

**CITY OF IONIA
Ordinance No. 552**

AN ORDINANCE TO ADD A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 1292 – AUSTIN PINES PLANNED UNIT DEVELOPMENT DISTRICT OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE OF SAID CODIFIED ORDINANCES OF THE CITY OF IONIA

THE CITY OF IONIA HEREBY ORDAINS:

That the following Chapter 1292, entitled AUSTIN PINES-PUD Austin Pines Planned Unit Development District of Title Six – Zoning of Part Twelve – Planning and Zoning Code shall be added and shall read as follows:

PART TWELVE – PLANNING AND ZONING CODE
Title Six – Zoning

Chapter 1292 – Austin Pines Planned Unit Development District

1292.01 PLANNED UNIT DEVELOPMENT DISTRICT.

The Austin Pines Planned Unit Development District shall be as shown on the official Zoning Map of the City of Ionia as PUD-1 Austin Pines.

1292.02 CONDITIONS ON THE PLANNED UNIT DEVELOPMENT.

The Planned Unit Development District, in accordance with the Final Development Plan of the Austin Pines Planned Unit Development (“the Development”), is expressly subject to all of the following terms and conditions:

(a) Development Plan Compliance and Review of Phases

- (1) The Austin Pines Planned Unit Development as submitted by the Ionia Real Estate, L.L.C., successors and assigns (“the Applicant”), shall comply in all respects with the Final Development Plan (the “Plan”) which consists of a Site Plan with a last revision date of 7-12-2004, except where the Plan has been changed, revised or modified by this Ordinance. In such cases, the provisions of this Ordinance shall control.
- (2) Approval of the Plan shall constitute approval only of the overall design and road and utility layout for this property and not approval of any individual building or group of buildings or approval of any site condominium or any phase of the Plan. Each phase of the Development as illustrated on the Plan shall be submitted to the Planning Commission for review under the site plan review requirements or site condominium

requirements of the City of Ionia Zoning Ordinance as appropriate to the phase being requested for approval.

- (3) *Site Condominium Portion.* In its review of each phase of the site condominium portion of the Development, the Planning Commission may recommend and the City Council may approve minor modifications from the Final Development Plan to that phase of the Plan provided the modifications do not result in a significant change to the Plan and the modifications still meet the PUD approval standards as contained in the City of Ionia Zoning Ordinance. Changes which are not considered to be minor by the Planning Commission shall be reviewed in the same manner as the original application.
- (4) *Site Plan Review.* In its review of those portions of the Development which require site plan review by the Planning Commission, the Commission may approve minor modifications from the Final Development Plan to that phase of the Plan provided the modifications do not result in a significant change to the Plan and the modifications still meet the PUD approval standards as contained in the City of Ionia Zoning Ordinance. Changes which are not considered to be minor by the Planning Commission shall be reviewed in the same manner as the original application.
- (5) *Amendments to an Approved Phase.* A change to an approved phase of the Development may be approved in accordance with Section 1266.06 of the City of Ionia Zoning Ordinance.

(b) **Phasing of the Development**

The Development shall be constructed in phases as illustrated on the Plan; however, the Applicant may combine phases or alter the phasing subject to the approval of the City Council following a recommendation of the Planning Commission. Such alteration may be permitted if it is determined that such alteration to the phasing plan is necessary to accommodate market conditions or more efficient provision of City utilities or if it is determined that such alteration will not be material or significant in relation to the entire Development and which would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

(c) **Land Uses**

- (1) The Development shall be constructed in up to six phases and used for a maximum total of 243 dwelling units to be constructed as follows: 123 shall be single family detached dwellings to be developed as a site condominium in accordance with the applicable regulations of the City of Ionia Zoning Ordinance; and 120 attached condominium units in two, three and four-unit buildings. All condominiums shall be developed in accordance with the Michigan Condominium Act.
- (2) The Applicant may be permitted to vary the number of phases following a recommendation by the Planning Commission and approval by the City Council.

- (3) The future use of Lot A may include a single-family residential use, or commercial or office uses which may include a residential use within the same structure, which shall be subject to the specific approval of the Ionia City Council following a recommendation of the Planning Commission. Such uses shall be subject to the site plan review requirements of the City of Ionia Zoning Ordinance and the site development requirements for the proposed use which would normally be imposed by the Zoning Ordinance. The City Council, however, following a recommendation of the Planning Commission, may modify the site development requirements in accordance with Section 1266.04(e) of the Zoning Ordinance.
- (4) Accessory buildings and uses in the Development shall comply with the requirements for accessory buildings and uses for the R-1, Residential Zoning District as contained in the City of Ionia Zoning Ordinance.

