable acre
MDR	2.90	3.63 dwelling units per net developable acre
HDR	4.36	5.45 dwelling units per net developable acre
MFR	8.00	10.00 dwelling units per net developable acre

Developable land is defined for the purpose of this Section as the total gross acreage of the parcel of land less any areas shown on a Flood Insurance Rate Map as a Zone A or Zone B; a State of Michigan Designated and Critical Sand Dunes Areas map as a Critical Dune Area; a State of Michigan High Risk Erosion Area Map as a High Risk Erosion Area; a National Wetland Inventory map and meeting the State of Michigan requirements for a regulated wetland; or lake or pond over five ( 5) acres in area.

2. Requirements for a Residential Type I and III PUD project density bonus:

To the extent possible, open space shall be continuous throughout the development. In order to qualify for the bonuses listed in 1 above;

- a. The development shall set aside at least 10% of the total land area (excluding any water surface areas) as permanent "Open Space" or recreational area/space. At least 1/3 or the 10% open space area shall be set aside as a separate area capable of being developed for a PUD recreation area for the location of a future pool, children's play area, non-commercial sports field/court, picnic area, or other possible social needs of the residents of the development. The remaining 2/3 's of the 10% open space area shall be located in areas reasonably accessible to residents of the PUD and shall be configured so that they are usable. Street rights-of-way, driveways and parking areas shall not be considered open space.
- b. The area to be developed for a Residential PUD project must be served by municipal sanitary sewer and water utilities.

**Section 16.08(B)(1) is hereby amended to read, in its entirety, as follows:**

1. In a Type II and III PUD zoning district, a land, water or land/water area constituting not less than twenty-five (25) percent of the total (a) land area, or (b) land area, plus no more than three hundred (300) feet into or no more than one half (1/2) the width or distance across a natural surface water area of a waterfront parcel, shall be designated as permanent open space.

In a Type I and III PUD project, the required open space shall not constitute less than ten (10) percent of the total land area as calculated above in Section 16.08.B.1(a) or (b). The required open space area shall be developed according to the approved site plan and may never be changed to any other use. Further, the site plan and master deed or plat restrictions or other conveyance must prove that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all PUD.

The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions or other permanent assurances in a form approved by the Township which shall provide for participation in said maintenance cost by each occupant or resident (residential or commercial) within the PUD.

All areas mapped as Special Flood Hazard Areas or areas identified as regulated wetlands shall be included in the permanent open space even if such areas exceed the required percent of property to be set aside as open space. A Special Flood Hazard Area map can be revised or amended to allow development as provided in Part 3091 of Michigan Public Act 451 of 1994, and related rules.

**Section 2. Validity and Severability.**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 3. Repealer Clause.**

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4. Effective Date.**

This Ordinance shall take effect seven days after publication as provided by law.