

Article 15

COMMERCIAL – PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT

Section 15.01: PURPOSE

It is the purpose of this district to establish provisions for the submission, review and approval of applications for specific development proposals, of a predominantly commercial character, that rely on more flexible land use and development standards than would normally be permitted by the typical standards of the C-1 General Commercial District. Such developments shall be authorized as “commercial planned unit developments” pursuant to Section 503 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. It is the purpose of this district that such PUD development be established only where it is determined that approval supports the objectives of this Ordinance and results in a benefit to the community that would not otherwise be able to be realized under traditional C-1 District provisions. Such benefit may address innovation in land use and variety in design, layout, and type of structures constructed; economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; useful open space; and provide better housing, employment, and shopping opportunities. This district and its provisions is not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use and development substantially consistent with the planned development pattern for the Township, with modifications and departures from generally applicable Ordinance requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision making.

Section 15.02: OVERLAY DISTRICT

The C-PUD District is established as an overlay district. The District exists as an overlay on top of all C-1 General Commercial Districts. Land located within a C-1 District may be developed according to the more traditional provisions of the C-1 District, or according to the more flexible overlay provisions of this Article. A rezoning for a commercial planned unit development is not necessary as it is already available within all C-1 Districts by the C-PUD Overlay District.

Section 15.03: PROCEDURES

- A. Application for a C-PUD shall not be considered an application for rezoning or a special land use. However, the process for application, review, and action on a C-PUD application shall follow the same procedures and requirements for special land uses under Section 7.02 except as provided below:
1. **Preparation of Report:** The Planning Commission shall approve, approve with conditions, or deny a C-PUD application. The Planning Commission shall prepare a report stating its findings and conclusions regarding the request, the basis for its decision and any conditions relating to an affirmative decision.
 2. **Recording of Approval Action:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved C-PUD plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
 3. **Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the C-PUD.
 4. **Preapplication Conference and Conceptual Plan:** Prior to the submission of a preliminary application for C-PUD approval, the applicant may request and the Planning Commission Chairperson may agree to meet together with such consultants as either the Township or the applicant deem appropriate. The Chairperson of the Planning Commission shall invite officials from other departments of the Township, or agencies serving the Township in the review process. The purpose of the meeting is to inform township officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant shall present a general sketch plan of the proposed C-PUD development which provides an overview of the proposed project.

Section 15.04: MINIMUM ELIGIBILITY CRITERIA

- A. The following minimum eligibility criteria shall be met in order for C-PUD approval:
1. **Recognizable and Substantial Benefit:** The PUD shall result in a recognizable benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the traditional regulations of the C-1 District.

2. **Availability and Capacity of Public Services:** The proposed type and intensity of use shall not result in an unreasonable burden on public services, facilities, and utilities.
3. **Compatibility with the General Development Plan:** The proposed development shall be in accordance with the goals and policies of the Dexter Township General Development Plan.
4. **Compatibility with the C-PUD Intent:** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 15.01 of this Article.
5. **Economic Impact:** The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
6. **Unified Control of Property:** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the C-PUD approval. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Zoning Administrator.

Section 15.05: PERMITTED USES

In addition to residential dwellings of any type, including apartments and townhouses, any land use authorized in this Ordinance is permitted in a C-PUD as a principal or accessory use provided that a C-PUD shall be predominantly commercial in character, public health, safety, and welfare are not impaired, and the essential character of the proposed C-PUD meets the intent of Section 15.01 and the General Development Plan. In the case where commercial development is proposed in association with other uses, the Planning Commission shall determine predominance of use after taking into account the following criteria: the amount of traffic generated by the non-commercial use; operational hours of the non-commercial use; proportional land area allocated to the non-commercial use; and building area allocated to the non-commercial use. Such flexibility in uses may be permitted only if the proposed C-PUD shall result in an advantageous or preferred development than would be possible without the modifications. The flexibility in uses authorized by the C-PUD Overlay District shall not be interpreted to support a C-PUD plan whose dominant character is contrary to the primary purpose of the C-1 District of providing for retail, service, and office establishments that primarily serve the day-to-day convenience and service needs of Dexter Township residents and visitors.

Section 15.06: DESIGN STANDARDS

Departures from the traditional design standards of the C-1 District may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications of standards pertaining to setbacks, building height, lot coverage, number of parking spaces, and parking space dimensions. All proposed modifications shall be specified in the C-PUD application materials. The waiving of development standards may be authorized only upon a finding by the Planning Commission that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought. Except where a departure is granted, mixed uses shall comply with the regulations applicable for each individual use, including those standards contained in Article 16, Standards for Special Land Uses. Modifications to design standards may be permitted only if the proposed C-PUD shall result in an advantageous or preferred development than would be possible without the modifications. The flexibility in design authorized by the C-PUD Overlay District shall not be interpreted to support a C-PUD plan whose dominant character is contrary to the primary purpose of the C-1 District of accommodating development in a manner that supports the community's rural character through such features as architectural design and building scale, building materials, signage, landscaping, buffering, and lighting.

Section 15.07: SCHEDULED PHASING

- A. **Scheduled Phasing:** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the development and properties in the surrounding area.
- B. **Timing of Phases:** Each phase of the project shall be commenced in accordance with the standards of Section 6.04(H).
- C. **Mixed Uses:** In developments that include mixed components, the Planning commission may require that a specified portion of the proposed commercial component be constructed prior to the initiation of construction of the non-commercial components, to ensure the intent and spirit of the C-PUD Overlay District. For example, that consists of both residential and commercial components, the Planning Commission may require that a certain portion of the commercial component be constructed prior to the initiation of construction of the residential component.

Section 15.08: APPEALS

An appeal on a C-PUD application decision may be taken to the Zoning Board of Appeals.

End of Article 15