

**CITY OF DEXTER
PLANNING COMMISSION
REGULAR MEETING
MONDAY, JULY 5, 2016**

I. CALL TO ORDER AND ROLL CALL:

The meeting was called to order at 7:00 PM by Planning Commission Chairman Kowalski at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski
Jack Donaldson -ab
James Smith

Thomas Phillips -ab
Alison Heatley
Scott Stewart

Jim Carty
Marni Schmid
Tom Stoner-arr 7:03

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; Laura Kreps, Carlisle Wortman; and residents.

II. APPROVAL OF THE MINUTES

1. Work Session minutes – June 6, 2016
2. Regular Meeting minutes – June 6, 2016

Motion Smith; support Schmid to approve the minutes of the Work Session of June 6, 2016 with one correction on Page 1, should read *Mr. Hanes addressed the topic of what a city or municipality...*

Unanimous voice vote approval with Commissioners Donaldson, Phillips and Stoner absent.

Motion Smith; support Stewart to approve the minutes of the Regular Meeting of June 6, 2016 with the following correction on Page 4, the motion by Phillips, *including the following* should read *which only includes the following*.

Also during the approval of the minutes was discussion on the motion on Page 4 as to what was Planning Commission's intent regarding the DAFD recommendation regarding fire suppression that would make this recommendation a requirement? Ms. Aniol explained that the applicant for Grandview Commons had requested reconsideration of one of the conditions of approval, specifically the one regarding DAFD's recommendation for a fire alarm system and fire suppression for all buildings. Discussion followed and the Commission determined Mr. Phillips input was necessary because he made the motion. The Commission directed Ms. Aniol to put the discussion on the agenda for the Special Planning Commission meeting on July 19, 2016.

Unanimous voice vote approval with Commissioners Donaldson and Phillips absent.

III. APPROVAL OF THE AGENDA

Motion Schmid; support Stoner to approve the agenda as presented.

Unanimous voice vote approval with Commissioners Donaldson and Phillips absent.

IV. PUBLIC HEARING(S)

A. NONE

V. PRE-ARRANGED PARTICIPATION

None

VI. REPORTS

A. Chairman Report – Matt Kowalski

None

B. Planning Commissioners and Council Ex-Officio Reports

Commissioner Schmid – The Art Selection Committee will meet Thursday, July 7 to review the art selection criteria.

Commissioner Carty – The residents in Huron Farms are disappointed with the road re-surfacing and the quality of the roads from the work that was performed. Discussion followed

Commissioner Smith – A sidewalk requirement on new builds in the City came before Council. This is a property on the corner of Hudson and Forest and is required per general code to install sidewalks even though they would not connect either on Forest or Hudson. I would not support the code requiring sidewalks that do not connect. Discussion followed. Also discussed was a letter from the Manager of Hackney Hardware and the two-hour parking limit in downtown Dexter which doesn't appear to be enforced.

C. Community Development Office Reports – Michelle Aniol

No new verbal updates.

VII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

VIII. OLD BUSINESS

A. Oil and Gas Drilling Operations – Review attorney comments.

Ms. Aniol reviewed the City Attorney's comments and in particular two expressed prohibitions. Discussion included the awareness of the prohibition, but to go forward with the ordinance to include the prohibitions and proceed with the Public Hearing.

IX. NEW BUSINESS

A. Amendments to the Zoning Ordinance – Review and discuss

- 1) Proposed amendments to Article 19, Planned U revisions to Article (PUD) Regulations.

Ms. Kreps discussed the PUD process and how to efficiently streamline the process in order to move the development process along. She asked for feedback and Ms. Aniol shared her thoughts on the process. Discussion followed and it was decided to move forward with Staff's modified process.

- 2) Revision to proposed amendments to Article 4, Non-Conformities and Article 21, Site Plan Review.

Ms. Kreps highlighted areas of modification. The consensus was to move forward with these modified sections.

B. Election of Officers

Motion Carty; support Smith to re-elect the current slate of officers – Matt Kowalski, Chairman; Thomas Phillips, Vice-Chairman; and Marni Schmid, Secretary.

Ayes: Carty, Heatley, Schmid, Stewart, Stoner, Smith and Kowalski.

Nays: None

Absent: Donaldson and Phillips

Motion carries

X. PROPOSED BUSINESS FOR NEXT AGENDA – JULY 5, 2016

- A. Special Meeting, Tuesday, July 19, 2016 at 7:00 PM – Special land use Request for a Group Day Care Home at 7541 Ann Arbor Street**

- B. Clarification of Grandview/DAFD Recommendation**

- C. Regular Meeting, Monday, August 1, 2016 - TBD**

XI. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

XII. ADJOURNMENT

Motion Heatley; support Smith to adjourn at 8:38 PM.

Unanimous voice vote approval with Commissioners Donaldson and Phillips absent.

XIII. COMMUNICATIONS

None

Respectfully submitted,

Carol J. Jones
Interim Clerk, City of Dexter

Approved for Filing: _____



OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

STAFF REPORT

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Date: September 6, 2016

CITY COUNCIL UPDATES

- On July 25, 2016 City Council considered a request for special land use approval of a group child care home at 7541 Ann Arbor Street, based on a recommendation from the Planning Commission. Following a thorough discussion, Council voted unanimously to approve the Special Land Use application for a group day care home at 7541 Ann Arbor Street, pursuant to Section 8.03, Special Land Use review standards, subject to the following conditions:
 1. The alley shall not be used for business purposes, and
 2. The driveway shall not be used for business purposes.
 3. If use is discontinued for one year, then the special land use expires and any new owner has to reapply for a special land use.

The applicant has applied for and obtained zoning compliance for a fence. Staff is working with the applicant on a sign permit.

- On August 8, 2016 City Council considered a revised plan that addressed the conditions of approval recommended by the Planning Commission. Following their discussion, the Council voted unanimously to approve PUD-AP 2016-01 Grandview Commons Amended Area Planned Unit Development (PUD) Petition and Revised Area Plan dated, July 11, 2016, in accordance with the provisions set forth in Article 19, PUD Planning and Development Regulations for Planned Unit Development Districts, in the City of Dexter Zoning Ordinance, and subject to the following conditions:
 1. CWA review dated, July 26, 2016;
 2. Requirements cited in the OHM review dated, July 27, 2016;
 3. Requirements cited in the DAFD review dated, July 21, 2016; and
 4. Administrative review and approval of the Development Agreement, by staff and the City Attorney.

The applicant is expected to submit for final site plan review in September. A copy of the Decision report is attached to this report.

- Council adopted an ordinance to enforce the statutory prohibition on the use and sale of coal tar and other high PAH content sealant products within the City. The penalty for violation of the ordinance is a \$10,000 fine and includes all costs associated with the prosecution, including but not limited to staff and attorney time. A copy of the ordinance is attached for your convenience.
- Council accepted the donation of public art from the Lion's Club. The sculpture, *The Sound of the Wind*, will be located in Lion's Park, between the bench closest to the new playground, the gazebo and the sidewalk.
- Council authorized the purchase of the Dragonfly sculpture in Mill Creek Park.

