

HOUSE BILL No. 4667

May 13, 2003, Introduced by Rep. Ward and referred to the Committee on Land Use and Environment.

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
by amending section 16c (MCL 125.286c).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16c. (1) As used in this section, "planned unit
2 development" includes ~~such terms as~~ cluster zoning, planned
3 development, community unit plan, planned residential
4 development, and other terminology denoting zoning requirements
5 designed to accomplish the objectives of the zoning ordinance
6 through a land development project review process based on the
7 application of site planning criteria to achieve integration of
8 the proposed land development project with the characteristics of
9 the project area.

10 (2) A township may establish **in a zoning ordinance** planned
11 unit development requirements ~~in a zoning ordinance~~ which

1 permit flexibility in the regulation of land development;
2 encourage innovation in land use and variety in design, layout,
3 and type of structures constructed; achieve economy and
4 efficiency in the use of land, natural resources, energy, and the
5 provision of public services and utilities; encourage useful open
6 space; and provide better housing, employment, and shopping
7 opportunities particularly suited to the needs of the residents
8 of this state. The review and approval of planned unit
9 developments shall be by ~~either~~ the zoning board, an official
10 charged with administration of the ordinance, or the township
11 board. ~~—, as specified in the ordinance.~~

12 (3) Within a land development project designated as a planned
13 unit development, regulations relating to the use of land,
14 including permitted uses, lot sizes, setbacks, height limits,
15 required facilities, buffers, open space areas, and land use
16 density, shall be determined in accordance with the planned unit
17 development regulations specified in the zoning ordinance. The
18 planned unit development regulations need not be uniform with
19 regard to each type of land use if equitable procedures
20 recognizing due process principles and avoiding arbitrary
21 decisions have been followed in making regulatory decisions.
22 **Unless explicitly prohibited by the planned unit development**
23 **regulations, a township may approve a planned unit development**
24 **with open space that is not contiguous with the rest of the**
25 **planned unit development.**

26 (4) The planned unit development regulations established by a
27 township shall specify:

1 (a) The body or official which will review and approve
2 planned unit development requests.

3 (b) The conditions which create planned unit development
4 eligibility, the participants in the review process, and the
5 requirements and standards upon which applications will be judged
6 and approval granted.

7 (c) The procedures required for application, review, and
8 approval.

9 (5) Following receipt of a request to approve a planned unit
10 development, the body or official charged in the ordinance with
11 review and approval of planned unit developments shall hold at
12 least 1 public hearing on the request. ~~An~~ **A zoning** ordinance
13 may provide for preapplication conferences before submission of a
14 planned unit development request, and the submission of
15 preliminary site plans before the public hearing. Notification
16 of the public hearing shall be given in the same manner as
17 required by section 16b(3) for public hearings on special land
18 uses. Within a reasonable time following the public hearing, the
19 body or official responsible for approving planned unit
20 developments shall ~~meet for~~ **give** final consideration ~~of the~~
21 ~~request, and~~ **to and shall** deny, approve, or approve with
22 conditions ~~—~~ the request. The body or official shall prepare a
23 report stating its conclusions on the request for a planned unit
24 development, the basis for its decision, the decision, and any
25 conditions relating to an affirmative decision. If the **zoning**
26 ordinance requires that the township board ~~amends~~ **amend** the
27 ordinance to ~~act~~ **approve** on the planned unit development

1 request, the zoning board shall hold the hearing as required by
2 section 9, and the report and ~~the~~ documents related to the
3 planned unit development request shall be transmitted to the
4 township board for consideration in making a final decision. If
5 amendment of a zoning ordinance is required by the planned unit
6 development regulations of a township zoning ordinance, the
7 requirements of this act for amendment of a zoning ordinance
8 shall be followed, except that the hearing and notice required by
9 this subsection shall be regarded as fulfilling the public
10 hearing and notice ~~requirement~~ **requirements** of section 9.

11 (6) If the planned unit development regulations of a township
12 zoning ordinance do not require amendment of the ordinance to
13 authorize a planned unit development, the body or official
14 charged in the zoning ordinance with review and approval of
15 planned unit developments ~~may~~ **shall** approve, approve with
16 conditions, or deny a request.

17 (7) Final approvals may be granted on each phase of a
18 multiphased planned unit development if each phase contains the
19 necessary components to insure protection of natural resources
20 and the health, safety, and welfare of the users of the planned
21 unit development and the residents of the surrounding area.

22 (8) In establishing planned unit development requirements, a
23 township may ~~, when available and applicable,~~ incorporate by
24 reference other **applicable** ordinances or statutes which regulate
25 land development. The planned unit development regulations
26 contained in ~~zoning ordinances~~ **a zoning ordinance** shall
27 encourage complementary relationships between zoning regulations

1 and other regulations affecting the development of land.