

## ARTICLE XX

### COMMERCIAL PLANNED UNIT DEVELOPMENTS

#### § X.05 - INTENT & PURPOSE

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The intent and purpose of this Article is to:

- (A) Encourage innovative land use and design of sites and structures;
- (B) Encourage greater economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities;
- (C) Encourage better housing, employment, and commercial opportunities that are appropriately suited to the needs of Township residents;
- (D) Provide flexibility from the standards of this Ordinance in order to encourage higher-quality design that provides a greater benefit to the users and the community;
- (E) Allow for commercial planned unit developments, as provided in MCL 125.3503 (Public Act 110 of 2006); and
- (F) Establish the standards and the review process for commercial planned unit developments in order to ensure due process and equal treatment.

#### § X.10 - AUTHORITY

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- (A) **Planned Unit Development:** Authority to approve, approve with conditions, or deny a commercial planned unit development shall be with the Planning Commission.
- (B) **Development Agreement:** Authority to approve, approve with conditions, or deny a development agreement shall be with the Township Board.
- (C) **Amendments:** Authority to approve, approve with conditions, or deny an amendment of an approved commercial planned unit development shall be with the Planning Commission.
- (D) **Modifications:** Authority to approve, approve with conditions, or deny a modification of an approved commercial planned unit development shall be with the Director of Planning and Zoning.
- (E) **Appeal of Decision:** The Zoning Board of Appeals shall not have authority to hear an appeal of a commercial planned unit development decision made by the Planning Commission or Township Board.
- (F) **Variances:** The Zoning Board of Appeals shall have the authority to grant variances from the developmental standards of an approved commercial planned unit development and this Ordinance for individual lots within the commercial planned unit development.

## § x.15 - QUALIFYING CONDITIONS

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Property may be developed as a commercial planned unit development if all of the conditions below are met:

- (A) **Zoning District:** The property shall be located within a Commercial Planned Unit Development (CPUD) Overlay District;
- (B) **Unified Control:** The applicant shall have ownership and/or control of all of the area for the proposed commercial planned unit development;
- (C) **Contiguous:** All land included in a commercial planned unit development shall be contiguous;
- (D) **Benefits:** The commercial planned unit development shall provide at least two (2) of the recognizable and substantial benefits not possible using the standards of the underlying zoning district or this Ordinance:
  - (1) **Feature Preservation:** Preservation of significant natural or historic features;
  - (2) **Mixed Use:** Providing a complementary mix of uses;
  - (3) **Mitigation:** Providing additional mitigation that minimizes negative impacts of the development;
  - (4) **Redevelopment:** Redevelopment of a legally nonconforming lot or site where creative design addresses unique site limitations.

## § x.20 - GENERAL PROVISIONS

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Commercial planned unit developments shall meet the general provisions outlined below.

- (A) **Overlay District:** The Commercial Planned Unit Development (CPUD) Overlay District shall be an overlay district in the Commercial (C) District.
- (B) **Development Options:** Land within a Commercial Planned Unit Development (CPUD) Overlay District may be developed according to the standards of the underlying zoning district and this Ordinance or as a commercial planned unit development, as outlined in this Article.
- (C) **Site Plan:** Commercial planned unit developments shall also have a site plan.
- (D) **Commercial Nature:** Commercial planned unit developments shall have a primarily commercial nature.

## § x.25 - PERMITTED USES

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Commercial planned unit developments may have the uses listed below.

- (A) **Permitted Uses:** All of the permitted uses in the underlying zoning district, and associated accessory uses, shall be permitted.
- (B) **Special Land Uses:** All of the special land uses in the underlying zoning district, and associated accessory uses, shall be permitted. Any special land uses to be a part of the commercial planned unit development must be listed on the site plan.
- (C) **Residential Uses:** Residential shall be permitted in a planned unit development.

## § X.30 - DESIGN STANDARDS

Commercial planned unit developments shall meet the design standards outlined below.

