



**AGENDA**  
CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION – REGULAR MEETING  
September 28, 2020 7PM

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1. CALL MEETING TO ORDER
2. PUBLIC REMARKS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
  - A. August 24, 2020 Regular Meeting
5. COMMUNICATIONS
  - A. Brian & Mary-Jean Mcnitt RE: Special Use Permit #20061
6. PUBLIC HEARINGS - None
7. UNFINISHED BUSINESS
  - A. Special Use Permit #20061 (Elsabeth Engeda), expand an existing adult foster care home at 5340 Park Lake Road to accommodate up to 10 residents.
8. OTHER BUSINESS
  - A. Mixed Use Planned Unit Development (MUPUD) ordinance review.
9. REPORTS AND ANNOUNCEMENTS
  - A. Township Board update.
  - B. Liaison reports.
10. PROJECT UPDATES
  - A. New Applications - None
  - B. Site Plans Received
    1. Site Plan Review #20-06 (Verizon Wireless), add antennae and equipment cabinet to existing wireless facility on roof of apartment building at 2900 Northwind Drive.
  - C. Site Plans Approved
    1. Site Plan Review #20-98-31 (M&J Management), construct new 14 space parking lot at 1999 Saginaw Highway.
11. PUBLIC REMARKS
12. ADJOURNMENT

**Zoom meeting ID: 872 0006 8286**  
**Zoom password: 5151**

**AGENDA page 2**  
CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION MEETING  
September 28, 2020 7PM

**TENTATIVE PLANNING COMMISSION AGENDA**  
**October 12, 2020**

1. PUBLIC HEARINGS
  - A. None
  
2. UNFINISHED BUSINESS
  - A. None
  
3. OTHER BUSINESS
  - A. Mixed Use Planned Unit Development (MUPUD) ordinance review.

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Individuals with disabilities requiring auxiliary aids or services should contact: Principal Planner Peter Menser, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4576 - Ten Day Notice is Required.  
Meeting Location: Zoom web conferencing application  
Meeting ID: 872 0006 8286 Password: 5151

Providing a safe and welcoming, sustainable, prime community.



**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**September 14, 2020**

**Meeting held virtually using the Zoom web conferencing application**

**7:00 P.M.**

**PRESENT: Commissioners Premoe, Richards, McConnell, Hendrickson, Cordill, Shrewsbury, and Blumer.**

**ABSENT: None**

**STAFF: Director of Community Planning & Development Mark Kieselbach, Principal Planner Peter Menser, Information Technology Director Stephen Gebes, Multimedia Producer Samantha Diehl.**

**1. CALL MEETING TO ORDER**

Chair Hendrickson called the regular meeting to order at 7:00 P.M.

**2. PUBLIC REMARKS - None**

**3. APPROVAL OF AGENDA**

Commissioner Richards moved to approve the agenda.

Seconded by Commissioner Blumer.

VOICE VOTE: Motion approved unanimously.

**4. APPROVAL OF MINUTES**

**A. August 24, 2020 Regular Meeting**

Commissioner Premoe moved to approve the minutes.

Seconded by Commissioner McConnell .

A friendly amendment was made after noting a couple changes.

A motion of privilege was made by Chair Hendrickson when Principal Planner Menser asked if former Commissioner Amber Clark could speak to the Planning Commission before they proceeded with the agenda. Commissioner Clark resigned from her appointment on September 10, 2020 because she has accepted the position as Neighborhood and Economic Development Director with Meridian Township. She thanked the Planning Commission for her time working with them and looks forward to working with the Planning Commission while serving in her new position.

VOICE VOTE: Motion approved unanimously.

**5. COMMUNICATIONS**

Chair Hendrickson noted the two communications submitted in the September 14, 2020 meeting packet.

## 6. Public Hearing

- A. Special Use Permit #20061 (Elsabeth Engeda), expand an existing adult foster care home at 5340 Park Lake Road to accommodate up to 10 residents.

Chair Hendrickson opened the public hearing at 7:09 p.m.

Principal Planner Menser provided a summary of the request and noted the applicant is available to provide additional information and answer questions.

Comments from the applicant:

Hiruth Scarlett, 5340 Park Lake Road Foster Care Home, Social Worker and Assistant Administrator for owner.

Elsabeth Engeda, 5340 Park Lake Road Foster Care Home, Applicant/Owner and Critical Care Nurse.

- Currently an Adult Foster Care Facility for 6 adults and are waiting on Michigan State approval for 4 additional adult residents.
- The Adult Foster Care has been in business since 2017.
- The single-family home is 2, 558 square feet and was built in 1958.
- The home has 6 bedrooms and 4 full bathrooms (2 handi-capped bathrooms on the first floor and 2 other full bathrooms on the second floor).

Public Comments:

- A. Patrick and Alana Miller, 5336 Park Lake Road, spoke in support of Special Use Permit #20061.  
 B. Brian and Mary-Jean McNitt, 5380 Park Lake Road, spoke in opposition to Special Use Permit #20061.  
 C. Richardo Lorenz, 5332 Park Lake Road, spoke with concern regarding Special Use Permit #20061.

Planning Commission Discussion:

- The applicant was asked if the home could physically accommodate 10 special needs adults and also wanted to know if there were future plans to change the footprint of the house to expand it. Elsabeth Engeda responded stating Michigan, through the Department of Licensing and Regulatory Affairs (LARA) approved the current space and there are no plans to expand the property. They have two staff currently and additional staff will be hired if needed.
- The applicant was asked how the facility handles family visits currently during COVID-19. Elsabeth Engeda responded stating there are no visitors due to the current state mandate. Family visits are held virtually as well as most medical consultations. When medical visits are necessary, Elsabeth requires a screening form and temperature check before entering the home.
- Concerns were expressed regarding ample parking spaces on the property. Abraham Engeda (Elsabeth's husband) noted there was plenty of space for parking and Elsabeth Engeda noted there are usually only 2 or 3 cars parked in the driveway. (The live-in employee does not have a car and uses public transportation.)

- Principal Planner Menser was asked to provide the Planning Commission with a lot survey, at the next meeting noting the parking spaces for the property, to ensure 5 cars can be on the property and will not impact the site circulation. (The applicant has indicated that 7 parking spaces are provided.)
- When reviewing the 9 general use special use permit criteria for non-residential uses permitted in residential districts, not all the criteria have to be applied.
- There was no prior Special Use Permit required for the Adult Foster Care home because of the number of people residing there, just proper licensing by the state of Michigan.
- The Adult Foster Care home has been a good neighbor and no problems in the past.
- The applicant was asked about trash because of a prior public comment made and Elisabeth stated they purchased some new furniture that resulted in extra trash that was out over the Labor Day Holiday but normally there is not a problem with trash and they take pride in their property and there are no smells.
- Increasing the Adult Foster Care home from 6 to 10 adults seems like a minor expansion with minimal intrusion.
- The community has a need to increase the capacity for this kind of care and this is important to our community.

A straw poll taken indicated the Planning Commission would be in support of recommending approval of the proposed Special Use Permit #20061. A resolution will be provided for the September 28, 2020 Planning Commission meeting.

Chair Hendrickson closed the public hearing at 8:08 p.m.

**7. UNFINISHED BUSINESS - None**

**8. OTHER BUSINESS**

**A. Mixed Use Planned Unit Development (MUPUD) ordinance review.**

Principal Planner Menser noted he only received a couple responses from the Planning Commission since the previous meeting, a phone call from Commissioner Richards and a email from Commissioner Trezise and since Commissioner Trezise was not able to attend the meeting, Principal Planner Menser noted the comments made;

- Require minimum square footage for public usage.
- Determine how the areas should be designated, public or for residents on site.
- Review different amenities and clarify formal amounts.

