

## **CHAPTER 13**

### **PUD– Large Scale Phased**

#### **Section 13.1 Description and Purpose**

Some projects are of such a large scale (160 acres or more in area) that flexibility beyond that provided in the Planned Unit Development Zoning District is needed. The Planned Unit Development – Large Scale Phased (PUD-LSP) Zoning District is intended to provide the extra flexibility necessary to promote and control single-owner large scale phased developments. The PUD-LSP Zoning District allows a degree of flexibility in the use, area, height, bulk and placement regulations of this Ordinance, and, in addition, provides flexibility in the preliminary planning of large scale developments, the time over which the development may occur, and the final approval of each phase of the development. This District is intended to permit and promote large scale phased developments which by their very nature are significant contributors to the economic, social, and general well being of the community.

The PUD-LSP District can provide the following benefits:

- A. To encourage developers to use a more creative and imaginative approach in the development of their land which will provide more efficient design, preserve the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets, and create a more desirable living, shopping and working environment.
- B. To allow phased construction with the knowledge that subsequent phases will be developed consistently with earlier phases and under the review of the Planning Commission in accordance with the provisions of this Chapter.
- C. To encourage development of large scale phased developments in coordination with private and public development of services, utilities and transport, which can be more efficiently and timely planned when master planning a larger area.

#### **Section 13.2 Permitted Uses**

The permitted uses are:

- A. Airports
- B. Colleges
- C. Hospitals and their related clinics and facilities
- D. Industrial complexes
- E. Recreational facilities and parks

#### **Section 13.3 Eligibility Criteria**

Land considered for rezoning to the PUD District must satisfy all of the following requirements:

- A. **Recognizable Benefit:** The Planned Unit Development must create a greater benefit to the Township than a development permitted under the conventional zoning of the property.
- B. **Minimum Area:** 160 Acres
- C. **Coordination:**
  - 1. A Planned Unit Development shall be under the control of one owner or unified group of owners and shall be capable of being planned and developed as one integral unit.
  - 2. A Planned Unit Development initiated by the Township shall be capable of being developed in a coordinated manner.

If a PUD is approved the requirements shall be transferred to all future owners, and any changes shall require approval of both the Township and the affected landowners within the PUD.

**Section 13.4 Process**

| <b>PUD-LSP Approval Process</b>  |   |
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| <b>Step 1. Planning Commission Review of Preliminary Plan and Rezoning Request</b> |   |
| <b>Submittal Requirements</b>  | Rezoning Application (12 copies)<br>Project Description (12 copies)<br>Conceptual Layout (12 copies)<br>Development Impact Statement (12 copies)– if required (See Section 10.5 (D))<br>Application and Escrow Fees<br>See Section 13.5 “Preliminary Plan Submittal Requirements” for information about what is required for each item.               |
| <b>Review Standards</b>  | Section “11.1” “Planned Unit Development Review Standards”  |
| <b>Public Hearing</b>  | Required  |
| <b>Planning Commission action</b>  | Prepare and adopt a resolution with a recommendation to approve, approve with conditions, or deny the requested PUD-LSP rezoning for the Township Board.  |
| <b>Step 2. Township Board Review of Preliminary Plan and Rezoning Request</b>      |   |
| <b>Township Board Action at First Meeting (where applicable)</b>                   | The Township Board shall review the Final Plan and the Planning Commission’s recommendation. If the Board has questions about or proposes changes to the conditions or other matters, it shall forward the proposed changes or questions to the Planning Commission.  |
| <b>Planning Commission Response (where applicable)</b>                             | The Planning Commission shall consider comments from Township Board and forward a written response back to the Township Board. The response shall answer any questions and state whether they agree or disagree with any recommended changes to conditions of approval.   |
| <b>Township Board Action</b>   | The Township Board shall review the preliminary plan and the rezoning request according to the standards of review set forth in Section 11.1 “Planned Unit Development Review Standards” and shall deny, approve, or approve with conditions the rezoning according to these standards following the procedures for rezoning set forth in Chapter 27. |
| <b>Step 3. Final Development Plan</b>  |   |
| <b>Submittal Requirements</b>  | The applicant must submit a Final Development Plan for each phase before development on it can begin. The Final Development Plan must include all the information required for a Final PUD Plan (See Section 10.6 “Final Plan –   |

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|                                   | Submittal Requirements”).   |
| <b>Review Standards</b>           | Section 13.7 “Final Development Plan – Review Standards”  |
| <b>Public Hearing</b>             | The Planning Commission may choose to hold a public hearing.  |
| <b>Planning Commission Action</b> | The Planning Commission shall approve, deny or approve with conditions the Final Development Plan based on its conformance with the Preliminary Plan and the review standards in Section 13.7 “Final Development Plan – Review Standards” |

### **Section 13.5 Preliminary Plan - Submittal Requirements**

Applicants for a rezoning to the PUD-LSP district must submit the following items to the Planning Department for the preliminary review:

- A. **Rezoning Application.** On forms provided by the Planning Department.
- B. **Project Description.** Including:
  - 1. A sketch of properties, streets and uses within 1/2 mile of the land proposed to be rezoned to PUD-LSP.
  - 2. A narrative describing the overall objectives of the applicant with respect to the development of the land proposed to be rezoned to PUD-LSP which must be consistent with permitted uses in the PUD-LSP Zoning District and the purpose and objectives of the District. This narrative shall contain, at a minimum, a statement as to the type of use proposed (which must be one of the permitted uses set forth in this Chapter), as well as all expected accessory uses, representations as to design standards for the development, and the expected needs of the development, both in terms of time and capacity, for sewer and water services, as well as other public and private utilities and transport.
  - 3. A description of all aspects of the objectives for the use of the land area which might have positive or adverse effects on public health, safety and welfare.
  - 4. Current proof of ownership of the land proposed to be rezoned to PUD-LSP, or evidence of a contractual ability to acquire such land, such as an option or purchase contract.
- C. **Conceptual Layout:** A sketch of the uses and buildings proposed to be developed within the property to be rezoned to PUD-LSP.
- D. The Planning Commission may request information that it finds is reasonably necessary to evaluate the development of the land proposed to be rezoned to PUD-LSP and its effect on the surrounding neighborhood and the Township in general. The Planning Commission may waive any of the above requirements upon a determination that the same is not reasonably necessary to evaluate the development of the land proposed to be rezoned to PUD-LSP and its effect on the surrounding neighborhood and the Township in general.

### **Section 13.6 Time Limits on Acquisition of Property after Rezoning**

The applicant must acquire all land included in a rezoning of land to PUD-LSP within one (1) year of the effective date of the rezoning. The Planning Commission may grant an extension if the applicant presents reasonable evidence that such purchase has encountered unforeseen difficulties, but that it is proceeding diligently. If the applicant does not request an extension after one year or if the time extension requested is denied, the Planning Commission may initiate a rezoning of the land not acquired. Furthermore, if the Planning Commission determines that the unacquired land is essential to the proper development of all or any part of the land rezoned to PUD-LSP, the Planning Commission may initiate proceedings to rezone all or any portion of the land that the applicant included in the original rezoning. In making its determination as to whether the unacquired land is essential to the proper development of all or any part of the acquired land which was rezoned to PUD-LSP, the Planning Commission shall consider the effect of the failure to acquire the land on the preliminary development plan, including but not limited to a review of whether:

- A. All of the acquired land is contiguous,
- B. The acquired land meets the minimum size requirements for the zone,
- C. The acquired land may be developed consistently with the stated objectives for the use of the land, and
- D. The failure to acquire the land may have adverse effects on the surrounding properties and the public health, safety and welfare.

The Planning Commission may consider additional factors so long as they are reasonably related to the evaluation of the effect of the Applicant’s failure to acquire land included in the original rezoning.

### **Section 13.7 Final Development Plan – Review Standards**

In addition to the standards of review of the Planning Commission as set forth in Chapter 25 “Site Plan Review” of this Ordinance, the Planning Commission shall review the Final Development Plan for each phase of PUD-LSP development in accordance with the following:

- A. The final development plan’s compatibility with and adherence to the objectives and representations of the applicant in the Preliminary Development Plan.
- B. Ingress and egress to the property and proposed Buildings and Structures thereon, with particular reference to Vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- C. Off-street parking and loading areas where required, with particular reference to the items in subparagraph B, above,
- D. The economic, noise, glare, or odor effects of each use in the phase.
- E. Refuse and service areas, with particular reference to the items listed in subparagraphs B and C above.
- F. Utilities, with reference to locations, availability and compatibility.

- G. Screening and buffering with reference to type, dimensions and character, and their relation to neighboring uses and properties.
- H. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the proposed phase.
- I. Yards and other open spaces.
- J. General compatibility with adjoining properties including properties in the PUD-LSP zone.
- K. The purpose of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- L. Additional matters may be considered by the Planning Commission upon a finding by the Planning Commission that they are reasonably necessary to a proper evaluation of the final development and the Township in general. The Planning Commission may waive review of any of the above standards upon a finding by the Planning Commission that same is not reasonably necessary to an evaluation of the final development plan for the phase and its effect on the surrounding neighborhood and the Township in general.

### **Section 13.8 Performance Guarantee**

The Planning Commission, in connection with its review of any final development plan, may as a condition of approval require reasonable performance guarantees to assure the development of the land in accordance with the approved final development plan. Such guarantees may include, but shall not be limited to, entering into written agreements with the Township and the providing of a letter of credit in a form and amount acceptable to the Township.

### **Section 13.9 Time Limits**

Each phase shall be under substantial construction within one (1) year after the Planning Commission approves the final development plan for the phase. If this requirement is not met, the Planning Commission may grant an extension provided the Developer presents reasonable evidence that said development has encountered unforeseen difficulties, but is now ready to proceed diligently.

If construction has not begun in one year and the Planning Commission has not granted an extension, the approval for the final development plan by the Planning Commission shall expire, and any Township permits issued for said development shall be invalid. The Applicant may proceed with development of the phase only if the Applicant resubmits the final development plan to the Planning Commission or submits a new final development plan for the phase to the Planning Commission in accordance with the provisions of this Chapter and obtains approval for the same.

### **Section 13.10 Changes to a Final Development Plan**

The process and review standards for amending a Final Development Plan in a PUD-LSP District shall be the same as for a Final PUD Plan in a General PUD District, as described in Section 10.11 “Amendment Process.”