- (A) **Cohesive Design:** The planned unit development shall be designed as a cohesive whole.
- (B) **Utilities:** All utilities within a commercial planned unit development shall be installed underground.
- (C) **Access:** All lots, uses, and buildings within a commercial planned unit development shall have access from an internal circulation system and shall not have individual driveways from public streets.
- (D) **Circulation:** Commercial planned unit developments shall provide internal circulation for vehicular and nonmotorized movement as outlined below.
- (1) **Internal Access:** The vehicular and nonmotorized circulation system shall provide access to all lots, uses, and buildings within a commercial planned unit development without having to exit the commercial planned unit development.
  - (2) **Connections:** The vehicular and nonmotorized circulation system shall connect with existing adjacent developments and nonmotorized systems or shall be designed to provide connections to future adjacent developments and planned street and nonmotorized improvements.
  - (3) **Shared Access:** Shared access of the circulation system for all lots of a commercial planned unit development and for existing or future adjacent developments shall be provided in a document to be approved by the Township and recorded with the Register of Deeds, with a copy provided to the Township.
- (E) **Building Design:** Buildings within a commercial planned unit development that are used for nonresidential uses shall meet the design standards outlined below.
- (1) **Façade Direction:** The building shall have a prominent façade facing each adjacent public street.
  - (2) **Façade Variation:** Façades facing public streets and off-street parking that are longer than forty (40) feet shall have setbacks and make use of architectural accents to reduce the impact of a long façade.
  - (3) **Materials:** The primary material used on façades that are visible from public streets and off-street parking shall be brick or stone.
  - (4) **Glazing:** At least twenty (20) percent of the façade area used for nonresidential uses that faces public streets or off-street parking shall be clear glazing.
- (F) **Signs:** The design and materials of signs in a planned unit development shall be consistent with the design and materials of the buildings.
- (G) **Parking Lot:** Both site design and landscaping shall be used to minimize the prominence of off-street parking from public streets.

## § X.35 - PHASING

Commercial planned unit developments may be developed in multiple phases, as outlined below.

- (A) **Function:** Phasing shall be designed to allow each phase to stand alone and function on its own, without requiring improvements from future phases, including, but not limited to, services, utilities, and circulation, in order to be a coherent development.

- (B) **Protection:** Phasing shall ensure protection of natural resources and the health, safety, and welfare of users of the commercial planned unit development, surrounding properties and residents, and the Township.
- (C) **Mix of Uses:** For commercial planned unit developments that include a mix of uses, each phase shall include an appropriate mix of the proposed uses to ensure the intent and purpose of the commercial planned unit development is upheld. Construction of commercial elements shall commence at the same time or before construction of noncommercial elements.
- (D) **Phase Delineation:** The commercial planned unit development plan and/or preliminary site plan shall clearly show the boundaries of the phases.
- (E) **Final Site Plans:** Each phase of a multiple phase commercial planned unit development shall have its own final site plan.
- (F) **Diligently Pursued: DEADLINES.**

#### § X.40 - MODIFICATION OF STANDARDS

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The Planning Commission may modify specific standards of this Ordinance, excluding this Article, as part of commercial planned unit development review, as outlined below.

- (A) **Conflict:** If another section of this Ordinance provides a process for modification or administrative adjustment of standards of this Ordinance, that section shall be controlling.
- (B) **General Decision Criteria:** The standards of this Ordinance, including, but not limited to, setbacks, height, lot coverage, lot area, impervious coverage, or lot width, may be modified if the Planning Commission makes a written finding that all of the following are true:
- (1) **Recognizable & Substantial Benefit:** The commercial planned unit development shall result in recognizable and substantial benefit to the ultimate users of the planned unit development and the Township;
  - (2) **Higher-Quality Development:** The commercial planned unit development shall result in a higher-quality development than that permitted by the underlying zoning district or other standards of this Ordinance;
  - (3) **Modification Necessary:** The recognizable and substantial benefit and higher-quality development could not be achieved without the modification; and
  - (4) **Mitigation:** The design of the commercial planned unit development shall ensure that the intent of the standards that are being amended is still being observed.
- (C) **Specific Decision Criteria:** In order to grant a modification of the following standards, the Planning Commission shall make a written finding that the specific applicable criteria below are true, in addition to the general decision criteria above.
- (1) **Height: HERE.**
  - (2) **Parking: HERE.**
- (D) **Documentation:** The commercial planned unit development application shall list all of the requested modifications to the standards of this Ordinance, and the approved plan shall list all of the modifications that were approved by the Planning Commission.

(E) **Effect:** Specific standards of this Ordinance that have been modified for a commercial planned unit development shall have the same force and effect as though the modified standards were a part of the Zoning Ordinance. They shall become the standards for the commercial planned unit development and shall only be amended or revoked as outlined in this Article.