Commissioner Richards shared comments from his phone conversation with Principal Planner Menser

- Redo the definition of amenities (features not normally included in the type of development they are proposing).
- The MUPUD should focus on redevelopment on existing properties, not vacant land, make more restrictive.
- Suggest a concept plan should be required and have it go to the Board and Planning Commission so feedback could be provided before plans are fully developed, to streamline the process.

- Requirements and guidelines- how to regulate and the benefits.
- There is a benefit to providing amenities to the resident of a project but public amenities are the incentive for allowing flexibility in density or other things in a proposed MUPUD.

Principal Planner Menser asked the Planning Commission to look at the Amendments Ordinance for the next meeting. He also noted there is important language when projects have changes. Look at the procedures and all references as functions as they could become functions of the Planning Commission.

Four sections of discussion: Process, Amenities, Amendments and Penalties.

A possible work session was suggested before the next meeting to work on amenities because it is the largest section of the ordinance but the group decided to focus on this topic during the next meeting since the tentative agenda for September 28, 2020 looked like they could have extra time to devote to this task.

Chair Hendrickson asked the Commission to submit any suggestions or changes to Principal Planner Menser so he can add them to the packet for the next meeting for further discussion.

## **9. REPORTS AND ANNOUNCEMENTS**

A. Township Board update.

Principal Planner Menser provided a summary of the September 1, 2020 Zoom Township Board meeting and noted the next Township Board meeting will be September 15, 2020.

B. Liaison reports.

- Commissioner McConnell provide an update from the September 2, 2020 Environmental Commission meeting.

## **PROJECT UPDATES**

- A. New Applications- None
- B. Site Plans Received - None
- C. Site Plans Approved -None

**11. PUBLIC REMARKS** - None

**12. ADJOURNMENT**

Commissioner Premoe moved to adjourn the meeting.

Supported by Commissioner McConnell.

VOICE VOTE: Motion carried unanimously.

Chair Hendrickson adjourned the regular meeting at 8:43 p.m.

Respectfully Submitted,  
Debbie Budzynski, Recording Secretary

Peter, here our concerns regarding the expansion of the Adult Foster Care Home at 5340 Park Lake Rd.

Increasing from 6 to 10 residents is a 60% increase in residents. In our opinion, this special use permit should be denied for the following reasons and concerns.

1. Question if there is adequate space.  
2500 sq ft for 10 residents  
Consider 1500 sq ft for common areas: kitchen, bathrooms, living room, dining room, utility, storage and space for workers or attendants  
This leaves 1000 sq ft for 10 residents; 1000 sq ft or a 10X10 space for each resident  
We feel this is inadequate.
2. Is the basement being used as living space? Are bedrooms in the basement? Without egress windows, this is a major safety concern.
3. Would need at least 1 additional daytime attendant. The daytime occupancy would be 13. 10 residents and 3 attendants. Again, in our opinion, inadequate space.
4. Parking  
3 spaces for staff leaving 2 spaces remaining for visitors, SpecTran, Ambulances etc...  
Currently, with COVID 19, visitors are limited. However, the hope is this will not be the case next year at this time. Where, then, will all the visitors park. Anyone familiar with Park Lake realizes there is **No Parking** on the street.  
Garage space appears to be taken up with the storage of supplies and cannot be considered for parking.
5. Increase in trash with additional residents.
6. Residents often times walk down the opposite side of Park Lake to get needed exercise and outdoor time. Park Lake can be difficult to cross because it is a very busy street. This poses an added safety concern. Traffic often races north and south on Park Lake Rd. at 45-50 mph, ignoring the 35 mph speed limit. Just this afternoon I witnessed a truck pulling a trailer with a riding lawn mower going 40 mph south on Park Lake Rd. A car sped by to pass the truck in the oncoming lane doing 45-50 mph. This happened directly in front of 5340 Park Lake Rd.
7. What is the impact on property values for current residents of Park Lake Rd when an Adult Foster Home with 13 daytime residents and staff are allowed in the very middle of a residential neighborhood?
8. What are the chances this home will require more room and a building expansion?
9. We feel the Planning Commission should make unannounced visits to the home before voting. Is this in the Best Interest of the Residents? Is this in the Best Interest of the Neighborhood? If this special permit was requested in their neighborhood, would they vote 'Yes'?

Currently, the home appears to be well run. We would like to keep the allowed residents at 6. If this special permit is allowed, and it appears that the Planning Commission has already made their decision, we suggest the following:

1. Replace the chain link fence on either side with a 6ft shadow box fence.
2. Replace the wood fencing around the garbage storage at the front of the garage.
3. Guarantee there will not be a further expansion.
4. Plant a denser vegetation barrier between the house and Park Lake Rd.
5. Help promote a Stop Sign and Crosswalk with the Ingham County Rd Commission to slow traffic and stop big rig trucks from using Park Lake Rd.
6. Provide avenues to settle future problems that may arise.



**To:** Planning Commission

**From:** Peter Menser, Principal Planner  
Keith Chapman, Assistant Planner

**Date:** September 25, 2020

**Re:** Special Use Permit #20061 (Engeda), expand an existing adult foster care home at 5340 Park Lake Road to accommodate up to 10 residents.

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The public hearing for Special Use Permit #20061 was held at the September 14, 2020 Planning Commission meeting. A straw poll taken at the meeting indicated the Planning Commission was willing to consider a resolution to approve the request at its next meeting on September 28, 2020.

At the September 14, 2020 meeting the Planning Commission discussed the availability of the required five parking spaces located on site. At the request of the Planning Commission, the applicant has provided photos that show five plus parking spaces available.

### **Planning Commission Options**

The Planning Commission may approve, approve with conditions, or deny the special use permit. A resolution to approve the request is provided.

- **Move to adopt the resolution approving Special Use Permit #20061 to expand an existing adult foster care home at 5340 Park Lake Road to accommodate up to 10 residents.**

### **Attachment**

1. Resolution to approve.
2. Parking photos submitted by the applicant

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**RESOLUTION TO APPROVE**

**Special Use Permit #20061  
(Engeda)  
5340 Park Lake Road**

**RESOLUTION**

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held virtually using the Zoom web conferencing application on the 28th day of September, 2020, at 7:00 p.m., Local Time.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

WHEREAS, Elisabeth Engeda requested a special use permit (SUP #20061) to expand an existing adult foster care home at 5340 Park Lake Road to accommodate up to 10 residents; and

WHEREAS, adult foster care facilities are allowed as a non-residential use in a residential district subject to special use permit approval; and

WHEREAS, the Planning Commission held the public hearing for Special Use Permit #20061 at its meeting on September 14, 2020 and discussed on September 28, 2020, and has reviewed the staff material forwarded under a cover memorandum dated September 11, 2020 and September 25, 2020; and

WHEREAS, the proposed adult foster care small group home is consistent with the general standards for the granting of a special use permit; and

WHEREAS, the proposed adult foster care small group home meets the site location standards and site development standards for non-residential uses in residential districts; and

WHEREAS, the site is served by public water and sanitary sewer.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #20061 subject to the following conditions:

1. Approval is granted in accordance with the application materials submitted by the applicant dated August 18, 2020.
2. The applicant shall maintain a license to operate an adult foster care facility from the Department of Licensing and Regulatory Affairs (LARA), Bureau of Health Care Services, or any agency to which jurisdiction of such license is transferred. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning and Development. If the license expires or is revoked the special use permit shall become invalid.
3. No more than ten (10) adult residents shall reside in the adult foster care facility.
4. The applicant shall obtain any required building permits from the Building Department.