- Council approved the appointment of Mike Fitzpatrick to the DDA, and Martha Gregg to the Art Selection Committee.

ZBA UPDATES

- The ZBA, in a 3-2 vote, denied a variance request from Section 7.03(1) to allow a 0-foot setback from the Dan Hoey Road right-of-way and property line and a 7-foot setback from the Lexington Road right-of-way and property line. The request was submitted by Dexter Commerce Center Association on behalf of the owners of the property owners. The ZBA determined there was not a practical difficulty or extraordinary circumstances, based on the finding that a ground sign could meet the setback requirements if it was located elsewhere on the property.
- The ZBA will consider two cases on September 19, 2016. The first case calls for a 1.3-foot variance from Section 3.02, sub-section E of the City of Dexter Zoning Ordinance, to allow a detached accessory structure to be 8.7 feet from a principal structure (i.e. the house). The second case, calls for a 2% increase variance from the 30% maximum lot coverage in the R-1B One Family Zoning District.

MISCELLANEOUS UPDATES

- The new owners of the Mill Creek Sports property have submitted written correspondence requesting to be annexed into the City. The request was prompted by the need for public sanitary sewer. They will request relief from the requirement for public water, as the cost to run water to the sight is at least \$250,000. The General Code does allow the Council to consider waiving connection to public water is unique circumstances. The new owners have plans to redevelop the site for commercial recreation uses, including a launch for canoes, kayaks and tubes, and potentially paddle boards.
- The City hired a couple of new interns. The first is Zach Burgess. He will be helping out in the office. Zack is working on his Masters of Public Administration from Wayne State. The second and third interns are working as a team to develop a plan for First Street Park. They are Sarah Pizzo and Yuchen Ding. Both are graduate students at UM.
- The new business at 8060 Main Street is called "3bird". It opened for business just in time for Dexter Daze.
- The lawn has been mowed at 7711 Fourth Street. It will continue to be maintained by the city for the remainder of the season. Invoices will be sent to the property owner of record. If payment is not received, a lien will be placed on the property, pursuant to Sections 18-34 and 18-35.
- Attached to this report you will find a visual primer (a/k/a cartoon) about Dick and Rick. It depicts "the visual exploration of community-engaged design practices and how they can be – but aren't always – used to create great design projects, as well as" to facilitate "greater social justice." I think you will find it very informational and a helpful resource.
- DPS crews are doing some minor trimming and removal of invasive plants/trees along Mill Creek between the Main Street Bridge and the boardwalk over the Creek.
- On August 30th, Northern United Brewing Company (NUBC) received preliminary zoning compliance for the installation of a new sanitary sewer pretreatment system. In addition, staff met with James Toner, from NUBC on Friday, August 12th. Staff was informed that Jolly Pumpkin has been invited to participate in Zwanz Day 2016. Zwanz Day is the brain child of Cantillon brewer, Jean Van Roy. Cantillon is considered one of Belgium's greatest breweries. The company makes a traditional Lambic, a strong, sweet Belgian beer. In 2008, Van Roy began bottling a series of beers called Zwanz. The word *zwanz* refers to a semi sarcastic style of humor or a joke or to kid, depending on regional dialects. Zwanz Day was established in 2011 to bring Lambic enthusiasts together through a worldwide release party.

NUBC is one of 28 breweries in the United States selected to participate this year, and the only one in Michigan. Zwanz Day would be an outdoor, ticketed event at NUBC, with 500 attendees anticipated. The hours would be 2:15-7:15 pm, Saturday, October 1, 2016. NUBC is partnering

with the non-profit *Feelgood Tap*. The *Feelgood Tap* raises fund to support local and regional nonprofits throughout Michigan with a focus on community, culture and wellness. NUBC must apply for and obtain a permit for a temporary special event, in accordance with Section 3.07 of the Zoning Ordinance.

- Staff met with Sean Burton, Dexter Public Schools regarding alternative screening options of Bates and Creekside parking lots fronting onto Baker Road.
- 8106 Main Street, formerly known as, Nicholls and Stafford has been leased to local businessman, Chris Jones. Mr. Jones plans to open a frozen yogurt and gourmet popsicle establishment on the first floor and relocate his business, Intuitive Technology, currently located at 8011 Main Street. To the 2nd floor.
- Staff and the City engineer met with a party interested in redeveloping 2830 Baker Road (a/k/a The Alley). Since the initial meeting, staff has informed the party that the liquor license has been revoked by the state. Staff contacted the Liquor Control Commission (LCC) to find out what happens to the license. According to the LCC, the licensee has 60 days to appeal the LCC's action. If no appeal is filed, the status of the license is changed from *revoked* to *dead*. Normally the license would come back to the city as a quota license. However, the City, based on its population, was granted 3 licenses. According to the LCC's records, we have 4 licenses because one was transferred in from another municipality. Thus, the license in this case would remain with the state. The next opportunity to gain addition quota license will be the 2020 census, and then 1 license would be granted for every 1,500 in additional population over the 2010 census. Consequently, the City would need to have an increase in population of more than 3,000 to gain 1 new license.
- The sale of the vacant property at the corner of Hudson and Forest Streets has been finalized. The new owner has submitted an application to remove a tree in the ROW and trim others. The new owner is also aware of the city's sidewalk requirements.
- While researching permit information for 3411 Broad Street, staff discovered a *Resolution for Partial Fourth Street Abandonment and Vacation*, which the then Village Council adopted on June 25, 1990 (attached), in the address file. See aerial photo below. In the attachment you will find the meeting minutes for June 25, 1990, which identify the agenda item as *REQUEST FOR VACATION OF FOURTH STREET BETWEEN BROAD STREET AND THE ROALROAD RIGHT-OF-WAY. RALPH AND ANNETTER FINLEY, APPLICANTS.*



The Finley's still own of property located at 3411 Broad St, 08-03-31-477-003, which is adjacent to the ½ of Fourth Street that was vacated and abandoned. You will also find a survey that shows the Finley's garage encroached into the Fourth Street ROW. Based on this information, it's logical to conclude that the then Village Council granted the Finley's request as a way to clear up the encroachment issue.

In 1996, Council amended the Resolution to correct a description error. The County's GIS map does not show the partial vacation and abandonment. Staff is working with the city and county assessors to get the discrepancy cleared-up.

**OFFICE OF COMMUNITY DEVELOPMENT**8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: City Council and Planning Commission
Courtney Nichols, City Manager

From: Michelle Aniol, Community Development Manager

Re: SLU #2016-02 Group Day Care Home Special Land Use Request

Date: July 26, 2016

A request for special land use approval of a group day care home at 7541 Ann Arbor Street was submitted by Becky Murillo. The property is zoned R-1B, One Family Residential-Small Lot. A group day care home is permitted as a special land use.

