

## **CHAPTER 10**

### **Planned Unit Development Zoning Districts**

#### **Section 10.1 Intent and Purpose**

The Planned Unit Development (PUD) districts are intended to offer design flexibility for projects that further the goals of the Gaines Charter Township Master Plan but may not meet all of the specific regulations of this Ordinance. They are intended to permit flexibility in the normal use, area, height, bulk, and placement standards of this Ordinance while affording reasonable protection to uses within and near the PUD district. For example, a Planned Unit Development rezoning could be used for a mixed use village center or a neighborhood based on traditional neighborhood design principles. In addition to the general Planned Unit Development district, there are three specialized Planned Unit Development districts, each with standards and review processes designed to address specific land uses.

The submittal requirements and review standards of the PUD Chapters are intended to guide preparation of submittals and serve as the basis for the review by the Planning Commission and the Township Board. The standards are based on the following objectives:

- A. Encourage innovation and creativity in land use planning and development.
- B. Allow design flexibility that benefits the community and the environment and results in a better overall project than would be permitted under conventional zoning.
- C. Create neighborhoods with a variety of housing options and a mix of land uses.
- D. Create a package of amenities not typically achieved with conventional zoning, such as useable open space, preservation of key natural or historic resources, improvements to public roads or facilities, pathways, natural stormwater systems, more extensive landscaping, consistent and coordinated site design details among various projects (lighting, signs, building design, etc.) and high quality architectural design or materials.
- E. Encourage the use, redevelopment, and improvement of existing sites.
- F. Provide regulations for land uses that because of their character or size require a specialized review process.

#### **Section 10.2 Types of Planned Unit Development Districts**

There are four Planned Unit Development districts:

- A. **Planned Unit Development (PUD):**  
General Planned Unit Development district (including the Industrial-Business Technology Planned Unit Development – the PUD-BT).
- B. **Planned Unit Development – Mineral Removal (PUD-MR):**  
Regulates mining operations.

- C. **Planned Unit Development – Large Scale Phased (PUD-LSP):**  
Regulates certain large-scale, phased land uses that are 160 acres or more in area.
- D. **Planned Unit Development – Open Space Preservation (PUD-OSP):**  
Regulates clustered residential developments.

**Section 10.3 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 Required Area:**
  1. *General*- 2 acres.
  2. *Mobile Home Park* – 25 acres.
  3. *Industrial or Research Park* – 10 acres.
- C. **Coordination:**  
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.  
  
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 landowner(s) within the PUD.
- D. **Must meet the review standards as contained in Chapter 11.**

**Section 10.4 Review Process**

This Section describes the process to rezone property to a Planned Unit Development (PUD) Zoning District. This Chapter also governs the process for rezoning to the PUD-MR, PUD-LSP, and PUD-OSP zoning districts except where the chapters governing those Planned Unit Developments expressly provide otherwise.

<b>PUD Approval Process</b>	
<i>Step 1. Planning Commission Review of Preliminary Plan</i>	
<b>Submittal Requirements</b>	<ul style="list-style-type: none"> <li>• Rezoning Application</li> <li>• Project Description (12 copies)</li> <li>• Preliminary Plan (12 full size copies and 1-11” by 17” copy)</li> <li>• Development Impact Statement (12 copies) - if required</li> <li>• Application and Escrow fees</li> <li>• See Section 10.5 “Preliminary Plan – Submittal Requirements” for information about what is required for each item.</li> </ul>

<b>PUD Approval Process</b>	
<b>Review Standards</b>	Section 11.1 “Planned Unit Development General Review Standards”
<b>Public Hearing</b>	The Planning Commission may choose to hold a public hearing.
<b>Planning Commission action</b>	Review and make a motion with recommended changes to be made before final plan review or if significant changes are required, table so applicant can make the changes to the Preliminary Plan. A copy of the recommendation shall be transmitted to the Township Board.
<b>Step 2. Planning Commission Final Plan Review</b>	
<b>Submittal Requirements</b>	Final Plan - See Section 10.6 “Final Plan Submittal Requirements”
<b>Public Hearing</b>	Required.
<b>Review Standards</b>	Section 11.1 “Planned Unit Development General Review Standards” and Chapter 25 “Site Plan Review”
<b>Planning Commission Action</b>	Prepare and adopt a resolution with a recommendation to approve, approve with conditions, or deny the requested PUD rezoning for the Township Board.
<b>Step 3. Township Board Review of Final 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 the Township Board and forward a written response back to the Township Board. The response shall answer any questions and state whether it agrees or disagrees with any recommended changes to the conditions of approval.
<b>Township Board Action</b>	The Township Board shall review the Final Plan and the PUD rezoning request according to the standards of review set forth in Section 11.1 “Planned Unit Development General 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 4. Review of Phases or Individual Buildings</b>	
<b>Site Plan Review</b>	Only required if it is made a condition of approval for the Planned Unit Development. The condition can state whether the Site Plan Review Committee or the Planning Commission is to do the site plan review.
<b>Public Hearing</b>	The Planning Commission may choose to hold a public hearing.