## § X.545 - REVIEW PROCESS

Commercial planned unit developments shall be reviewed as described below.

(A) **Application:** The applicant shall submit a complete and accurate commercial planned unit development application form, provided by the Township for that purpose. Submission of an application constitutes a representation that all the information is complete and accurate. An application for a commercial planned unit development shall include all of the following relevant materials:

- (1) **Application Form:** A signed and completed application form;
- (2) **Fee:** A commercial planned unit development application fee, as outlined in the adopted fee schedule;
- (3) **Site Plans:** The applicant shall submit at least one (1) hard copy and a digital copy of the associated site plan, in a format acceptable to the Township, with the application, and shall submit at least fifteen (15) additional hard copies following the review of completeness. If the application is being reviewed at the same time as a site plan, additional copies are not needed for the commercial planned unit development application;
- (4) **Modifications:** A table outlining the standards of this Ordinance for which modifications are being requested; and
- (5) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning in order to determine compliance with this Ordinance and other applicable laws.

(B) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of commercial planned unit development application. (AS OUTLINED IN SECTION XX)

- (1) **Intent:** The intent of the preapplication meeting is to inform Township Officials and other interested parties of the general concept of the proposed development and to provide the applicant with feedback and guidance concerning the application. Statements made in the course of a preapplication meeting shall not be legally-binding on any party nor construed as representing approval or actions the approving authority may make during planned unit development review.
- (2) **Township Attendance:** The Director of Planning and Zoning shall invite the following individuals to attend the preapplication meeting:
  - a. **Township Officials:** Other Township Officials, including, but not limited to: the Planning Commission Chair, the Township Engineer, and the Township Attorney; and
  - b. **Other Agencies:** Officials from other agencies, including, but not limited to: the Washtenaw County Road Commission, the Washtenaw County Environmental Health Department, the Washtenaw County Water Resources Commissioner, the Dexter Area Fire Department, and local schools.

(3) *Applicant Attendance:* The applicant, or an agent, shall attend and shall be responsible for inviting individuals responsible for preparing the commercial planned unit development plan.

(C) *Review of Completeness:* An application for a commercial planned unit development shall be reviewed by the Director of Planning and Zoning for completeness. (AS OUTLINED IN SECTION XX)

(1) *Review Letter:* The Director of Planning and Zoning shall issue a review letter within fourteen (14) days of receiving the application stating whether the application is complete or, if not, what additional materials or information is necessary for it to be considered complete. If the review letter is not issued within the above period, the application shall be placed on the next available Planning Commission agenda. REASONS FOR DENIAL.

(2) *Administratively Complete:* The date on which the Director of Planning and Zoning declares an application complete or the expiration of the fourteen (14) days described above, unless the application has been declared incomplete, shall be considered the date the application is administratively complete.

(D) *Scheduling:* Upon declaration of an administratively complete commercial planned unit development application, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.

(E) *Right to Enter Property:* Submission of a commercial planned unit development application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.

(F) *Transmission of Materials:* The Director of Planning and Zoning or appropriate official or body shall transmit all relevant records and other materials to the Planning Commission.

(G) *Applicant's Responsibilities:* The applicant shall post a public notice sign or signs on the site, clearly visible from each adjacent street and mark the property, at least fifteen (15) days before the public hearing. The public notice sign(s) and marking shall be maintained in good condition until a decision is made.

(H) *Public Hearings:* Commercial planned unit developments shall be reviewed by the Planning Commission at a public hearing. (AS OUTLINED IN SECTION XX)

(1) *Notice of Hearing:* The Township shall give public notice of the commercial planned unit development public hearing as outlined in §xx of this Ordinance and STATE REFERENCE HERE.

(2) *Hearing Appearance:* Any party may appear in person or by duly-authorized agent or attorney at public hearings.

(3) *Hearing Recess:* The Planning Commission may recess public hearings for commercial planned unit developments from time to time with notice conforming to the requirements of the Open Meetings Act.

(J) *Planning Commission Review:* The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone a commercial planned unit development using the standards in this Article.

(1) *Approval:* If the commercial planned unit development is approved, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval and a site plan may be approved. The concurring vote of at least four (4) members of the Planning Commission shall be necessary to approve a commercial planned unit development.