PLANNING COMMISSION ACTION

During a special meeting of the Planning Commission on July 19, 2016, a public hearing was conducted to consider the above referenced special land use request. Following the public hearing, and with thoughtful discussion, the Planning Commission voted unanimously to recommend approval of a group day care home at 7541 Ann Arbor Street to City Council, subject to the following conditions:

1. The alley shall not be used for business purposes, and
2. The driveway shall not be used for business purposes.

CITY COUNCIL ACTION

Based upon the recommendation of the Planning Commission, along with information provided by the applicant and staff, and reflected in the minutes of the July 25, 2016 City Council meeting, City Council approved the Special Land Use application for a group day care home at 7541 Ann Arbor Street, pursuant to Section 8.03, Special Land Use review standards, subject to the following conditions:

1. The alley shall not be used for business purposes, and
2. The driveway shall not be used for business purposes.
3. If use is discontinued for one year, then the special land use expires and any new owner has to reapply for a special land use.



OFFICE OF COMMUNITY DEVELOPMENT

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DECISION

To: City Council and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: PUD-AP-2016-01 Grandview Commons Amended PUD Petition and Revised Area Plan, plan dated July 11, 2016, Elevation and floor plans received July 12, 2016, and revised Development Agreement, received June 15, 2016.

Zoning: I-1 Limited Industrial District

Date: August 9, 2016

The Planning Commission conducted a Public Hearing on June 6, 2016, to consider an amended Planned Unit Development (PUD) Petition and revised Area Plan for Grandview Commons, submitted by Steve Brouwer on behalf of MMB Equities, LLC. The Amended Petition and Revised Area Plan were dated May 6, 2016, and received on May 6, 2016. The amended petition and revised area plan called for a 80-unit mixed residential development, located at the southwest corner of Grand Street and Baker Road. The development proposal involves four parcels, which total 8.21 gross acres, plus .36 acres of city owned property, which the applicant is proposing to swap with the city in exchange for a public stormwater easement. The four primary parcels include the following:

- 7961 Grand Street; Parcel ID 08-08-06-285-004
- 7931 Grand Street; Parcel ID 08-08-06-155-001
- 7905 Grand Street; Parcel ID 08-08-06-427-001
- Baker Road (vacant); Parcel 08-08-06-427-002

On June 2, 2016, the applicant submitted a revised layout plan and parallel plan just as the Planning Commission packets were being prepared. The primary change to the plan centered on the elimination of an 8-unit building in the center of the development and the creation of a 4-unit building and 4 benches. The net change in density was a loss of 4-units, which reduced the total number of units proposed to 76. Everything else remained the same.

PLANNING COMMISSION ACTION

Following the public hearing the Planning Commission, in a 6-2 voted, determined the amended PUD Petition and revised Area Plan received June 2, 2016, met the qualifications for consideration as a PUD and recommended approval to City Council, subject to the following conditions:

1. Recommendations, as cited in the CWA review dated, May 20, 2016, including the following:
 - a. Applicant shall provide a parallel plan showing the entire project area and shall demonstrate all required setbacks of the proposed VR Village Residential District.
 - b. Site modifications, as provided in the applicants June 2, 2016 correspondence, page 4, item 6;
 - c. Applicant shall submit a revised area plan that provides the following information:
 - i. Location and dimensions of all proposed, existing and/or modified utility lines;
 - ii. List of dimensional deviations sought through the PUD approval;
 - iii. Verification of height of townhouse, duplex and 4-unit structures;
 - d. Attorney review and approval of Development Agreement;
 - e. City Engineer's review and approval.

2. All General, Water and Sanitary Sewer, Stormwater Management, and Paving and Right-of-Way review comments, as cited in the OHM review dated, May 19, 2016;
3. Recommendations, as cited in the DAFD review dated, May 11, 2016.
4. The applicant shall provide a revised area plan that includes the following, as cited by staff herein:
 - a. All plan sheets must be sealed by the professional, as required by the State of Michigan;
 - b. Legal description of the each parcel, along with acreage;
 - c. Soil classifications on the topographic survey; and
 - d. Adjacent land uses and zoning, as well as the location of adjacent buildings, drives and streets.
5. Material and recognized benefits, as determined by the Planning Commission, including the following:
 - a. The benefits listed in staff memo dated, May 31, 2016, items 2.a, b, e, f, and g¹, plus elevations depicted along Grand Street, in rendering distributed by applicant at the June 6, 2016 meeting and sidewalk connectivity between Baker Road and the proposed duplexes.

On July 19, 2016, the Planning Commission voted unanimously to amend the motion it adopted on June 6, 2016, to recommend conditional approval of PUD-AP2016-01 Grandview Commons PUD Petition and Area Plan to City Council by striking condition #4, Recommendations, as cited in the DAFD review, dated May 11, 2016, and inserting Fire Protection Ordinance requirements, as cited in the DAFD review, dated May 11, 2016.

CITY COUNCIL ACTION

On August 8, 2016 City Council considered a revised plan that addressed the conditions of approval recommended by the Planning Commission. Following their discussion, the Council voted unanimously to approve PUD-AP 2016-01 Grandview Commons Amended Area Planned Unit Development (PUD) Petition and Revised Area Plan dated, July 11, 2016, in accordance with the provisions set forth in Article 19, PUD Planning and Development Regulations for Planned Unit Development Districts, in the City of Dexter Zoning Ordinance, and subject to the following conditions:

1. CWA review dated, July 26, 2016;
2. Requirements cited in the OHM review dated, July 27, 2016;
3. Requirements cited in the DAFD review dated, July 21, 2016; and
4. Administrative review and approval of the Development Agreement, by staff and the City Attorney.

Please let me know if you have any questions or comments. Thank you.

¹ 2a) On-street public parking along Grand Street, 2b) Decorative streetlights along the Baker Road frontage, 2e) Public art pad at the corner of Baker Rd and Grand St, 2f) Public access easement and multi-purpose pathway from Grand St to Mill Creek Park, and 2g) Installation of rapid flashing beacon to improve pedestrian crosswalk on Baker Rd.

ORDINANCE REGULATING COAL TAR SEALANT PRODUCTS

A CITY ORDINANCE REGULATING THE USE OF COAL TAR BASED SEALER PRODUCTS

ORDINANCE NO. 2016-03

AN ORDINANCE TO ENFORCE THE STATUTORY PROHIBITION ON THE USE AND SALE OF COAL TAR AND OTHER HIGH PAH CONTENT SEALANT PRODUCTS WITHIN THE CITY OF DEXTER.

THE CITY COUNCIL OF THE CITY OF DEXTER DOES ORDAIN:

SECTION 1. PURPOSE.

The City of Dexter understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between the use of coal tar-based sealers and certain health and environmental concerns, including increased cancer risk to humans and impaired water quality in streams.

The purpose of this ordinance is to prohibit the use and sale of sealant products containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the City of Dexter, in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.

SECTION 2. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ASPHALT BASED SEALER. A petroleum based sealer material that is commonly used on driveways, parking lots, and other surfaces.