(d) **Lot Area**

The minimum area for each site condominium lot shall not be less than 6,600 sq. ft. with a minimum width of 60 feet as measured at the minimum required front setback line between the side lot lines.

(e) **Dwelling Unit Setbacks & Height**

- (1) Each single family detached dwelling shall comply with the following minimum setbacks:
 - A. Front: 20 feet
 - B. Rear: 25 feet
 - C. Minimum side yards: 6 and 5 feet, with a combined total of 11 feet
- (2) For the attached dwellings the following minimum setbacks shall apply:
 - A. Front: 42 feet from centerline of the street
 - B. Rear: no rear lot line
 - C. Minimum distance between buildings: 15 feet
 - D. 25 feet setback from all perimeter lot lines and any lot line which constitutes the area of a site condominium lot
- (3) No building shall exceed a height of 35 feet as determined by the City of Ionia Zoning Ordinance.

(f) **Dwelling Unit Size**

All dwellings shall comply with the minimum floor area requirements of the City of Ionia Zoning Ordinance for the type of dwelling unit proposed.

(g) **Sanitary Sewer and Water Supply**

Each dwelling unit in the Development shall be served by public water and sanitary sewer systems in accordance with all applicable City of Ionia Ordinances.

(h) **Streets and Streetlights**

- (1) Public streets in the PUD shall have a minimum paved width of 26 feet and constructed to the City of Ionia Municipal Standards Ordinance. Private streets shall have a minimum paved width of 24 feet and constructed according to the standards as approved by the City of Ionia Engineer. A right-of-way of 60 feet shall be provided for both public and private streets within the PUD.
- (2) The names of streets in the Development shall be subject to approval of the City Council.
- (3) The base course of asphalt for the streets in each phase shall be installed and approved by the City before an occupancy permit is issued for any dwelling to be served by the street. The final course of asphalt shall be installed within one year of the installation of the base course.
- (4) Streetlights shall be provided as required by the Development Agreement between City of Ionia and the Applicant. Such lights shall be installed upon installation of the base course of asphalt for that portion of the street abutting the streetlight.

(i) **Sidewalks**

- (1) All sidewalks shall be a minimum of four feet wide and constructed to the specifications of the City of Ionia Municipal Standards Ordinance. Sidewalks in front of the individual site condominium lots (i.e., across the entire width of the lot) shall be constructed by the owner of the lot prior to the issuance of an occupancy permit. If weather conditions do not allow this, the occupancy permit may be issued upon the posting of a security acceptable to the City and the sidewalk shall be constructed within six months of occupancy.
- (2) If the sidewalk on an individual lot is located outside the public street right of way, an easement shall be granted to the City of Ionia to allow for use of the sidewalk by the public.
- (3) All sidewalks which abut the public and private streets and which are not located on or abutting the individual site condominium lots or attached condominiums as illustrated on the Plan, including those areas along the street abutting the open space, shall be constructed by the Applicant in conjunction with the construction of the public or private street.
- (4) Walkways located within the open space areas illustrated on the Plan shall be constructed by the Applicant during construction of that Phase of the PUD. Occupancy permits shall not be issued for that Phase unless the walkway in the open space is completed in accordance with the Plan. Walkways in the open space areas

may be constructed with asphalt or concrete and shall be a minimum of ten feet wide. The Applicant shall provide a cross section drawing of these walkways to the Planning Commission to demonstrate proper construction standards.

- (5) The Applicant shall provide for the maintenance of all sidewalks and walkways located outside the public street right of way.

(j) **Tree Plantings and Landscaping**

- (1) Trees shall be planted within the public right of way as illustrated on the Plan by the lot owner in conjunction with the installation of the sidewalk abutting the lot. The Applicant shall provide a list of tree plantings for approval by the City during the review of each phase.
- (2) Other landscaping as shown on the Plan shall be subject to the review and approval of the Planning Commission during the review of each phase.
- (3) All landscaping shall be maintained according to the landscaping maintenance agreement.