- (2) *Denial:* If the commercial planned unit development is denied, the Planning Commission shall cite its reasons for denial.
  - (3) *Postpone:* If the Planning Commission determines that the commercial planned unit development application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
- (K) Decision Criteria:** The Planning Commission shall approve or approve with conditions a commercial planned unit development upon finding that all of the following are true:
- (1) *Qualifying Conditions:* The commercial planned unit development shall meet all of the qualifying conditions;
  - (2) *Master Plan:* The commercial planned unit development shall be compatible with the Master Plan;
  - (3) *Commercial Planned Unit Development Intent:* The commercial planned unit development shall be consistent with the intent and purpose of commercial planned unit developments;
  - (4) *Recognizable & Substantial Benefit:* The commercial planned unit development shall result in a recognizable and substantial benefit to the ultimate users of the project and the community that would otherwise be unfeasible or unlikely using conventional development;
  - (5) *Public Service Capacity:* The commercial planned unit development shall not place an unreasonable burden on the provision of public services, including, but not limited to, fire protection, police protection, schools, streets, and utilities; and
  - (6) *Economic Impact:* The commercial planned unit development shall not impede the continued use or development of surrounding properties for uses permitted on those properties.
- (L) Conditions of Approval:** The Planning Commission may impose reasonable conditions in granting an approval related to the following:
- (1) *Health, Safety, & Welfare:* Conditions shall be designed to protect the health, safety, and welfare of those who will use the site under consideration, residents and landowners immediately adjacent to the site, and the community as a whole;
  - (2) *Public Services & Facilities:* Conditions shall be designed to ensure that public services and facilities affected by a proposed activity will be capable of accommodating the resulting increased service and facility loads;
  - (3) *Police Power:* Conditions shall be related to the valid exercise of the police power and purposes that are affected by the activity;
  - (4) *Compliance:* Conditions shall be necessary to ensure compliance with the standards and provisions of this Ordinance, other Township Ordinances, or state and federal law.
- (M) Timely Decisions:** The Planning Commission shall render its decision within sixty (60) days of the date the application is administratively complete unless a delay is agreed to by the applicant and the Planning Commission. The decision shall become final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs first.
- (N) Acceptance of Conditions:** Commercial planned unit development approval shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.

- (O) Copies of Commercial Planned Unit Development Plan:** The applicant shall submit four (4) hard copies and a digital copy, in a format acceptable to the Township, of the commercial planned unit development plan. Two hard (2) copies shall be returned to the applicant after they have been stamped and signed. These copies of the commercial planned unit development plan shall not be necessary if the commercial planned unit development receives approval at the same time as it receives a site plan approval.
- (1) Modifications & Conditions:** The plan shall include any modifications and conditions required for approval.
  - (2) Signatures:** The plan shall be stamped and signed by the Planning Commission Chair or Acting Chair and the Director of Planning and Zoning and signed by the applicant.
  - (3) Record:** The plan shall become a part of the record.
- (P) Recording:** The applicant shall record a description of the project with the Register of Deeds, with a copy provided to the Township.
- (1) Township Approval:** The document shall be reviewed and approved by the Township before recording.
  - (2) Information:** The document shall include at least the following information:
    - a. *Legal Description:* A full legal description for the property;
    - b. *Approval Date:* The date of the Township's approval;
    - c. *Conditions:* Conditions of approval;
    - d. *Development Standards:* A list of the specific developmental standards for the planned unit development;
    - e. *Modification of Standards:* A list of modifications of standards; and
    - f. *Declaration:* A declaration that all of the improvements shall be installed as approved.
  - (3) Permits:** The Township shall not issue any permits for the project and work shall not commence until the Township receives a copy of the recorded document.
  - (4) Development Agreement:** The document may be incorporated as part of the development agreement.
- (Q) Expiration:** Commercial planned unit development approval shall be valid for a period of two (2) years from the date of approval.
- (1) Effect:** Commercial planned unit development approvals that have expired shall be resubmitted for review as a new application.
  - (2) Extension Request:** If an application for an extension has been submitted before the expiration date, the commercial planned unit development shall remain valid until the Director of Planning and Zoning makes a decision.
- (R) Extension:** The Director of Planning and Zoning may grant one (1) extension of an approved commercial planned unit development for a period of up to one (1) year, upon finding that all of the following are true:
- (1) Application Date:** The application for an extension was submitted before the expiration date;
  - (2) Applicant Effort:** The applicant has made a good-faith effort to complete the development and the delay was not the result of actions or inaction of the applicant;