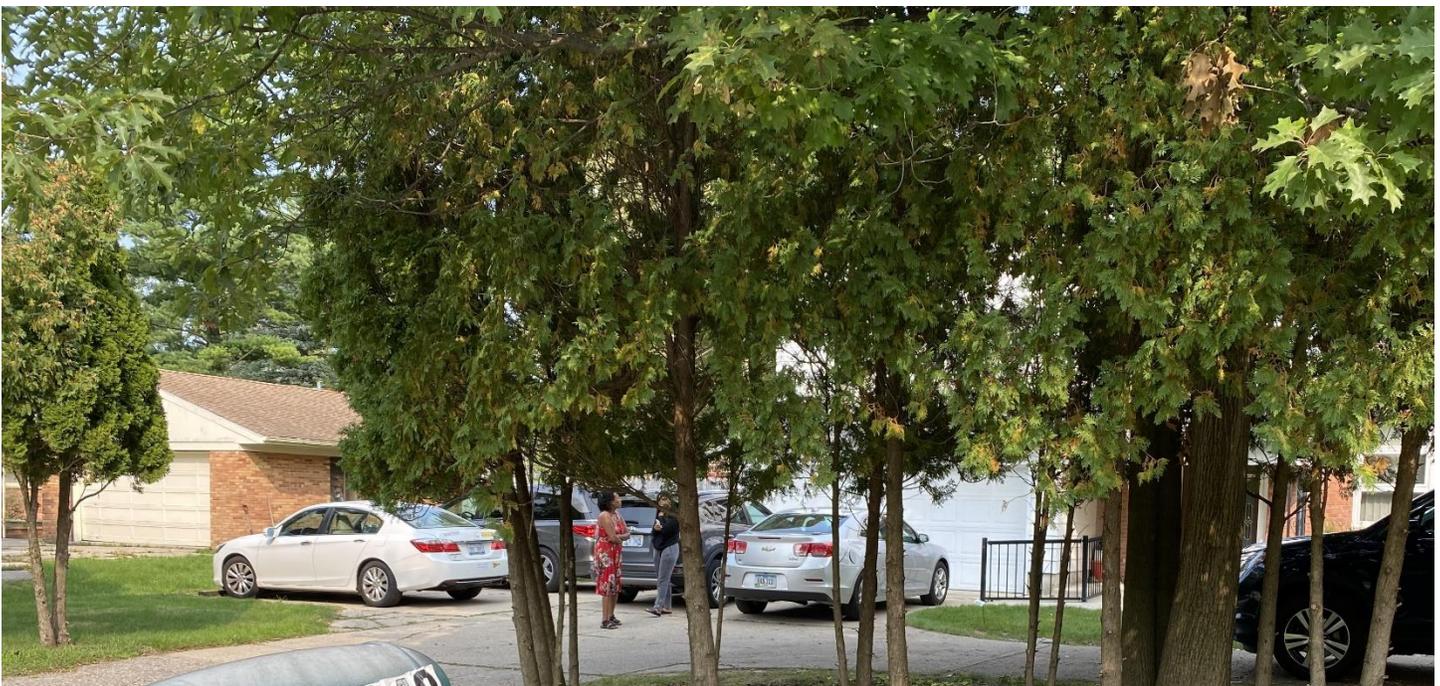


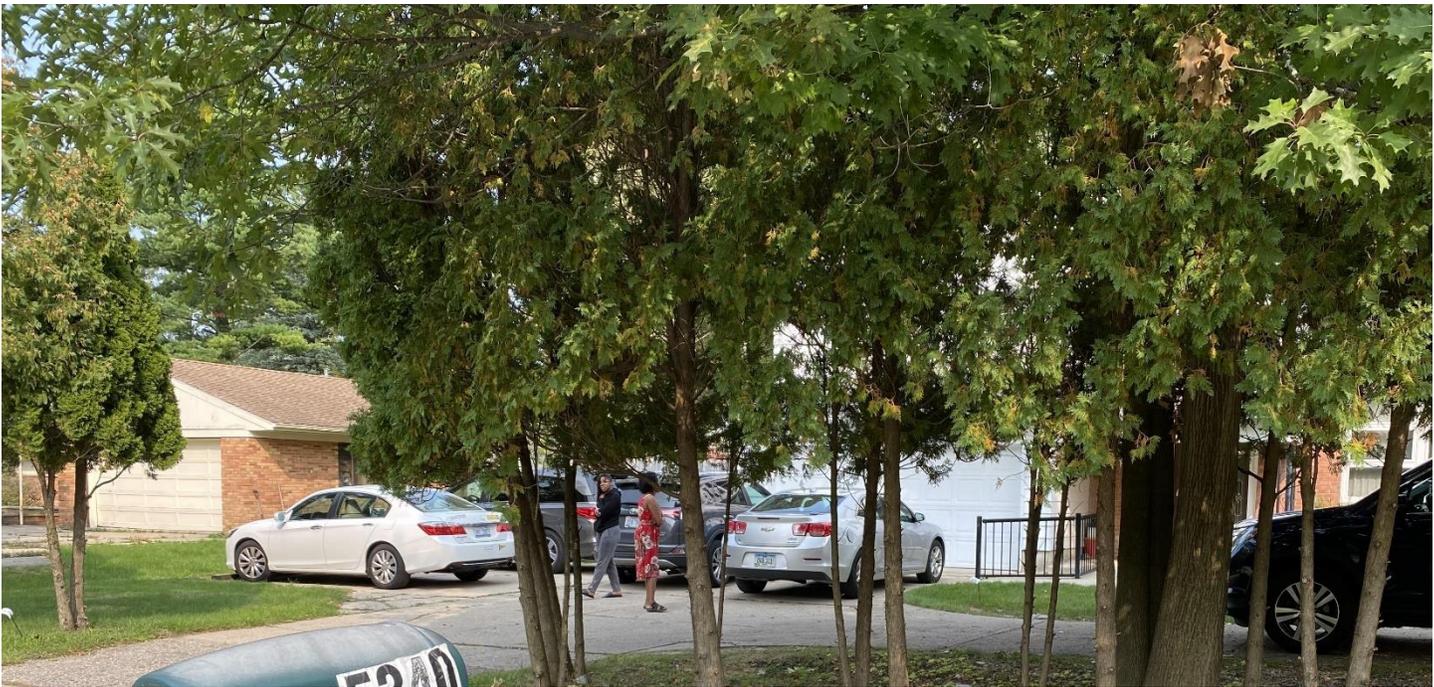


*Kalhidan AFC Corp.  
4464 Hickorywood Dr.  
Oramos, NJ 48864  
Tel.: 517-402-6191*