COAL TAR. A byproduct of the process used to manufacture coke from coal.

COAL TAR SEALANT PRODUCT. A surface applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances containing more than 0.1% PAHs, by weight.

CITY. The City of Dexter.

HIGH PAH CONTENT SEALANT PRODUCT. A surface-applied product containing steam cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances containing more than 0.1% PAHs, by weight.

PERSON. An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PAHs. Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and known to be harmful to humans, fish, and other aquatic life.

SECTION 3. PROHIBITIONS.

In accordance with this ordinance:

- A. No person shall apply a coal tar or other high PAH content sealant product on asphalt paved surfaces within the City.
- B. No person shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on asphalt-paved surfaces within the City.
- C. No person shall allow a coal tar or other high PAH content sealant product to be applied upon property that is under that person's ownership or control.
- D. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.
- E. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.

SECTION 4. ASPHALT BASED SEALCOAT PRODUCTS.

The provisions of this ordinance shall only apply to coal tar or other high PAH content sealant products in the City and shall not affect the use of asphalt based sealer products within the City.

SECTION 5. REGISTRATION AND REPORTING REQUIREMENTS AND PROCEDURES FOR COMMERCIAL APPLICATORS

- (1) All commercial applicators shall register with the city prior to applying pavement sealant in the city in any calendar year.
- (2) Registration under this chapter shall be valid until expiration. Registration shall begin on January 1 and shall expire on December 31 of each calendar year.
- (3) Commercial applicators shall submit a complete registration application to the City Offices, along with the registration fee according to the schedule established by resolution of City Council. The fee shall be calculated to include the cost of registration application review and periodic field inspection.
- (4) The following information shall be included in a complete application for registration:
 - (a) The legal name of the commercial applicator, any other names used, the address, telephone number and contact person for the applicant.
 - (b) The product name, type of use, and PAH content including CAS numbers.
 - (c) A notarized, sworn statement signed by an owner or duly authorized representative of a commercial applicator indicating that the applicator will comply with the requirements of the Ordinance of the city throughout the registration period.
 - (d) All other information requested on the application.
- (5) The application shall be approved if it is complete, the applicator has complied with the previous year's reporting requirement, and the use of pavement sealant complies with this chapter.
- (6) The application for registration shall be approved or denied within 21 days of submission of a completed application.
- (7) A registered applicator shall notify the City in writing of any change in the information in the application for registration within 7 days of any such change.

SECTION 6. PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed ten thousand dollars (\$10,000.00) or imprisonment for not more than ninety (90) days, or both, plus all costs of prosecution, including but not limited to staff and time and attorney costs, in either case.

SECTION 7. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 8. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication.

This ordinance was adopted by Council on Monday, July 25, 2016 and is effective upon its publication on August 3, 2016.

Mayor

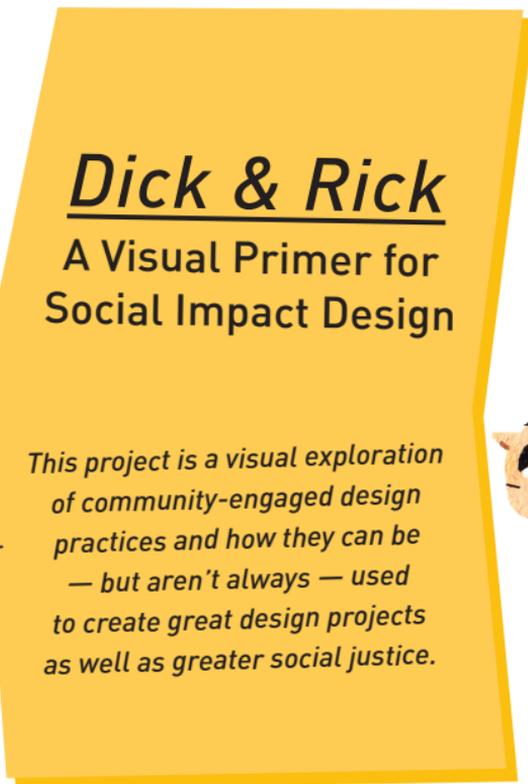
Attested:

Clerk



This is Dick.

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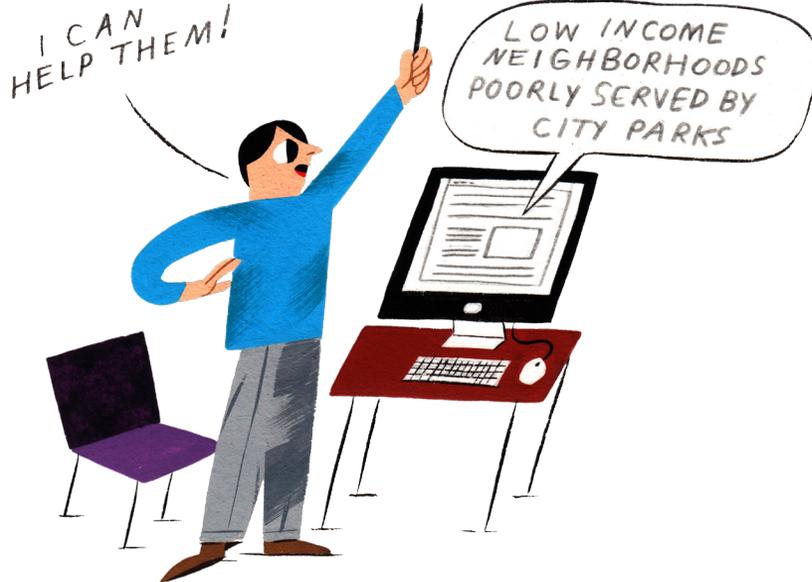
Dick & Rick
A Visual Primer for
Social Impact Design

*This project is a visual exploration
of community-engaged design
practices and how they can be
— but aren't always — used
to create great design projects
as well as greater social justice.*



This is Rick.

Dick and Rick want to use their design skills to help communities. But they're not sure how to go about doing that...



Dick is pretty sure he can think of a great project after seeing a story about a local community in the news.

He hasn't spent much time in the area but really wants to help.



Rick believes in the power of design and wants to support and strengthen communities.

He seeks out people in a nearby community to find out what's important to them.

Dick and Rick approach the community to find out more...



Dick starts his site analysis.

He doesn't talk to anyone.



Rick finds out the group is concerned about parks and listens to their stories.

He learns that "Residents for Parks," a long-standing community group, has been working on improving a park for the past 5 years, and asks if he can join their efforts.

Dick and Rick figure out how to start working with the community...



Dick wants to ensure the community is engaged in the process, so he holds a public meeting to show off his design proposal.



Understanding that residents are experts about their neighborhood, **Rick** begins to work with the group, and asks them about the park and their community.

Dick and Rick get feedback on their design ideas...



Dick asks for input, but is pretty confident in his proposal.

Dick gets some mixed reviews on his ideas, but he still believes that his design can have the most impact. He has the best intentions for the community.



