

SUBSTITUTE FOR
HOUSE BILL NO. 4666

A bill to amend 1921 PA 207, entitled
"City and village zoning act,"
by amending section 4b (MCL 125.584b).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4b. (1) As used in this section, "planned unit
2 development" includes cluster zoning, planned development,
3 community unit plan, planned residential development, and other
4 terminology denoting zoning requirements designed to accomplish
5 the objectives of the zoning ordinance through a land development
6 project review process based on the application of site planning
7 criteria to achieve integration of the proposed land development
8 project with the characteristics of the project area.
- 9 (2) A city or village may establish **in a zoning ordinance**
10 planned unit development requirements ~~in a zoning ordinance~~
11 which permit flexibility in the regulation of land development;

1 encourage innovation in land use and variety in design, layout,
2 and type of structures constructed; achieve economy and
3 efficiency in the use of land, natural resources, energy, and the
4 providing of public services and utilities; encourage useful open
5 space; and provide better housing, employment, and shopping
6 opportunities particularly suited to the needs of the residents
7 of the state. The review and approval of planned unit
8 developments shall be by the commission appointed to formulate
9 and subsequently administer the zoning ordinance, an official
10 charged with administration of the ordinance, or the legislative
11 body.

12 (3) Within a land development project designated as a planned
13 unit development, regulations relating to the use of land,
14 including but not limited to permitted uses, lot sizes, setbacks,
15 height limits, required facilities, buffers, open space areas **[and how
they are to be preserved]**,
16 and land use density shall be determined in accord with the
17 planned unit development regulations specified in the zoning
18 ordinance. The planned unit development regulations need not be
19 uniform with regard to each type of land use if equitable
20 procedures recognizing due process principles and avoiding
21 arbitrary decisions are followed in making regulatory decisions.
22 **Unless explicitly prohibited by the planned unit development**
23 **regulations, if requested by the landowner, a city or village may**
24 **approve a planned unit development with open space that is not**
25 **contiguous with the rest of the planned unit development.**
26 (4) The planned unit development regulations established by a
27 city or village 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 the review and approval of planned unit developments shall hold
12 at least 1 public hearing on the request. ~~—An—~~ **A zoning**
13 ordinance may provide for preapplication conferences before
14 submission of a planned unit development request, and the
15 submission of preliminary site plans before the public hearing.
16 Notification of the public hearing shall be given in the same
17 manner as required by section 4a(3) for public hearings on
18 special land uses. Within a reasonable time following the public
19 hearings, the body or official responsible for approving planned
20 unit developments shall meet for final consideration of the
21 request, and shall deny, approve, or approve with conditions, the
22 request. It shall prepare a report stating its conclusions on
23 the request for a planned unit development, the basis for its
24 decision, the decision, and any conditions relating to an
25 affirmative decision. If the ordinance requires that the
26 legislative body amend the ordinance to act on the planned unit
27 development request, and if the hearing was not held by the

1 legislative body, the report, a summary of comments received at
2 the public hearing, minutes of all proceedings, and all documents
3 related to the planned unit development request, shall be
4 transmitted to the legislative body for consideration in making a
5 final decision. If an amendment of a zoning ordinance is
6 required by the planned unit development regulations of a city or
7 village zoning ordinance, the ordinance amendment procedures of
8 this act shall be followed, except that the hearing required by
9 this subsection shall be regarded as fulfilling the public
10 hearing requirement of section 4.

11 (6) If the planned unit development regulations of a city or
12 village zoning ordinance do not require amendment of the
13 ordinance to authorize a planned unit development, the body or
14 official charged in the zoning ordinance with review and approval
15 of planned unit developments may give final approval, approval
16 with conditions, or denial to a request.

17 (7) Final approvals may be granted on each phase of a
18 multi-phased 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 regulations, a
23 city or village ~~—, when available and applicable,—~~ may
24 incorporate by reference other **applicable** ordinances or statutes
25 which regulate land development. The planned unit development
26 regulations contained in ~~a zoning ordinance— ordinance~~ **ordinance** shall
27 encourage complimentary relationships between zoning regulations

1 and other regulations affecting the development of land.