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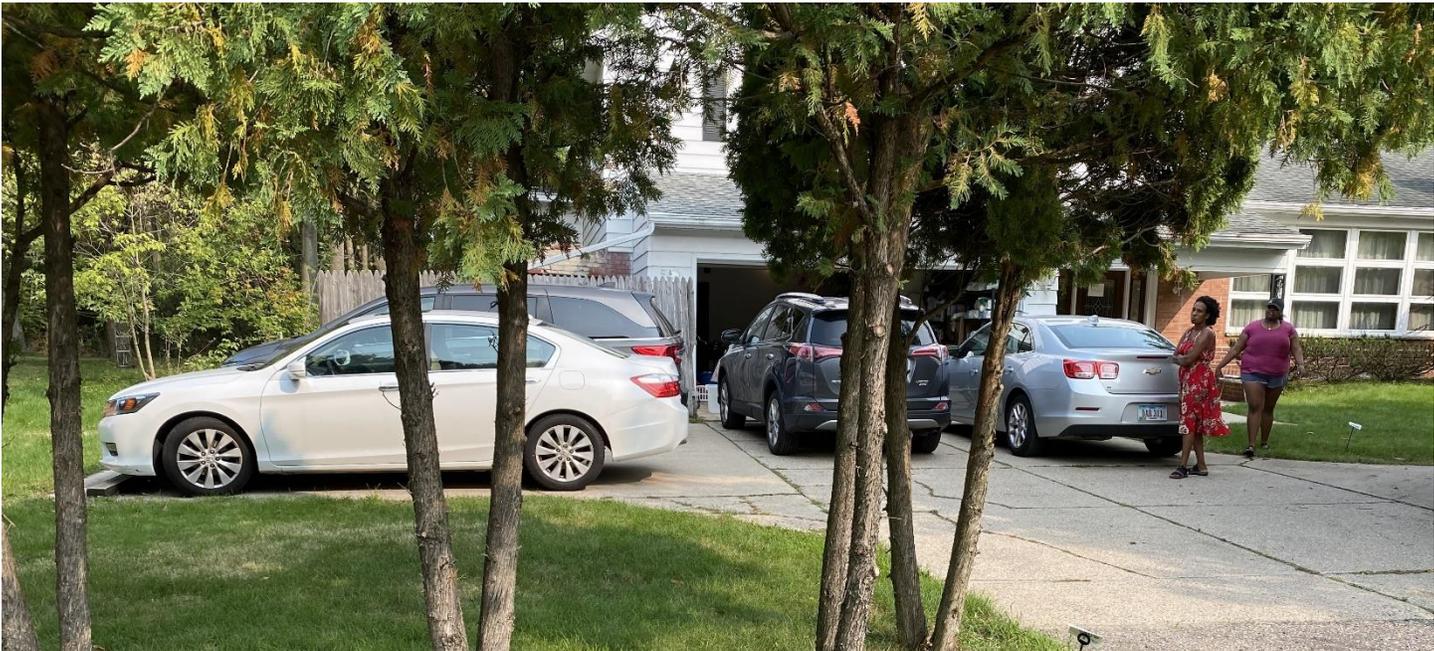
## **Parking Space at 5340 Park Lake Rd**















**To:** Planning Commission

**From:** Peter Menser, Principal Planner

**Date:** September 25, 2020

**Re:** Mixed Use Planned Unit Development (MUPUD) ordinance review

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Updating the mixed use planned unit development (MUPUD) ordinance is listed as a Planning Commission goal for 2020 and has been identified as a Township Board goal several times over the years. Over its last few meetings members of the Planning Commission have discussed the MUPUD ordinance and attempted to identify issues with the current language and ideas for potential revisions. Surfacing from those conversations were several general topics, categorized below, which include comments submitted by Commissioners since the last meeting as well as ideas from Planning staff.

- Concept plan review
  - Possibility of Township Board review of concept plan and Planning Commission review of MUPUD
- Applicability
  - Consider only offering MUPUD for redevelopment projects, in PICA areas, or at the Meridian Mall property
- Amenities
  - Size of amenity as percentage of development or minimum square footage
  - Amenity serving general public vs. residents of development
  - Accessibility of amenity by general public
  - Identify different and additional types of project amenities
  - Current bar too low, amenities need to be above and beyond what is typically provided
  - Potential to divide amenity list into categories based on intended audience
  - Creation of “menu” amenity list from which developers can choose
- Design standards
  - Adequacy of currently required standards
  - Horizontal or vertical mixing of uses
  - Require higher quality building materials
- Procedures/length of process
  - Overall process takes too long
  - State Act requires whichever body holds the public hearing to make final decision
- Application requirements
  - Does the Planning Commission receive the materials needed to make an informed decision about a given project?
- Waivers
  - Waiver criteria too broad
  - Waivers are too easy to obtain

**MUPUD ordinance**  
**Planning Commission (9/28/20)**  
**Page 2**

- Density
  - Bonus density for greenfield developments may not serve Township interests
  - Limit density based on site constraints vs. specific number of dwelling units
  - Counting units vs. number of bedrooms
- Commercial component of project
  - Requirement of commercial may be unrealistic given marketplace
  - Possibility to eliminate requirement for non-residential space
  - Consider lifestyle uses rather than strictly retail or office
  - Establish minimum size for commercial component
  - Challenging to enforce lack on commercial space
  - Allowing existing commercial to count toward new MUPUD project
- Amendments
  - Current provisions allow significant project changes to fall under minor amendment
  - Major amendment process requires both Planning Commission and Township Board approval

In addition to its review of the MUPUD ordinance language, the Planning Commission may consider visiting the MUPUD projects that have been completed to date and consider if the ordinance has produced developments that meet its intent and the expectations of the community. The following is a list of MUPUD projects in the Township:

Hannah Farms: The entire 80+ acres, not including the shopping center where Pizza House and other businesses are located, is technically a MUPUD. This includes the student housing at Lodges 1 and 2, Hannah Lofts, and the office buildings in that area. East side of Hagadorn Road, north of Mt. Hope.

Times Square Apartment/Aldi: East side of Marsh Road, north of Central Park Drive. The project includes both the apartment building and Aldi grocery store.

Hamptons: SE corner of Mt. Hope Road and Hagadorn Road. This is the probably the best example of what was likely the intended product/vision of the MUPUD ordinance.

Mt. Hope Crossing/Waterbury: just across the street to the north of the Hamptons. Comprises an office building and apartments.

Red Cedar Flats: South side of Grand River Avenue at Northwind Drive.

Red Cedar Manor: South side of Grand River Avenue by the Red Cedar River off Northwind Drive.

Elevation/Okemos Pointe: 300+ apartments on north side of Jolly Road, west of Jolly Oak Road.

Russell project: Condominiums located on north side of Moore Street, east of Okemos Road. Originally slated to include 5,000 square feet of non-residential space and 12 residential units but the non-residential phase was never completed.

**MUPUD ordinance**  
**Planning Commission (9/28/20)**  
**Page 3**

Given the length and complexity of the MUPUD ordinance the Planning Commission may consider establishing a structured process to evaluate the current language, consider alternatives, and develop new provisions. One option would be to create a subcommittee, possibly one consisting of a cross-section of several boards and commissions, which could meet and report back to the Commission with findings and recommendations.

Once new MUPUD ordinance language is identified, the Planning Commission may initiate a zoning amendment and schedule a public hearing. The Planning Commission will review and provide a recommendation on the draft language, with the Township Board making a final decision.

**Attachments**

1. MUPUD ordinance (Section 86-440 of the Code of Ordinances).
2. Relevant section of Michigan Zoning Enabling Act (PA 110 of 2006) pertaining to planned unit developments.

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## Chapter 86. Zoning

### ARTICLE IV. District Regulations

#### DIVISION 4. Other Districts

#### § 86-440. Mixed use planned unit development (MUPUD).

[Ord. No. 2004-08, 10-31-2004; Ord. No. 2005-11, 11-27-2005; Ord. No. 2006-08, 12-31-2006; Ord. No. 2007-12, 10-28-2007; Ord. No. 2008-04, 4-13-2008; Ord. No. 2010-02, 2-28-2010; Ord. No. 2011-08, 7-5-2011]

- (a) Purpose and intent. The purpose of the mixed use planned unit development (mixed use PUD) section is to create more walkable pedestrian oriented developments by promoting and accommodating developments in rational mixed patterns that respect Meridian Township's transitional land use concept to protect, enhance and preserve natural resources. The second purpose is to encourage rehabilitation of existing structures to include those originally built or partially built before zoning ordinances were adopted, and in such a manner that will maintain traditional urban design to preserve and enhance community resources.

The intent of this section is two-fold.

- (1) Meet Township goals through well planned, integrated, high quality mixed use in redevelopment projects:
  - a. Enhance health and safety goals by requirements for walkability, pedestrian orientation and high quality, durable, building materials.
  - b. Increase Township prosperity goals and citizen welfare by appreciated property values which will support necessary public services.
  - c. Actualize our cultural heritage through citizen pride in creative, new places to walk to, shop at and work in that retain a flavor of Meridian Township's rich history.
  - d. Enhance diversity goals with new types of residential uses in close-knit community design.
  - e. Improve our natural environment goal by mixed use redevelopment with incentives for more intensely landscaped buffers and open spaces designed to complement Township parks and green space plans.
- (2) Improve the potential for financially attractive and high quality mixed use projects in the Township while meeting Township goals of a safe, healthy and sustainable community.
  - a. Enhance incentives for investment by the ability to mix residential with commercial and office uses within the same development.
  - b. Allow flexibility in setback and parking requirements.