(k) **Dedicated Open Space.**

- (1) The Development shall include open space as shown on the Plan. Such areas shall be clearly delineated on the Plan as Dedicated Open Space and maintained as open space in perpetuity and no dwellings shall be constructed within this Dedicated Open Space.
- (2) No improvements, buildings or structures, except as otherwise shown on the Plan or which may be authorized by the Austin Pines Homeowners Association or similar entity in compliance with applicable City regulations shall be constructed upon the Dedicated Open Space areas.
- (3) Documentation to establish and maintain the Dedicated Open Space areas shall be subject to the approval of the City Attorney and such document shall be recorded with the Ionia County Register of Deeds. The Homeowners Association shall always maintain ownership of the Dedicated Open Space and be responsible for its maintenance. Any change to the Dedicated Open Space shall only be allowed with the mutual consent of the Applicant or the Homeowners Association as the case may be, and the City Council, upon recommendation of the Planning Commission.
- (4) The Applicant shall provide a recorded copy of the Dedicated Open Space document to the City Clerk prior to the issuance of any building permits for the Development.
- (5) All Dedicated Open Space areas shall be completed in conjunction with each phase in which the open space or portion of the open space is located as shown on the Plan.

(l) **Storm-water Management**

A storm water management plan shall be provided to ensure that storm water runoff does not have an adverse effect on adjacent or nearby properties. This plan shall be subject to approval of the City Engineer and the Ionia County Drain Commissioner before any earthmoving shall occur on the property. The phasing of the construction of the stormwater management facilities shall be subject to the approval of the City Engineer or the Ionia County Drain Commissioner.

(m) **Construction Plans**

Complete construction plans for all site improvements including but not limited to site grading, storm water drainage, and streets shall be submitted to the City Engineer for approval before any construction commences on site.

(n) **Signs**

Signs at the entrances to the Development which state the name of the Development shall be permitted in accordance with the requirements of Chapter 1234 of the City of Ionia Zoning Ordinance, in accordance with requirements for signs in Residential Districts.

(o) **Time Limitation on the Development**

- (1) In accordance with Section 1266.08 of the City of Ionia Zoning Ordinance, construction of the Austin Pines PUD shall commence within one year of the approval by the City Council of the Plan and Zoning Ordinance creating the Austin Pines PUD District. All other provisions of this Section 1266.08 shall also apply to the Development.
- (2) In accordance with Section 1266.08 of the City of Ionia Zoning Ordinance, construction of any approved phase of the Austin Pines PUD shall commence within one year of the approval by the Planning Commission. All other provisions of this Section 1266.08 shall also apply to the development of the approved phase. The date of approval of any phase of the Austin Pines PUD by the Planning Commission shall constitute the approval of the site plan of the phase, and shall be extended only in accordance with Section 1266.08.

1292.03 FINDINGS BY THE CITY COUNCIL.

The City Council hereby determines that the Plan, as regulated by this Ordinance, complies with the approval standards for a Planned Unit Development as contained in Section 1266.05 (h) of the City of Ionia Zoning Ordinance and promotes its intent and purposes. The City Council also hereby acknowledges that the Applicant has been informed that nearby existing land uses may generate noise which may be audible to the future residents of the Development.

1292.04 COMPLIANCE WITH OTHER APPLICABLE CITY ORDINANCES.

Except as expressly otherwise exempted by the Austin Pines PUD Ordinance, or the approved Final Development Plan of the Development, all uses, activities, buildings and structures for the development shall comply with all applicable requirements and standards of the City of Ionia Zoning Ordinance, as amended, as well as any and all other City of Ionia ordinances.

1292.05 ENFORCEMENT.

- (a) The City may enforce the provisions of this ordinance and applicable provisions of the City Zoning Ordinance, Building Code and other ordinances, laws and regulations to the extent and in any manner provided by law. Any violation of this ordinance amendment or the approved Final Development Plan of the Austin Pines Planned Unit Development shall constitute a violation of the City of Ionia Zoning Ordinance, as amended.
- (b) In the event that the Applicant shall fail to carry out any provision or requirement of this ordinance or other applicable law, ordinance or regulation, in addition to any other legal remedies, the City may, through its Zoning Administrator or other City agency, issue and post a stop work order at the site of any improper or non-complying part of the Development, directing that all further construction of such part of the Development be ceased forthwith, pending the compliance with any applicable provisions of this ordinance or of City ordinances, regulations, Ionia County regulations, or State of Michigan laws.
- (c) Upon the correction of any matters as to which the stop work order was issued, the City shall promptly rescind and remove the stop work order, whereupon the Applicant may again proceed with construction or other permissible activity as to the Development.

CITY OF IONIA

Dated: _____

BY: Ally H. Cook, City Clerk

Introduction and First Reading:

Notice of Public Hearing:

Public Hearing, Second Reading, Adoption:

Effective: Ten Days After Publication