

CHAPTER 29 PLANNED UNIT DEVELOPMENT REVIEW

SECTION 29.10 INTENT

The intent of this Chapter is to outline the review process for Planned Unit Development (PUD) projects to ensure compliance with the purpose and intent of Section 14.10 and all standards of approval. A PUD approval process involves rezoning land to an overlay district with an associated PUD plan.

SECTION 29.20 REVIEW PROCESS

A. PRE-APPLICATION CONFERENCE

A pre-application conference is required as a prerequisite for acceptance and review of PUD proposals. The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.

1. **Conference Request.** A request for a pre-application conference shall be made to the Zoning Administrator. A pre-application conference may occur in person, by video conference, or by phone.
2. **Requirement Materials.** As part of the pre-application conference, the applicant shall submit a copy of an initial concept plan or a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, land use for the entire site, and proposed locations of buildings and structures.
3. **Guidance.** The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the Township, whether the concept qualifies under the requirements of this Chapter and Chapter 14, and whether the general concept is substantially consistent with the Township Master Plan. Formal action shall not be taken at a pre-application conference, and statements made at the pre-application conference shall not be considered binding commitments or approval of the concept.

B. NEIGHBORHOOD MEETING

1. **Purpose.** The purpose of the required pre-application neighborhood meeting is to ensure communication and collaboration between a developer and members of the community in close proximity to a proposed PUD site. The meeting is intended to allow for issues and concerns to be brought to the attention of a developer as early in the planning process as possible, so that issues can be resolved before applying for a PUD, and that input can be considered during the design process.
2. **Number.** At least one (1) neighborhood meeting shall be held before a PUD application is submitted.
3. **Time and Location.** The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application. At least one (1) neighborhood meeting shall be scheduled after 6:00 pm, Monday to Thursday.
4. **Public Notice.**
 - a. Written public notice shall occur in the same manner required by Section 25.70. However, the notice area shall be extended to 500 feet from the subject lot. Addresses shall be provided by the Zoning Administrator.
 - b. The notice shall include a written description of the request, a project location map, and the time and

date of the neighborhood meeting.

- c. Outreach beyond written notice is encouraged, such as postings on social media and other resources.
- d. A copy of the meeting notice shall also be sent to the Community Development Department.
- 5. **Open Public Meeting.** The meeting shall be open to all members of the public, regardless of if they were direct recipients of the written public notice.
- 6. **Procedure.** The meeting procedure shall include the following:
 - a. Sign-in sheets for participants.
 - b. A general narrative by the developer explaining the design and intent of the project, including the display of maps and images related to the proposal.
 - c. An opportunity for questions and answers.
 - d. Information concerning where additional information, project updates, and a meeting summary can be found.
 - e. Contact information for a project representative who will be available and willing to answer additional questions about the project until formal submittal to the township.
- 7. **Meeting Summary.** A meeting summary shall be prepared and submitted as part of the PUD application. The summary shall include the following.
 - a. List of attendees or copy of sign-in sheet.
 - b. Summary of presentation.
 - c. Summary of questions and answers.
 - d. Key takeaways from the meeting and how public input or recommendations were incorporated into the design of the preliminary PUD plan.

C. APPLICATION REQUIREMENTS

- 1. **Submittal Checklist.** See Chapter 25 for the general processes for submitting an application and Section 36.30 for the submittal checklist.
- 2. **Parallel Plan and Residential Density Bonuses.**
 - a. To determine the density achievable with the underlying zoning district, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional, utility availability, and density allowed by right in the zoning district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered, which is considered to be the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights-of-ways, easements that cannot be included in residential lots, and other site features that would prevent the use of the site for residential purposes.
 - b. The Planning Commission shall determine the base number of dwelling units allowable for the PUD based on the parallel plan, and any density bonus (see Section 14.40 B) granted by the Township will be applied to this number.

D. REVIEW STEPS

Review of PUD rezoning proposals shall be processed in accordance with the following steps:

- 1. Rezoning to PUD Overlay and PUD Concept Plan and base district rezoning if applicable.

2. Final PUD Site Plan.

E. REZONING TO PUD OVERLAY AND PUD CONCEPT PLAN

1. **Authority.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of PUD approval standards (Section 29.30).
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 29-1:

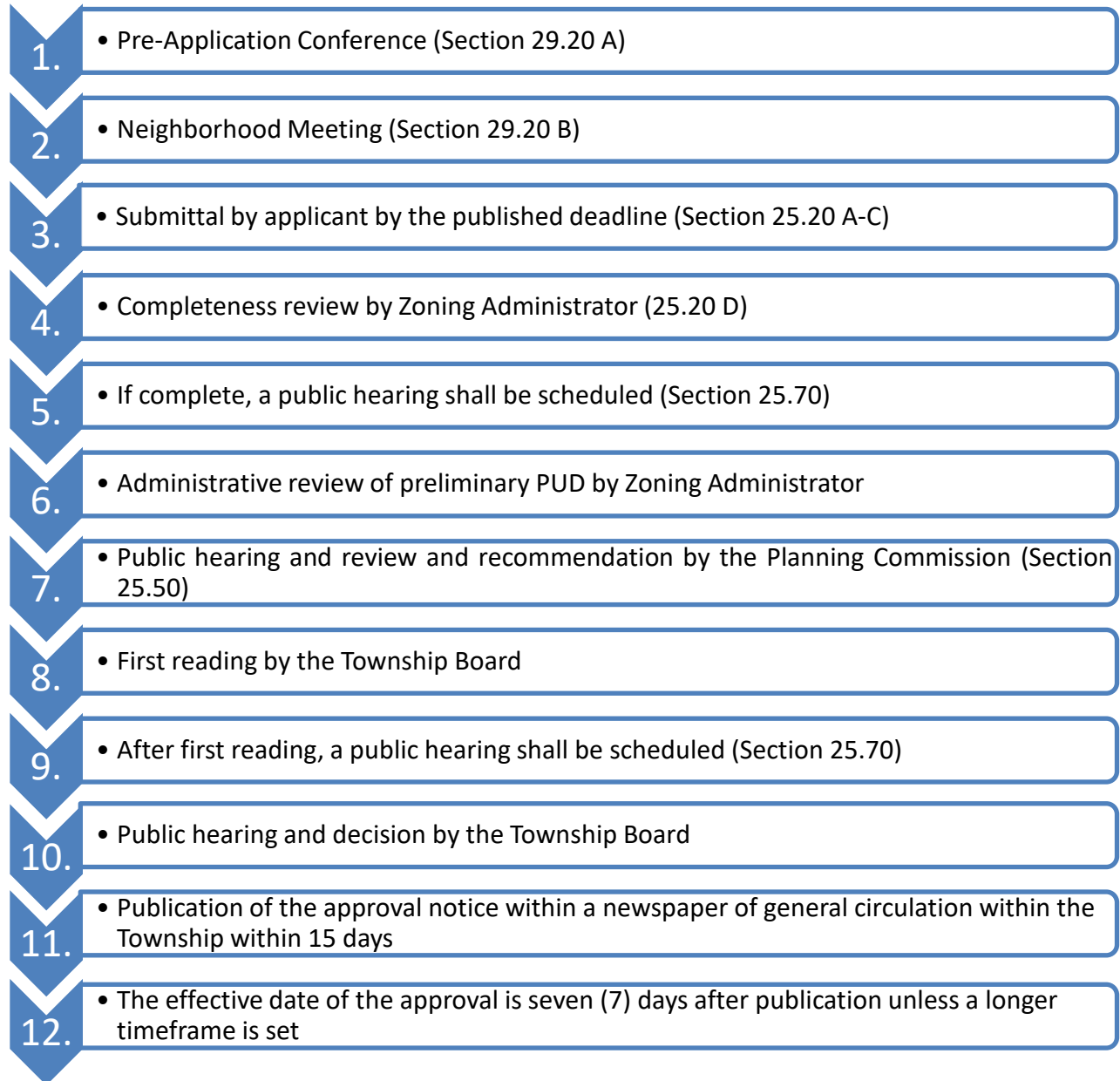


Figure 29-1 Process for Preliminary PUD and Overlay Rezoning

3. **Concurrent Review.** A PUD Overlay and Concept Plan may be reviewed concurrently with a preliminary plat or preliminary condominium plan at the request of an applicant. However, the applicant shall waive the right to be reviewed in accordance with any maximum timelines established by statute.

F. DECISIONS

The Planning Commission and Township Board shall decide upon a rezoning to PUD Overlay and PUD Concept Plan requests as follows:

1. **Planning Commission.** Unless action is tabled or postponed, the Planning Commission shall decide upon PUD requests as follows:
 - a. Recommendation of Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed. A draft ordinance to recommend approval of the PUD Overlay District rezoning and approval of the associated Concept Plan shall be provided.
 - b. Recommendation of Denial. In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
2. **Township Board.** Unless action is tabled or postponed, the Township Board may deny, approve, or approve with conditions, a request for PUD approval.
 - a. Approval. PUD Overlay District rezoning and approval of the associated Concept Plan shall be in the form of an ordinance to amend the Zoning Map and to formally accept the plan. The ordinance shall outline the findings and conditions of approval.
 - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. Pursuant to a PUD rezoning, the Township Board can vary other requirements of this Ordinance for good cause shown.

G. FINAL PUD SITE PLAN

A final PUD site plan shall follow the review procedures of the applicable process depending on the type of development.

1. **Types.** A final PUD site plan may be one of the following types of submittals:
 - a. Site plan review for a single lot and use (Chapter 26). A use approved as part of a PUD process, which is a special land use within a base district, does not require special land use review for final PUD site plan approval.
 - b. Final Condominium Plan review (Chapter 28).
 - c. Subdivision review plan for a platted residential development per the Gaines Charter Township Subdivision Regulations.
2. **Compliance with Concept Plan and Conditions.** A final PUD site plan shall reflect the PUD concept plan and any conditions of approval.
3. **Board Approval.** Notwithstanding any other requirement in this Ordinance, the Township Board shall have final decision-making authority over all final PUD plans.