- c. Encourage redevelopment by allowing increases in density in exchange for providing specified community amenities.
  - d. Achieve attractive and commercially successful core areas through cooperative development projects with one or more land owners.
  - e. Encourage mitigation to lessen potential hazards associated with the location of a mixed use PUD such as when adjacent to a railroad.
- (b) Definitions.

**AMENITY**

Aesthetic, practical or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development.

**AWNING**

A roof-like cover, often fabric, metal, or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**BALCONY**

A platform that projects from the wall of a building and is surrounded by a railing or balustrade, for the private use of tenants.

**CLOSE-KNIT COMMUNITY**

A style of land development advocating smaller, narrower lots, shallower yards and setbacks, smaller and more intensely used spaces, etc. that is less land consumptive than traditional suburban development.

**HORTICULTURAL MAINTENANCE PLAN**

A written statement documenting the methods to be used to maintain landscaping materials in a healthy condition, free of refuse and debris.

**IMPROVEMENT**

Alterations to any structure that do not change the intensity of its use, do not increase the gross floor area, height, or bulk of the structure by more than 10%, and/or do not block or impede public access.

**MONUMENT SIGN**

A freestanding sign, in which the entire bottom (base) is in contact with the ground and is independent of any other structure.

**ORNAMENTAL**

Something that is either decorative or something that provides aesthetic quality to an object required for other purpose.

**PEDESTRIAN ORIENTED DEVELOPMENT**

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas with design bearing a definite relationship to the human dimension. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. A pedestrian oriented neighborhood offers variety in housing clustered around well-defined neighborhood centers which support jobs, commercial activity, and a range of amenities to sustain lively streets and gathering places. It offers a gradient density from open space to high-intensity commercial cores. The layout of pathways, streets and transportation corridors minimizes conflict between walking, biking, and driving.

## **REDEVELOPMENT**

The process by which an existing developed area is rehabilitated, restored, renovated, expanded and/or adaptively reused. Redevelopment may also mean a site that contains an existing building(s) to be removed with the approval of the mixed use PUD.

## **SIGN PROGRAM**

A plan of all signs proposed to be installed in a mixed use PUD project submitted for approval to create a coordinated project theme of uniform design elements such as color, lettering style, size, and placement consistent with the context of the project and its surroundings and the purpose and intent of this section.

## **SUBSTANTIAL IMPROVEMENT**

Alterations to any structure that does change the intensity of its use, does increase the gross floor area, height, or bulk of the structure by more than 10%, and/or does block or impede public access.

## **WAIVER**

Permission to depart from the requirements or standards of the underlying zoning district.

### (c) Permitted locations and uses.

#### (1) Locations.

- a. Mixed use PUD shall be permitted in the C-2, C-3, CS, and CR zoning districts, where public water and sewer are available.
- b. Mixed use PUD shall be permitted in the PO and C-1 districts where public water and sewer are available, provided that when adjacent to land zoned and developed in a single-family residential district, the height of buildings in the mixed use PUD shall be no taller than the abutting residential district would allow.

#### (2) Uses.

- a. All uses permitted by right and by special use permit in the underlying zoning district or districts where a project includes more than one zoning district, provided that the purpose and intent of this section is incorporated within the total development plan.
- b. Limited commercial uses in an underlying PO zoning district.
  1. In addition to the uses permitted in the underlying PO zoning district, only the following neighborhood-oriented commercial uses are allowed:
    - i. Personal service establishments which perform services on the premises such as, but not limited to, barber or beauty shops, repair shops (jewelry, electronic, shoe, small appliances, etc.), pharmacies, tailor shops, laundries and dry cleaners, with the exception of dry cleaning plants.
    - ii. Restaurants and cafes which serve food or beverages. This use shall not include bars and taverns.
    - iii. Grocery stores.
    - iv. Financial institutions.
    - v. Retail merchandise establishments.
    - vi. Outdoor seating areas for cafes and restaurants.

2. Commercial development shall not be located in any PO zoned mixed use PUD without approval by the Township Board of the location and general amount of commercial uses shown in the form of a site plan at the time of approval of the mixed use PUD. The request will be evaluated for consistency with the intent of the mixed use PUD ordinance and whether it is harmonious with adjacent sites. The Township Board may approve, approve with conditions, or deny a request in regards to the location and amount of any allowed commercial development in a PO zoned mixed use PUD.
3. If the Township Board approves the location and/or amount of commercial uses in a PO zoned mixed use PUD, it may place conditions on the development in order to guarantee consistency with the purpose and intent of the mixed use PUD ordinance, which includes, but is not limited to, providing walkable, pedestrian-friendly communities and ensuring compatibility with surrounding residential neighborhoods on adjacent sites. Conditions may include, but are not limited to, the following subjects:
  - i. Hours of operation.
  - ii. Total square footage allotted for the commercial uses.
  - iii. Location, design, and orientation of specific commercial uses which may locate within the development and their placement in relationship to neighboring uses.
  - iv. Proportion of the development which may be occupied by individual commercial uses or by all commercial uses.
  - v. Maximum noise levels emitted.
  - vi. Lighting levels, direction, and timing.
  - vii. Sufficiency of parking.
  - viii. Enhancement of walkability within the development and connectivity to surrounding uses.
  - ix. Landscaping and screening.
- c. Single- and multiple-family residential uses up to a density of 14 dwelling units per acre when developed in conjunction with the redevelopment of an existing building(s) for a use permitted by right or by special use permit in the underlying zoning district and on the same parcel of land. The density may be increased to 18 dwelling units per acre by offering four or more additional unique and extraordinary amenities acceptable to the Township.  
[Amended 5-15-2018 by Ord. No. 2018-06]
- d. Single- and multiple-family residential uses up to a density of 10 dwelling units per acre when developed in conjunction with the development of an undeveloped site for a use permitted by right or by special use permit in the underlying district and on the same parcel of land.  
[Amended 5-15-2018 by Ord. No. 2018-06]
- e. For mixed-use PUDs within the Okemos Downtown shown on Map 1 and the Haslett Downtown shown on Map 2<sup>[1]</sup> the Township Board may in its sole discretion approve a higher density per acre of residential dwelling units and an increase in the height of a building based upon the proposed mixed-use PUD complying with the following performance criteria:  
[Amended 5-15-2018 by Ord. No. 2018-06]

1. Architectural design and placement of building(s) on the parcel(s) will be consistent with the architectural standards set forth in the Master Plan, of current adoption, and are to include sustainability and environmental considerations, including, but not limited to, energy usage from renewable energy resources. Achieving Energy Star or LEED Silver standards or better is highly valued.
2. The building height is no more than four stories above the finished grade. A fifth story may be allowed where there is a minimum of a ten-foot setback for such fifth story from the predominant first-floor facade elevation. Overall height from the finished grade to the top of the wall does not exceed 60 feet. Floor-to-ceiling height is at a minimum of 14 feet for first floor commercial or office uses, and a minimum of nine feet for all residential and any upper floors, regardless of use.
3. A parking plan that provides a unified design for any parking structures with the main building through the use of similar building materials, color, and architectural style.
4. An innovative design including a number of different dwelling unit types, sizes, and floor plans are available within the mixed-use PUD.
5. The mixed-use PUD provides common areas and/or amenities for residents and the general public, including, but not limited to, gathering spaces, gardens, courtyards, pavilions, pocket parks, swimming pools, exercise rooms, storage rooms, lockers, and covered parking.
6. The mixed-use PUD promotes nonmotorized and shared (public) transportation by providing convenient access to the public pedestrian/bicycle pathway system and public transportation systems as outlined in the Master Plan.
7. The mixed-use PUD provides opportunities for shared parking, accessways, and driveways with adjoining properties or provides additional parking spaces that may be used by the public.
8. The mixed-use PUD generally provides commercial and other nonresidential uses on the ground floor(s), and the development demonstrates a financially viable plan for sustainable commercial and/or office space usage.
9. The mixed-use PUD demonstrates how proposed higher density will not negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.
10. The mixed-use PUD considers any potential for increased traffic and provides solutions to address the traffic increases.
11. The mixed-use PUD makes efforts to preserve and use existing structures or provides explanations to justify why such preservation and use is not possible.