- (3) *Substantial Changes:* There have been no substantial changes on abutting properties since the original approval that would raise concern of the impact of the approved commercial planned unit development on those properties or the site; and
  - (4) *Current Standards:* The approved commercial planned unit development shall be in compliance with this Ordinance at the time of extension.
- (S) **Modifications & Amendments:** An approved commercial planned unit development may be modified or amended, as outlined below.
- (1) *Modifications:* Modifications shall be limited to the following:
    - a. *Administrative Site Plan:* Reconfigurations that are allowed as part of an administrative site plan;
    - b. *Residential Floor Area:* A change in the residential floor area of twenty (20) percent or less as long as the number of dwelling units and number of required off-street parking spaces does not increase; and
    - c. *Nonresidential Floor Area:* In change in the nonresidential floor area of five (5) percent or less as long the number or required off-street parking spaces does not increase.
  - (2) *Amendments:* Amendments of an approved commercial planned unit development shall be processed as a new application.
  - (3) *Site Plan Amendment:* A preliminary site plan for a commercial planned unit development may be amended as part of final site plan approval if the commercial planned unit development continues to meet all of the standards of this Ordinance and the amendment does not require any additional modifications of the standards of this Ordinance.
- (T) **Rehearing:** A rehearing shall be processed in the same manner as the original application, including a new fee, unless initiated by the Planning Commission or Township Board. A request for a rehearing shall be made within thirty (30) days of the decision becoming final. The only grounds upon which a rehearing of a previously-denied commercial planned unit development shall be granted is if the Planning Commission, upon inspection, finds one (1) or more of the following to be true:
- (1) *New Evidence:* Newly-discovered evidence is available that may affect the original decision;
  - (2) *Inaccurate Evidence:* Evidence previously relied upon is found to be inaccurate that may affect the original decision; or
  - (3) *Procedures:* Proper procedures were not followed.
- (U) **Reapplication:** A commercial planned unit development application that has been denied shall not be resubmitted for a period of one (1) year from the date the decision became final, unless:
- (1) *Changed Conditions:* The Planning Commission, upon inspection, finds proof of changed conditions that contributed to the denial; or
  - (2) *Changes to the Application:* Substantial changes have been made to the commercial planned unit development that addresses the reason(s) for denial.
- (V) **Revocation:** An approved commercial planned unit development may be revoked by the Planning Commission, as outlined below.
- (1) *Notice of Hearing:* The Township shall give public notice for the public hearing, as outlined in §xx of this Ordinance and STATE REFERENCE HERE. The applicant shall receive written notice of the possible revocation by mail, including the time and place the revocation will be considered and the reason(s) for the revocation.

- (2) *Public Hearing:* The revocation shall be heard at a public hearing, as outlined in §XX of this Ordinance.
- (3) *Decision Criteria:* In order to revoke an approved commercial planned unit development, the Planning Commission shall find any one (1) of the following to be true:
- Ordinance Standard:* The execution or use of a zoning permit related to the approval is not consistent with a standard of this Ordinance as it existed at the time of approval;
  - Condition of Approval:* The execution or use of a zoning permit related to the approval is not consistent with any condition of approval;
  - Commitments:* The execution or use of a zoning permit related to the approval is not consistent with any written commitment; or
  - Fraud:* The approval was a result of fraud or misrepresentation of facts.
- (4) *Effect:* Upon revocation of a commercial planned unit development, all activity shall cease immediately, except for work directly related to securing the site or correcting a violation, as approved by the Director of Planning and Zoning.
- (W) *Suspension:* An approved commercial planned unit development may be suspended temporarily and immediately by the Planning Commission as outlined below.
- (1) *Notice:* The applicant shall receive written notice of the possible suspension by mail, including the time and place the suspension will be considered and the reason(s) for the suspension.
- (2) *Public Hearing:* A public hearing shall not be necessary for suspension of an approved commercial planned unit development.
- (3) *Decision Criteria:* In order to suspend an approved commercial planned unit development, the Planning Commission shall find both of the following to be true:
- Threat:* A severe or immediate threat exists to the health, safety, and welfare of neighboring persons or properties; and
  - Delay:* The delay required for a public hearing would be detrimental to efforts to mitigate or respond to the threat.
- (4) *Effect:* Upon suspension of a commercial planned unit development, all activity shall cease immediately, except for work directly related to securing the site or correcting a violation, as approved by the Director of Planning and Zoning.

*End of Article XX.*

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