Rick spends a long (long!) time hearing from residents, who don't all agree with each other.

He designs a way for them to work together to shape the proposal.

Dick and Rick manage their project budgets...



Dick doesn't really think about the budget. There isn't much money so he gets an unpaid intern to help with the work.



Rick knows the budget is tight, but wants to make sure the community's time is valued, and he knows that paying his intern will make it possible for someone from a less privileged background to move up in the design field.

After many months, Dick and Rick's projects are complete!



Dick's park is pretty but fails to "activate the space," since no one seems to be using it.



Rick's park is pretty, too.

Plus, it's used by all the community members who helped to create it.



Dick got his project published in a magazine, who didn't seem to notice that there were no people using it.

The community was left with a new park ... but it didn't respond to their needs, or do anything to address larger social issues impacting them.



Community members got so excited about **Rick's** design for the playground that the Youth Leadership Group asked if he would help them design a stand for their farmers' market, which they built themselves.

The community got two new projects, and some new skills... and the design process increased civic engagement and leadership opportunities, and gave community members the chance to implement their own solutions.

More and more people are practicing some form of community-engaged design or social impact design or human-centered design. But as these fields have grown, much of the emphasis is on design rather than on the communities impacted by the work.

As practitioners in the field, the Equity Collective felt it was time to shine a light on how good community-engaged design practices can not only create good projects but also advance social justice, and how poor practices are hurting not only our field, but the communities it claims to serve.

The Equity Collective is a group of practitioners advancing issues of social equity in the community-engaged design field. They collaborated with the Center for Urban Pedagogy (CUP) and illustrator Ping Zhu to create this visual guide to community design practices.



The Center for Urban Pedagogy (CUP) is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement.
welcometoCUP.org

Equity Collective is a group of practitioners advancing issues of social equity in the community-engaged design field.
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Baker Road Intersection Improvement Study

Washtenaw County Road Commission
City of Dexter

Dexter, Michigan

June 29, 2016

INTRODUCTION

The Washtenaw County Road Commission (WCRC), in conjunction with the City of Dexter, is in the preliminary phase of planning improvements to address safety and congestion concerns at the intersections of Baker Road at Dan Hoey Road and Baker Road at Shield Road / Dongara Drive. Baker and Dan Hoey Roads are truck routes and are vital to the Dexter community.

Shield Road is under the jurisdiction of WCRC. WCRC is planning to reconstruct the Shield Road bridge over the Mill Creek in 2017. The new bridge will not have any weight limits. This may result in Shield Road seeing a small increase in traffic, as it is an important link between Baker and Parker Roads. In addition, Shield Road provides access to Dexter High School.

Dan Hoey Road is also an important link between Baker Road and Dexter-Ann Arbor Road. Dan Hoey Road is under the jurisdiction of the City of Dexter. It provides access to the Dexter Community Schools campus including Cornerstone Elementary School, Mill Creek Middle School, and a bus drop off loop serving multiple adjacent school buildings. Dan Hoey Road also provides access to the Dexter Business and Research Park which is home to over 1 million square feet of manufacturing/commercial space.

Baker Road south of the study section and up to the Dan Hoey Road intersection is under the jurisdiction of WCRC. Baker Road north of Dan Hoey Road is under the jurisdiction of the City of Dexter. Baker Road provides access to Creekside Intermediate School just north of the Dan Hoey Road intersection. Baker Road is a major north south roadway in this portion of Washtenaw County, as it provides access to I-94.

The study location and roadway jurisdictional authority bring together a diverse team of project stakeholders. The stakeholder team provided valuable information on existing conditions, as well as parameters for any reasonable alternatives. The stakeholder group included representatives from the following entities:

- Washtenaw County Road Commission
- City of Dexter
- Scio Township
- Dexter Community Schools
- Washtenaw Area Transportation Study
- Community residents

The study generates alternative improvements for these intersections, and provides a contextual evaluation of the pro/con for each. The study evaluation factors were selected based on feedback from project stakeholders as well as public feedback obtained through the study's public involvement process. The evaluation factors utilized in the study are:

- Traffic and pedestrian safety
- Traffic capacity and operations
- Non-motorized access
- Construction and maintenance costs
- Right-of-way and environmental impacts
- Opportunity for place making and aesthetic enhancements

SAFETY ANALYSIS

Traffic crash data was obtained from the Traffic Improvement Association (TIA) for the study area. The data encompassed all crashes occurring within the study area during the three full years of 2012 – 2014 as well as the first half of 2015. The crash data was analyzed to identify deficiencies in the operational and geometric features of the intersections. There were no fatal crashes or Type A injuries during the study period. There were also no crashes involving pedestrians or bicyclists.

TABLE 1: 2012-2015 Crash Data

Intersection	Crash Type							Injuries	
	Side Swipe Sm	Head On	Angle	Rear End	Single Vehicle	TOTAL	B-Level (Minor)	C-Level (Possible)	
Baker and Dan Hoey	3	0	3	6	3	15	1	1	
Baker and Shield	1	1	3	2	1	8	0	2	
TOTAL	4	1	6	8	4	23	1	3	
% TOTAL	17.4%	4.3%	26.0%	34.7%	17.4%	100%	4.3%	13.0%	

The intersections within the study area experienced typical crash rates. At the intersection of Baker Road and Dan Hoey Road, crashes occurred at a rate of 0.73 crashes per million entering vehicles. At the intersection of Baker Road and Shield Road crashes occurred at a rate of 0.37 crashes per million entering vehicles.

A majority of the crashes at Dan Hoey Road intersection occurred on wet or icy pavement conditions. Improvements to this intersection should include an evaluation of the roadway drainage to reduce the potential for ponding or ice accumulation. The Type B injury occurred in a rear end crash between southbound vehicles on wet pavement.

At the Shield Road intersection, the angle crashes occurred during peak periods and involved a driver on Shield Road pulling out in front of a driver on Baker Road. Changing the intersection control and reducing the minor street delays are likely to help with this crash pattern.

TRAFFIC INFORMATION

Traffic data was provided by the WCRC for use on this study. Traffic data was collected in May of 2015. The average daily traffic (ADT) of Baker Road was 13,985 vehicles. The ADT of Dan Hoey Road was 5,759. The ADT of Shield road was 3,141. The morning peak occurs between 7:15am and 8:15am, and the afternoon peak occurs between 4:30 pm and 5:30 pm. Existing traffic volume data can be found in Appendix A.