[1] *Editor's Note: Said maps are included as an attachment to this chapter.*

- f. Uses may be mixed vertically and/or horizontally.  
[Added 5-15-2018 by Ord. No. 2018-06]
- (d) Phasing. Mixed use planned unit developments may be phased provided each phase incorporates a use permitted in the underlying zoning district. Phasing plans shall be evaluated for the proportionality of permitted use(s) to residential use(s). Phasing plans shall be submitted with the original mixed use PUD.
- (e) Amenities.

- (1) Requirements and guidelines.
  - a. Every mixed use PUD shall incorporate one or more amenities.
  - b. Every request for a density bonus shall incorporate one or more amenities in addition to those required by subsection (e)(1)a.
  - c. Waivers from zoning ordinance standards may be granted by the Township Board in exchange for amenities.
  - d. Amenities shall not be combined or counted more than once or counted toward any other requirement of the ordinance.
  - e. When multiple amenities are proposed, multiple criteria categories should be represented.
  - f. Amenities shall be visible and/or accessible to the public from a fully improved street, and/or a benefit to the general public.
- (2) Criteria. Amenities acceptable for consideration by the Township shall meet one or more of the following criteria:
  - a. Type, value and number of amenities shall be proportionate to the size and/or cost of the project.
  - b. Variety of amenity categories represented.
  - c. Support of goals expressed in this section, the Township Board policy manual, the master plan or other applicable adopted plans.
  - d. Consistency and compatibility with the intended use of the site.
  - e. Continuity of design elements.
  - f. Appropriate and harmonious with the surrounding area.
  - g. Potential to act as a catalyst for improvements to surrounding sites.
- (3) Categories listing examples of possible amenities.
  - a. Conservation:
    1. Any alternative energy system.
    2. Grey water recycling.
    3. Green roofs.
    4. Electric car charging stations.
    5. Activities or technologies listed for Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council or certification criteria of organizations with similar goals; for example, American Society of Landscape Architects' (ASLA) Sustainable Sites Initiative (SITES) or Society of Environmentally Responsible Facilities (SERF).
  - b. Environment:
    1. Significantly increased pervious surfaces.

2. Rehabilitation of degraded sites.
  3. Green space exceeding the underlying permeable surface regulation.
  4. Rehabilitation of green space designated as links on the greenspace plan.
  5. Street trees installed at a 20% higher density or one inch caliper larger than required by the Code of Ordinances.
- c. Accessibility:
1. Transit stops. The addition or relocation of one or more transit stops when supported by a local transit provider.
  2. Foot and bicycle pathways and sidewalks that connect with the Township's pedestrian/bicycle pathway system and routes identified in the Township's green space plan via a public right-of-way or public access easement.
  3. Covered bicycle storage on site.
- d. Parks, recreation and culture for active and passive activities:
1. Public recreation resources.
  2. Public cultural venues.
  3. Public art at 1% of the project cost designed to withstand natural elements and reasonable public contact for at least 10 years.
- e. Social interaction:
1. Outdoor gathering spaces or outdoor eating spaces of 300 square feet or more.
  2. Public outdoor seating plazas adjacent to or visible and accessible from the street including, but not limited to, benches or other outdoor seating not associated with an outdoor cafe.
  3. Privately maintained courtyards, plazas, pocket parks, and rooftop gardens and similar features with seating for the public.
- f. Site and building design:
1. Underground utilities.
  2. Combination of first floor awnings and upper floor balconies adjacent to a public street.
  3. Porches on any structure.
  4. Multilevel or underground parking.
  5. Ornamental paving treatments for sidewalks and/or parking areas such as, but not limited to, concrete masonry unit pavers, brick, stone or pervious concrete or asphalt.
  6. Innovative lighting.
  7. Sidewalk planters located in the vicinity of sidewalks and/or outdoor seating areas.

8. Public access to new technology including wireless access points, electronic information displays, excluding unsolicited electronic broadcast information.
9. Consolidation of multiple land parcels into one to facilitate an integrated design.
10. Fountain.

(f) Design standards.

(1) General restrictions.

- a. Except as noted elsewhere in this section, the yard, setback, lot size, type and size of dwelling unit, frontage requirements, and impervious surface regulations and restrictions are generally waived for the mixed use PUD, provided that the spirit and intent of this section, as defined in Subsection **86-440(a)** above, are incorporated with the total development plan. The Planning Commission may recommend and the Township Board shall establish all requirements by means of the approval of the planned unit development.
- b. Maximum height in a mixed use PUD shall be no higher than 45 feet. Exceptions provided in § **86-591** shall apply.
- c. Except as stated above, all requirements regarding floodways, floodplains and wetlands in the conservancy district shall apply to the mixed use PUD.
- d. Metal and portable buildings shall be prohibited.
- e. Residential uses shall be located as far as possible from railroad tracks.

(2) Structure.

- a. Building materials generally. Materials should include, but are not limited to, wood, brick, clapboards, beadboard, glass, and stone. Other materials, such as vinyl, aluminum, and other metal sidings should be avoided. All buildings shall be completed on all sides with acceptable finishing materials. Any element not specifically mentioned in this section shall otherwise conform to other provisions of the Code of Ordinances.
- b. Architectural design. Diversity and variety in architecture is encouraged.
  1. Architectural design shall be consistent with pedestrian-oriented development.
  2. Property owners shall be encouraged to design and construct their building facades so that these improvements relate to and are sensitive to nearby historical features, blend with the facades of adjacent buildings and complement streetscape improvements in the area. Buildings greater than 50 feet in width shall be divided into increments of no more than 50 feet through articulation of the facade.
  3. Windows shall cover no less than 50% of nonresidential street level facades.
  4. All mechanical, heating, ventilation, and air conditioning (HVAC) and like systems shall be screened from street level view on all sides by an opaque structure or landscape material selected to complement the building.
  5. Railings, benches, trash receptacles and/or bicycle racks, if provided, shall be of commercial quality, and complement the building design and style, subject to the approval of the Director of Community Planning and Development.

(3) Parking.