## Section 10.5 Preliminary Plan - Submittal Requirements

Applicants must submit the following information for the Planning Commission review of the Preliminary Plan. The Planning Commission may request additional information that it finds is reasonably necessary to evaluate the rezoning request. The Planning Commission may also waive any of the requirements, if it finds that information is not necessary to evaluate the rezoning request.

- A. **Rezoning Application.** On forms approved by the Planning Department.
- B. **Final Project Description.** Must include:
  - 1. Sketch of properties, streets and uses within 1/2 mile of the PUD.
  - 2. A narrative describing:
    - a. The overall objectives of the PUD.

- b. Proposed uses and accessory uses and the number of acres allocated to each use
  - c. Details about the design standards of the development
  - d. Method of financing.
  - e. Gross and net densities.
  - f. Description of access to site.
  - g. Proposed method of providing sewer and water service as well as other necessary public and private utilities.
  - h. Proposed method of providing storm drainage.
  - i. Environmentally sensitive areas and the effect on natural resources.
  - j. Beginning date of construction, length of construction, and any phasing.
3. Current proof of ownership of land to be rezoned or evidence of a contractual ability to acquire such land.

C. **Preliminary Plan.** A map to scale showing:

1. Location and area of the different types of uses.
2. All lots and property lines with dimensions.
3. Buildings, including buildings within 100 feet of the property line.
4. Building footprints or building envelopes if single family residential.
5. Setbacks for buildings.
6. Size, location, and uses of all areas devoted to open space or recreational uses.
7. Access points, streets, parking areas, and other transportation arrangements, including pedestrian, public transit and non-motorized transportation.
8. Existing vegetation, proposed landscaped areas, and buffer strips.
9. Wetlands and bodies of water.
10. Existing topographical contours at a minimum of 2-foot contours.
11. Easements benefiting or encumbering the sites.

D. **Development Impact Statement:** The Planning Commission may require the applicant prepare and submit a developmental impact statement. It must describe in detail the effects that the proposed development may have and how those effects can be mitigated. The Planning Commission can require that the development impact statement address any or all of the following:

1. Environmental factors, such as streams, rivers, air pollution, wetlands, and the quality of surface and ground waters.
2. Traffic congestion.

3. Local school systems.
4. Population in the surrounding area and the Township.
5. Additional costs to governmental units and school districts.
6. Aesthetic qualities and blighting influences, upon surrounding properties.
7. Noise, vibration, dust and dirt, litter, gas smoke, odor, light, and glare.
8. Public safety services.
9. Drainage.
10. Surrounding property values.
11. Sanitation, including water supply and sewage disposal.
12. Historical structures and places.
13. Archaeological sites and artifacts.
14. Wildlife and trees and forests.
15. Such other matters as the Planning Commission may request to be included.
16. The developmental impact statement shall, if requested by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

### **Section 10.6 Final Plan – Submittal Requirements**

Applicants must submit the following information for the Planning Commission review of the Final Plan. The Planning Commission may request additional information that it finds is reasonably necessary to evaluate the rezoning request. The Planning Commission may also waive any of the requirements, if it finds that information is not necessary to evaluate the rezoning request.

- A. All materials required by Chapter 25 “Site Plan Review” in addition to the information required in Section 10.4 “Preliminary Plan – Submittal Requirements.”
- B. Any change that the Planning Commission required in the Preliminary Review process.
- C. Architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed Buildings or Structures.

### **Section 10.7 Time Limits on Development**

Construction must begin and be proceeding substantially and meaningfully 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 the development has encountered unforeseen difficulties, but is now ready to proceed. If the applicant has not started the development within one year and the Planning Commission has not granted an extension, any building and other Township permits issued for the development shall be invalid. In addition, the Planning Commission may initiate proceedings to rezone the property.