H. APPEALS AND VARIANCES

The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on PUDs. Additionally, no variances may be requested for zoning requirements within an approved PUD.

SECTION 29.30 PUD APPROVAL STANDARDS

Approval of a rezoning to PUD Overlay District and an associated PUD Concept Plan shall be based on the satisfaction of the following standards:

A. PURPOSE

The PUD satisfies the purpose and intent of Section 14.10.

B. QUALIFICATION

The proposal qualifies as a PUD per Section 14.20 by being under unified control, satisfying building and site design standards, and demonstrating a recognizable benefit.

C. COMPLIANCE

The PUD satisfies all requirements per Section 14.30 and all zoning requirements unless modifications and waivers are approved per Section 14.30 F.

D. MASTER PLAN

The PUD is consistent with the Township's master plan or specifically implements the vision and goals of the plan.

E. COMPATIBILITY

The project is designed to integrate harmoniously with the essential character of the area and the natural environment.

F. PUBLIC SERVICES

Land uses do not exceed the capacity of public services and county roads, and the capacity of the site to handle demands for on-site wells and sewage treatment, or the capacity of public water and sewer systems.

G. SITE PLAN STANDARDS OF APPROVAL

The associated PUD plan must be able to comply with all requirements of this Ordinance and satisfy all site plan standards of approval.

SECTION 29.40 TERM AND VALIDITY

A. VALIDITY AND EXPIRATION

Approval of PUD overlay rezoning and concept plan by the Township Board shall confer upon the owner the right to proceed with the development of a Final PUD Site Plan in accordance with Section 29.20 G. The final PUD site plan shall be submitted within one (1) year from the date of approval. If the development is intended to be phased, only the first phase is subject to this timeline.

B. TERM AND VALIDITY

See 25.30 D.

C. TERMINATION OF RIGHTS

Upon expiration of a PUD overlay rezoning and concept plan or final PUD plan, the approval shall become null and void, and all rights of development based on the plan shall terminate. The Township may take action to remove the PUD Overlay Designation from the Zoning Map after the PUD Concept Plan becomes null and void.

SECTION 29.50 AMENDMENTS

A. MINOR CHANGE- ADMINISTRATIVE APPROVAL

A minor administrative change to an approved final PUD site plan shall be reviewed and may be approved by the Zoning Administrator. Minor changes are those outlined in Section 26.20 B or Section 28.70 A for condominiums.

B. MAJOR CHANGE- BOARD APPROVAL

1. **Major Change.** Major changes are those that do not qualify as minor changes, but still:
 - a. Reflects the overall intent and design of the PUD concept plan, along with permitted uses and density.
 - b. Complies with all conditions of approval, approved modifications, and all other zoning requirements.
2. **Process.**
 - a. A major site plan change to an approved final PUD site plan may be approved by the Township Board after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.
 - b. A major change between a PUD concept plan and a final PUD site plan may be approved by the Township Board during the review of the final PUD site plan after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.

C. ORDINANCE AMENDMENT

Any change not qualifying as a minor or major change shall require an ordinance amendment and processing in accordance with Section 29.20.

SECTION 29.60 PRIOR APPROVED PLANNED UNIT DEVELOPMENTS

A. PRIOR PERMITS AND APPROVALS

PUDs approved by the Township before the effective date of this ordinance are subject to Section 1.30 E.

B. CHANGES

1. **Minor Changes.** Minor changes to prior approved PUDs shall be reviewed in accordance with Section 29.50 A.
2. **Change of Use.**
 - a. A permitted use may be changed to another permitted use and shall be reviewed in accordance with Section 29.50 A.

- b. A change of use of a building or lot that is not specifically referenced as part of the prior approved PUD documents that is classified as a special land use in the most comparable base zoning district shall be reviewed through the special land use process.
3. **Major Changes.** Major changes to prior approved PUDs shall be reviewed in accordance with Section 29.50 B.
4. **Changes Requiring Rezoning to PUD Overlay and Approval of a PUD Concept Plan.** Any change not qualifying as a minor or major change shall require an ordinance amendment and processing in accordance with Section 29.20.

C. TERM AND VALIDITY

If substantial site development or building construction related to a previously approved PUD development has not yet commenced, both shall commence within one (1) year of the effective date of this ordinance or the date on which the PUD approval became final, whichever comes later. The Planning Commission may approve one (1) extension of up to one (1) year if requested in writing by the applicant. The extension shall be approved if the Planning Commission determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the extension expires before substantial site development or building construction commences, the previous PUD approval shall become null and void. For purposes of this section, a PUD approval shall be considered final when the time for appealing the approval to the circuit court expires or, in cases in which an appeal is taken, when a final court judgment has been entered and the time for appealing the judgment, either by either leave or by right, expires.

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