- a. Setbacks for parking areas from the public street, adjoining properties, and when adjacent to residentially zoned properties shall be established during the review process. Consideration should be given to preservation of existing residential neighborhoods and heritage trees.
  - b. The number of required off-street parking spaces shall comply with § **86-755** of the Code of Ordinances, which outlines the schedule of requirements for parking spaces. The Township Board may reduce the number of off-street parking spaces required for a development. The Township Board shall establish a reasonable number of required off-street parking spaces based on the characteristics associated with the property and availability of other sources of parking or the provision of amenities in lieu of parking.
  - c. Parking lots are encouraged to be on the side or in the rear of a building.
  - d. Bicycle parking shall be separated from automobile parking in visible locations.
- (4) Landscaping shall generally comply with the provisions of the Code of Ordinances. Landscaping should be designed to preserve existing significant natural features and to buffer service areas, parking, or dumpsters; a mix of evergreen and deciduous plants and trees are preferred with seasonal accent plantings to add to the visual appeal of the area. Native plant species are encouraged and a horticultural maintenance plan shall be required. Landscaping shall also comply with other applicable provisions of this section. Maintenance of landscaped areas shall be subject to Subsection **86-758(3)** of the Code of Ordinances. Additional landscaping may be required in order to preserve and/or protect adjacent properties.
- (5) Lighting. All outdoor lighting associated with nonresidential and multiple family residential projects in a mixed use overlay area shall conform to Article **VII** in Chapter **38** of the Code of Ordinances and is subject to the approval of the Director of Community Planning and Development. Street lighting intended to provide illumination for pedestrians on the sidewalk shall not exceed 15 feet in height.
- (6) Signs. Each applicant shall submit a sign program illustrating each proposed sign type, its size and location as part of the project's application materials. The size, number and location of signs shall be submitted at the same time as the mixed use PUD project. The Director of Community Planning and Development may be authorized to approve the entire sign program, or any part of the sign program, as part of the site plan review process.
- a. General guidelines.
    1. Signs designed to enhance the pedestrian experience, reflect and complement the character of the building, and respect the overall character of the area in an attractive and functional manner are preferred.
    2. Signs shall not cover or obscure architectural features of buildings but should be located in logical signable areas which relate to the pattern of the facade.
    3. Signs shall be properly maintained.
    4. Signs or sign faces shall not be changed or installed without a new building permit and in accordance with an approved sign program.
  - b. The following sign types are permitted in the mixed use PUD district. Except as indicated below, the number and size of signs shall be approved as part of the project's application for the mixed use PUD approval.
    1. Wall signs, defined as a sign mounted flat against, or painted on the wall of a building (not a window sign) with the exposed face of the sign in the plane parallel to the face of the wall.

- i. Only one primary wall sign for each business with direct access to a public street shall be permitted.
    - ii. Identification signs are a type of wall sign that fit within an imaginary two square foot rectangle. One identification sign shall be permitted for the business name and/or logo and shall be located on the wall surface adjacent to a tenant's main entry. Restaurants may add an additional two square feet to the rectangle for a menu.
    - iii. Tenant directory signs are a type of wall sign used to identify businesses without direct frontage on a public street. The sign shall be located adjacent to the main entrance to the nonfrontage suites and shall not exceed six feet in height.
  2. Canopy or awning signs, defined as a sign incorporated into a canopy or awning. The sign and/or logo on a canopy or awning shall not exceed 30% of the canopy nor shall it be internally lit.
  3. Projecting signs, defined as a sign attached to and projecting perpendicularly from a building wall, excluding canopy or awning signs. One projecting sign per business with direct access to a public street shall be permitted. Projecting signs shall fit within an imaginary six square foot rectangle except projecting signs located under a canopy or first floor eaves or overhang shall fit within an imaginary rectangle with a maximum area of four square feet. The lowest edge of a projecting sign shall be no lower than eight feet above the sidewalk elevation.
  4. Window signs, defined as a sign affixed to the interior or exterior of a window or placed behind a window pane so as to attract attention of persons outside the building. Window signs shall not exceed 40% of the window area, except opaque signs shall be limited to 10% of the window area. Etched glass and similar artistic designs shall not be considered opaque.
  5. Freestanding signs, defined as any sign supported wholly or in part by some structure other than the building housing the business to which the sign pertains, are generally not permitted in the mixed use PUD district. Exceptions for freestanding signs of the monument type may be permitted when a building is set back a minimum of 15 feet from the right-of-way line with the resulting yard set aside for permanent public open space. In such case, the size, location and design of the sign shall be reviewed and approved as part of the overall sign program.
- (7) Sidewalks. Sidewalks shall be a minimum of five feet in width, except in two specific scenarios:
- a. When the sidewalk(s) is immediately adjacent to an outdoor seating cafe, the sidewalk shall be a minimum of seven feet in width to provide additional maneuverability, and
  - b. When the sidewalk(s) is immediately adjacent to an off-street parking area, where vehicles may overhang on the sidewalk, the sidewalk shall be a minimum of seven feet in width to provide additional maneuverability.
- (8) Pedestrian/bicycle pathways. Where a site submitted for mixed use PUD approval is located on a route of the Township's pedestrian/bicycle pathway master plan, construction or reconstruction of the route shall conform to Township standards for pedestrian/bicycle pathways.
- (9) Noise levels. No noise exceeding 70 dB(A) shall be emitted, as measured from a property line.
- (g) Procedure.

- (1) Each applicant shall confer with the Department of Community Planning and Development regarding the preparation of the mixed use PUD application. The general proposal in the form of a conceptualized site plan shall be reviewed by the Director of Community Planning and Development in a preapplication conference prior to submission of the mixed use PUD application. The Director of Community Planning and Development shall furnish the applicant with requirements to the components of the mixed use PUD application. It is not required that any person requesting a preapplication conference be an owner of or holder of an equitable interest in the subject property.
- (2) An applicant is urged to meet with owners and occupants of surrounding properties to apprise them of a proposed development, share the physical design, receive comments, and revise the proposal accordingly prior to submitting an official application. The Township will assist by providing property owner and occupant contact information.
- (3) Concept plan (optional). A property owner, prospective applicant or their representative may submit a concept plan for review and comment by the Planning Commission and Township Board.
  - a. Purpose.
    1. To acquaint the Planning Commission and Township Board with the proposed project.
    2. To provide guidance regarding the proposed design's compatibility with the purpose, intent and standards of the mixed use PUD ordinance.
    3. To reduce the applicant's time and cost.
  - b. Submittal requirements.
    1. A written request to initiate a concept plan review submitted to the Director of Community Planning and Development.
    2. A written summary of the project (amount and type of uses, basis for the design concept).
    3. A concept plan drawn to scale containing the following information:
      - i. Boundaries and acreage of the site.
      - ii. Zoning.
      - iii. Adjacent road network.
      - iv. General layout of buildings, interior access roads and unique design elements.
      - v. General location of known features affecting the site layout such as, but not limited to, floodplain, wetlands, woodlands, railroads, drains, rivers or rivers and streams, parkland, etc.
  - c. Review procedure.
    1. Upon receipt of a written request and other required data and information, the Director of Community Planning and Development shall review the concept plan.
    2. Within 30 days of the date of receiving a complete request the director shall forward to the Planning Commission and Township Board the concept plan and accompanying data along with any written comments from the director. The Planning Commission and Township Board shall concurrently review the concept plan and

may offer comments or suggestions on the design. Comments or suggestions made during the review of the concept plan shall not be binding on the Township or the applicant.

- (4) Required data and information for a mixed use PUD.
  - a. A complete application accompanied by the appropriate fee.
  - b. A map drawn to an engineer's scale of the total property involved, showing its location in the Township and its relation to adjacent property.
  - c. A site analysis indicating principal factors which influenced the design, including building elevations and/or architectural documents and plans.
  - d. A schematic layout of the proposed storm sewer system.
  - e. A document generally describing the proposed phasing program for the mixed use PUD of all dwelling units, nondwelling units, recreation and other facilities, and open space improvements.
  - f. A reproducible two-foot contour topographic map (i.e., sepia, mylar, etc.) drawn at the same scale as the site plan and showing the existing relief features on the site.
  - g. A sign program.
  - h. Natural features study for previously undeveloped properties.
  - i. Traffic study where the project will exceed 100 vehicle trips during the peak hour of the adjacent roadway.
  - j. Building elevations drawn to scale (in color).
  - k. The developer shall provide the Township with copies of comments from other reviewing agencies, such as:
    1. The Ingham County Road Commission.
    2. The Ingham County Drain Commissioner.
    3. Michigan Department of Transportation (if applicable).
    4. Michigan Department of Environmental Quality (if applicable).
    5. Township Environmental Commission (if applicable).
    6. Township Engineering Department.
    7. Township Fire Department.
    8. The appropriate School Board (if applicable).
  - l. The developer shall provide proof of property ownership, or a letter from the owner authorizing the request and proof of property ownership from the author of the letter.
- (5) Hearing. Upon submittal of a complete application, the Planning Commission shall hold a public hearing.
  - a. Notice of public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.