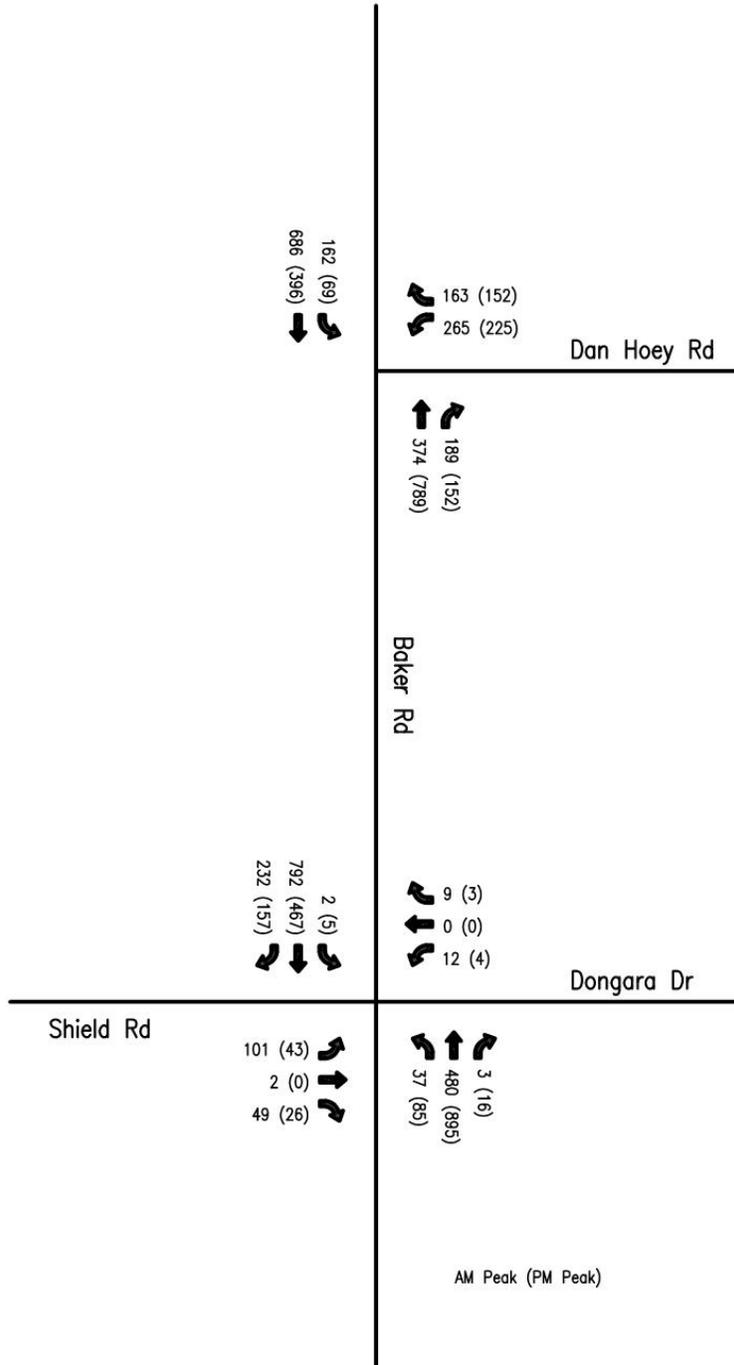


Figure 1 – Existing Traffic Volumes

In order to analyze the impacts of future roadway improvements, traffic data was projected to the horizon years of the study. This study will identify the impacts of improvements based on 2025 and 2035 traffic data. Traffic projections were based on WATS projections, which consider local and regional factors such as population, household, and employment. In order to account for the general impacts of traffic growth, a modest growth factor of 0.1% per year compounded to the projected year of 2025 was used.

In addition to the background growth, traffic generated by individual developments near the study area is anticipated. These include residential developments both north and south of the study area, along Baker Road. Just north of the study area, a 70-unit multifamily development has been proposed. Additional property adjacent to this development has also been identified for a future multifamily development. The scale of this future development is likely to be similar to the currently proposed project. South of the study area, a single family residential development is in the early stages of planning. This development may include as many as 400 homes. The traffic generated by these three potential developments was determined using procedures outlined in the Institute of Transportation Engineers (ITE) publication, Trip Generation Handbook. The data set used is the ITE Trip Generation Manual – 9th Edition.

TABLE 2: Summary of Development Generated Traffic

Development	ITE Land Use	Units	Weekday			AM Peak			PM Peak		
			Total	In	Out	Total	In	Out	Total	In	Out
A	230 - Residential Condominium / Townhouse	70	472	236	236	39	7	32	45	30	15
B	230 - Residential Condominium / Townhouse	70	472	236	236	39	7	32	45	30	15
C	210 - Single-Family Detached Housing	400	3760	1880	1880	290	73	217	366	231	135

The development-generated trips were distributed throughout the study area. For developments north of the study area it was assumed that 50% of generated trips would travel through the study area. For developments south of the study area it was assumed that 25% of the generated trips would travel through the study area. These trips were further routed through the study intersections utilizing existing traffic patterns.