### **Section 10.8 Performance Guarantees**

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 plan. Such guarantees may include, but shall not be limited to, entering into written agreements with the Township and providing a letter of credit or other performance guarantee in an amount and form which are acceptable to the Township.

### **Section 10.9 Required Improvements Before Issuance of an Occupancy Permit**

The Planning Commission may require that improvements be constructed and completed before the issuance of a building permit or an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety and general welfare of the residents, the Building Inspector may, upon the recommendation of the Planning Commission, grant a building permit or an occupancy permit so long as the developer deposits under Section 10.8 a performance guarantee with the Township in an amount equal to 125% of the cost of the improvements yet to be made. The improvements must be completed within one year of the date of the building permit or the occupancy permit.

### **Section 10.10 Phasing**

Phasing must be specifically approved by the Township Board at the time of approval of the Planned Unit Development. The phasing of a Planned Unit Development may result in the exact uses and layouts for part of the development not being known at the time of application. In such cases, the applicant shall provide conceptual uses and layouts for the future phases of the project. When the future phases are ready to be built, the Planning Commission or the Site Plan Review Committee as required in the original approval shall review such phases using the requirements and standards of this Ordinance and the resolution approved for the Planned Unit Development. It shall approve the site plan if the plans are significantly similar to the approved conceptual layout for the phase and in keeping with the intent and regulations of the Planned Unit Development. If there are significant changes, the review of the phase shall be processed as a major amendment according to the requirements of Section 10.11 “Amendment Process.”

### **Section 10.11 Amendment Process**

- A. **Amendments.** The applicant must notify the Planning Department in writing of any planned changes from the approved Final Plan before starting any construction in conflict with or deviation from the approved Final Plan. The applicant must include a site plan showing the proposed amendment with the application to amend the Final Plan.
- B. **Process.** The Township Planner or designee must determine whether the requested change to the approved Final PUD Site Plan is a minor or major amendment according to Subsection C. The Planner may approve minor amendments. The Planning Commission and Township Board must review and approve or deny major amendments. The Planner may consult with the Chair of the Planning Commission in determining whether a change is a major or a minor amendment. If the Township Planner chooses to not approve a requested minor amendment, the request shall be handled as a major amendment request under Section 10.11 (D) “Major Amendments.”
- C. **Minor Amendments.** Minor changes include:
1. For residential buildings, a reduction or increase by not more than 5% in the size of structures, provided that there is no increase in the number of dwelling units.
  2. For non-residential buildings, a reduction or increase by no more than 5% or 10,000 square feet, whichever is less, in gross floor area.
  3. A revision in floor plans, if consistent with the character in the area.
  4. The alteration of vertical elevations by no more than 5%.
  5. The relocation of building footprints by no more than 5 feet, unless the relocation infringes on a specific setback or separation distance imposed as a condition of PUD approval.
  6. An increase in size of areas designated on the approved Final PUD Site Plan as “not to be disturbed.”
  7. The substitution of plant materials included in the Final Development Plan, provided they are substituted by similar types of plants on a 1 to 1 or greater basis, as determined by the Planner.
  8. Improvements made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, or bicycle/pedestrian paths.
  9. Changes made to exterior materials if the changes provide for the use of materials of equal or higher quality than those originally approved, as approved by the Planner.
  10. A reduction in the size of signs or an increase in sign setbacks.
  11. A change in the internal arrangement of parking spaces in a parking lot, if the total number of parking spaces is not reduced and circulation hazards or congestion is not created.
  12. A change in the name of the PUD or in the names of streets.

13. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the PUD that are deemed by the Planner to be not significant in relation to the entire PUD and which the Planner determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.
- D. **Major Amendments.** The Township Board, with a recommendation from the Planning Commission, must review and approve or deny all major amendments. The Planning Commission may hold a public hearing at its discretion if it finds that the request warrants one. The Planner shall determine what information the applicant must submit with their request and can require the applicant to submit any of the items in Section 10.5 “Preliminary Plan – Submittal Requirements” and Section 10.6 “Final Plan-Submittal Requirements.” The Township Board can attach reasonable conditions to any major amendment approval.

**Section 10.12 No Appeals to the Zoning Board of Appeals for a Planned Unit Development.**

The Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from any Planned Unit Development provisions, approvals, or denials by the Township Board