- (6) Planning Commission decision. Following the public hearing, the Planning Commission will make a decision on whether to recommend approval of the request, recommend approval with conditions of the request, or recommend denial of the request, to the Township Board. The Planning Commission shall recommend approval, modification, or denial, to the Township Board, within 60 days of the date the planned unit development was placed on the commission's agenda and shall within said 60 days, report its action to the Township Board. The sixty-day period may be extended if the applicant consents.
  - (7) Township Board decision. After receiving a recommendation from the Planning Commission, the Township Board shall conduct a public hearing which shall be preceded by notice as specified in the preceding subsection (e)(3). Following the public hearing, the Township Board shall make a determination to approve, modify, or deny the request. The Township Board shall approve, modify or deny the planned unit development within 30 days of the date the planned unit development was placed on the board's agenda. The thirty-day period may be extended if the applicant consents.
  - (8) Site plan review. Upon approval by the Township Board of the mixed use PUD, the developer shall submit a complete application to the Department of Community Planning and Development for site plan review, as outlined in the Code of Ordinances. The site plan review process shall be subject to the standards outlined in Chapter **86** of the Code of Ordinances.
  - (9) Any condition imposed upon a mixed use PUD shall be part of the record and remain unchanged, unaltered, and not expanded upon, except with the mutual consent of the Township and the landowner. The Township shall maintain a record of conditions which are changed.
- (h) Effect of issuance.
- (1) Effective date. The effective date of an approved mixed use PUD shall be the date of the Township Board decision.
  - (2) When a mixed use PUD becomes void. If construction related to the mixed use PUD has not commenced within four years after the effective date, approval shall be void, except one two-year extension may be considered if a written request is submitted to the Department of Community Planning and Development prior to the expiration date.
  - (3) Extension of a phased mixed use PUD. Once the first phase of a multiphased mixed use PUD is under construction, the Township Board may grant a two-year extension for future phases if a written request is submitted to the Department of Community Planning and Development prior to the current expiration date. Provided construction progresses on subsequent phases, the Township Board may grant additional two-year extensions if a written request is submitted to the Department of Community Planning and Development prior to the most recent expiration date.
- (i) Amendments.
- (1) Generally. The property owner may apply for an amendment in writing to the Director of Community Planning and Development. The director shall make a determination as to whether a proposed amendment constitutes a major or minor amendment to the original planned unit development.
  - (2) Major amendments. A major amendment shall have a significant impact on the mixed use PUD and the conditions of its approval, which shall include, but not be limited to:
    - a. Building additions located outside a building envelope as shown on the approved mixed use PUD site plan.
    - b. Building additions that reduce any setback shown on the approved mixed use PUD site plan.

- c. Building additions in excess of 2,000 square feet for buildings under 20,000 square feet in gross floor area or 10% of an existing building over 20,000 square feet in gross floor area.
  - d. Expansion of a use that results in an additional 100 or more vehicle trip ends during the peak hours.
  - e. Addition of land to the mixed use PUD equal to or more than 20,000 square feet for existing sites less than 40,000 square feet in area or two times the original site size for sites over 40,000 square feet.
  - f. Expansion of a use that anticipates a 10% or greater increase in required off-street parking.
  - g. Any addition to a legal nonconforming site.
- (3) Minor amendments. All amendments not deemed to be major amendments by the Director of Community Planning and Development shall be considered a minor amendment.
- (4) Process to amend a mixed use PUD.
- a. Major amendments shall follow the same procedure set forth in this section for new applications, including, but not limited to, submitting an application and fee.
  - b. Minor amendments. The Director of Community Planning and Development shall initiate the following review process:
    - 1. Application. An application for an amendment to a mixed use PUD shall be submitted to the Director of Community Planning and Development.
    - 2. Fee. A fee shall be paid at the time of filing the application in the amount established in the schedule of fees adopted by the Township Board.
    - 3. Hearing. Upon submittal of a complete application, the Director of Community Planning and Development shall hold a public hearing.
      - i. Notice of the public hearing. Notices shall comply with the provisions outlined in Subsection **86-65(b)** of the Code of Ordinances.
      - ii. Director of Community Planning and Development decision. Following the public hearing and after adequate review and study of the application, the Director of Community Planning and Development shall make a decision to approve, approve with conditions or deny the minor amendment request within 60 days of the public hearing date. The sixty-day period may be extended if the applicant consents.
    - 4. Site plan review. Upon approval of a minor amendment by the Director of Community Planning and Development, the applicant shall submit a complete site plan review application to the Department of Community Planning and Development, as outlined in Chapter **86** of the Code of Ordinances.
    - 5. Any condition imposed upon a minor amendment to a mixed use PUD by the Director of Community Planning and Development shall remain unchanged, unaltered, and not expanded upon, unless the change is reviewed and authorized by the Director of Community Planning and Development.
  - c. Appeal. An aggrieved person may appeal the decision of the Director of Community Planning and Development to the Township Board in accordance with § **86-188**.

- (j) Enforcement. The provisions of this article shall be enforced in the manner provided elsewhere in this Code of Ordinances. Any development that is not otherwise in conformance with these regulations shall not be approved.

**MICHIGAN ZONING ENABLING ACT (EXCERPT)**  
**Act 110 of 2006**

**125.3503 Planned unit development.**

Sec. 503. (1) As used in this section, "planned unit development" includes such terms as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(2) The legislative body may establish planned unit development requirements in a zoning ordinance that permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of this state. The review and approval of planned unit developments shall be by the zoning commission, an individual charged with administration of the zoning ordinance, or the legislative body, as specified in the zoning ordinance.

(3) Within a land development project designated as a planned unit development, regulations relating to the use of land, including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density, shall be determined in accordance with the planned unit development regulations specified in the zoning ordinance. The planned unit development regulations need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions are followed in making regulatory decisions. Unless explicitly prohibited by the planned unit development regulations, if requested by the landowner, a local unit of government may approve a planned unit development with open space that is not contiguous with the rest of the planned unit development.

(4) The planned unit development regulations established by the local unit of government shall specify all of the following:

(a) The body or official responsible for the review and approval of planned unit development requests.

(b) The conditions that create planned unit development eligibility, the participants in the review process, and the requirements and standards upon which applicants will be reviewed and approval granted.

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

(5) Following receipt of a request to approve a planned unit development, the body or official responsible for the review and approval shall hold at least 1 public hearing on the request. A zoning ordinance may provide for preapplication conferences before submission of a planned unit development request and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required under section 103.

(6) Within a reasonable time following the public hearing, the body or official responsible for approving planned unit developments shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The body or official shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(7) If amendment of a zoning ordinance is required by the planned unit development regulations of a zoning ordinance, the requirements of this act for amendment of a zoning ordinance shall be followed, except that the hearing and notice required by this section shall fulfill the public hearing and notice requirements of section 306.

(8) If the planned unit development regulations of a zoning ordinance do not require amendment of the zoning ordinance to authorize a planned unit development, the body or official responsible for review and approval shall approve, approve with conditions, or deny a request.

(9) Final approval may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

(10) In establishing planned unit development requirements, a local unit of government may incorporate by reference other ordinances or statutes which regulate land development. The planned unit development regulations contained in zoning ordinances shall encourage complementary relationships between zoning regulations and other regulations affecting the development of land.

**History:** 2006, Act 110, Eff. July 1, 2006.