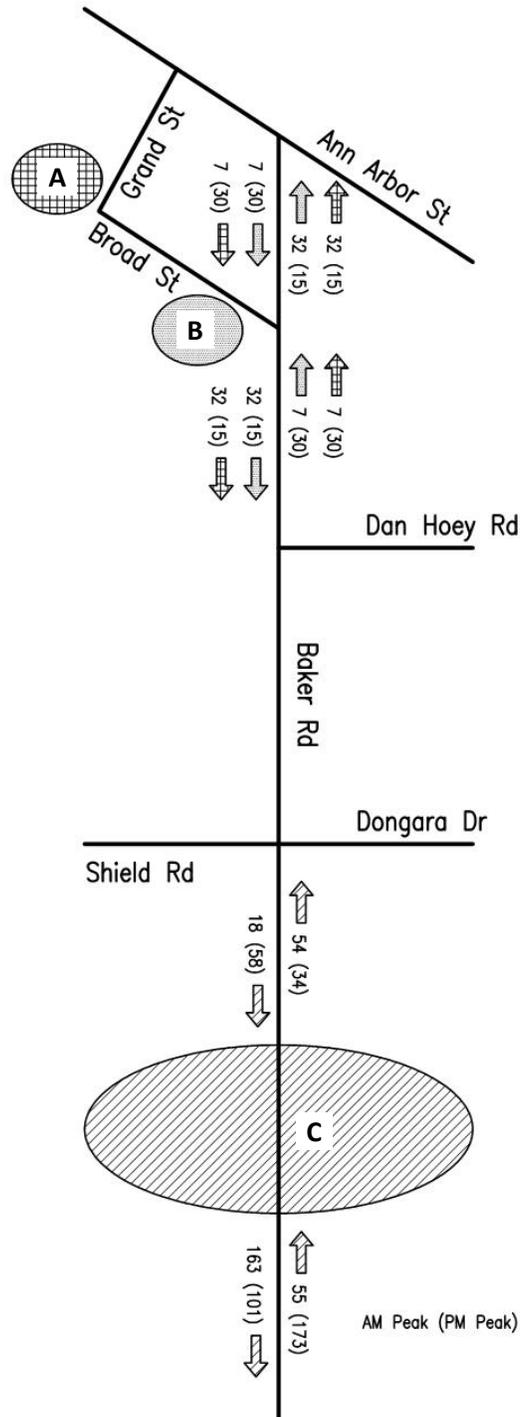


Figure 2 – Development Generated Volumes

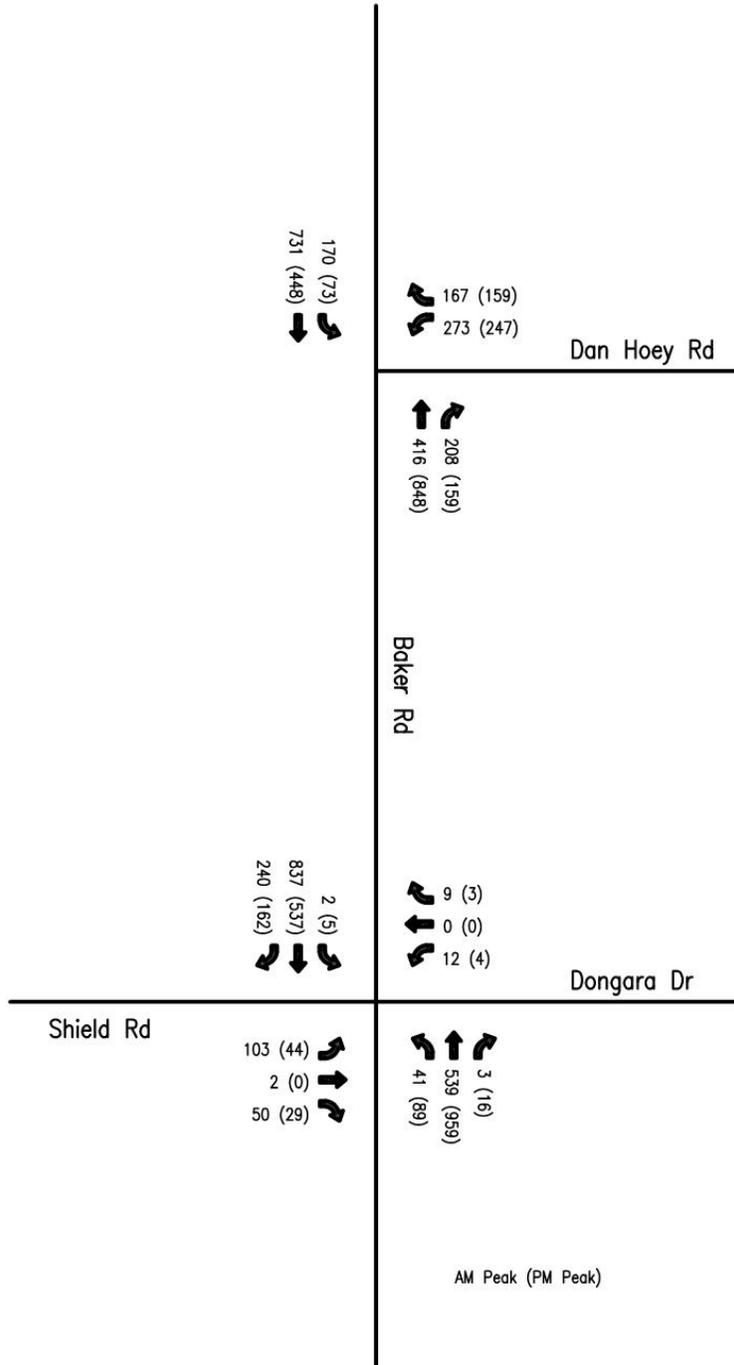


Figure 3 – 2025 Traffic Volumes

To project the traffic growth further into the future, a growth factor of 0.13% per year compounded between the year 2025 and 2035 was used.

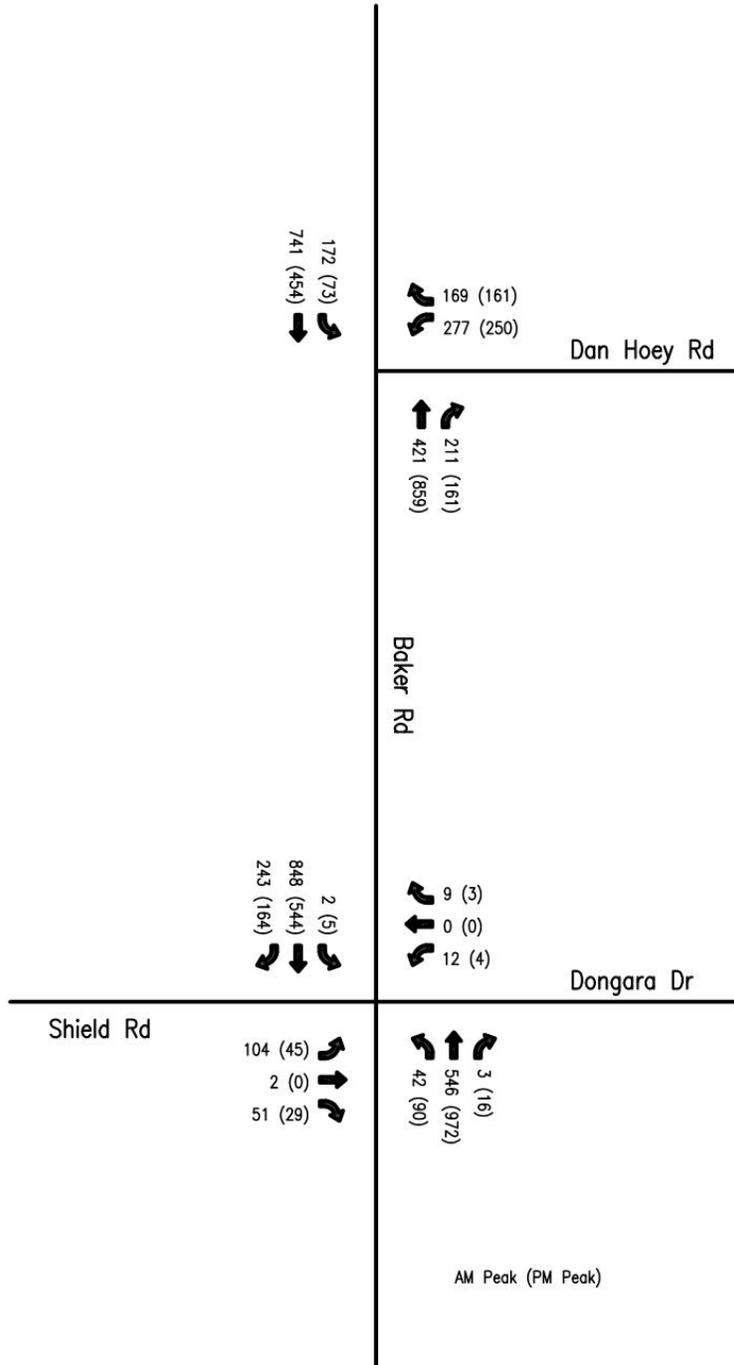


Figure 4 – 2035 Traffic Volumes

As discussed more fully in the next section, the alternatives evaluated in this study include two roadway configurations. In addition to the offset tee intersections that are the current configuration, we also evaluated alternatives that realigned the Shield Road approach to Baker Road to become the eastbound leg of the intersection at Dan Hoey. Traffic volumes were restated through the study area for the analysis of the realignment of Shield Rd.

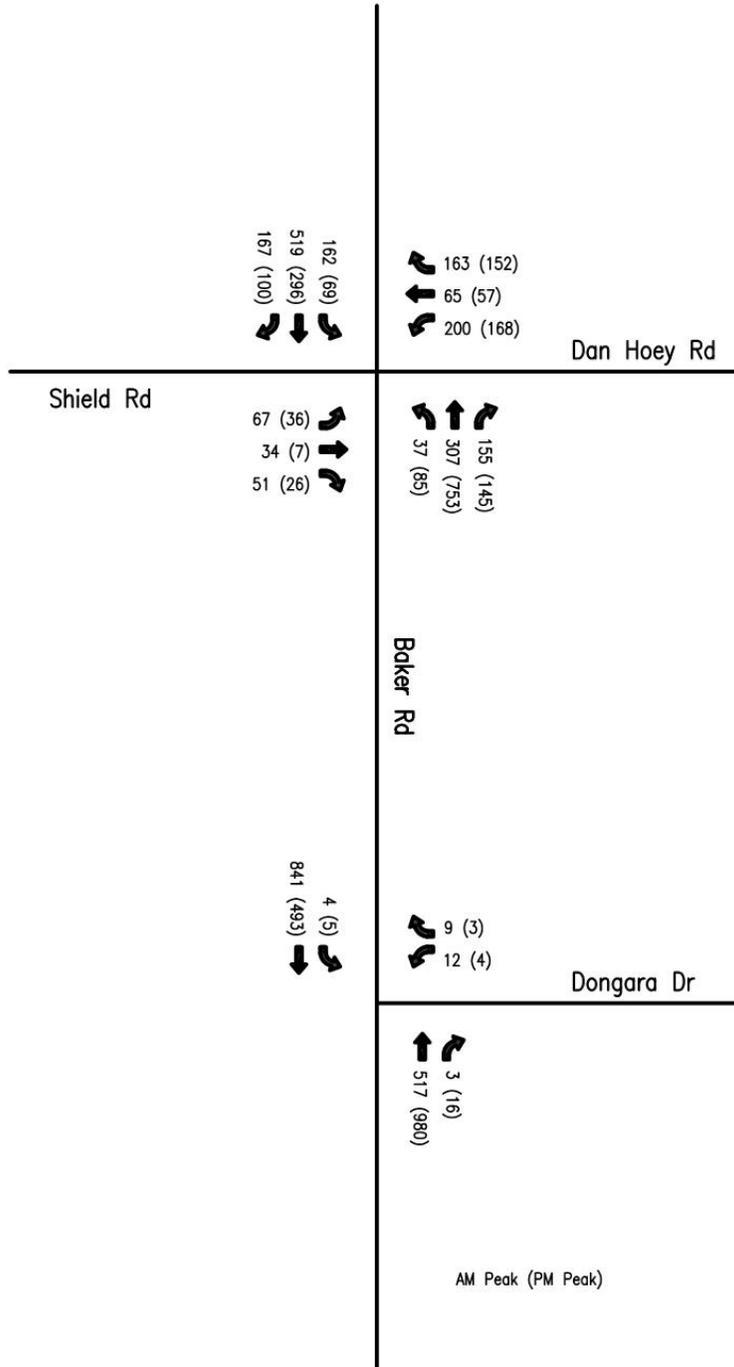


Figure 5 – 2015 Realignment Traffic Volumes

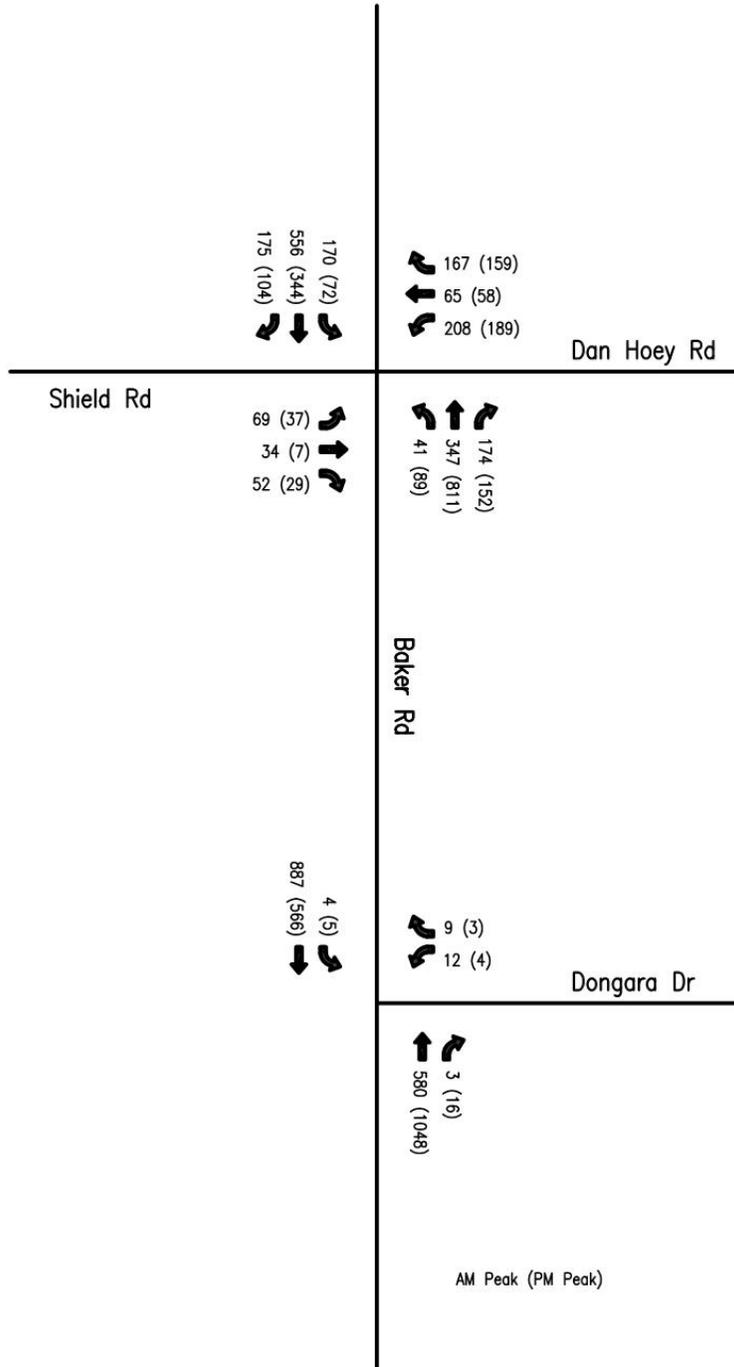


Figure 6 – 2025 Realignment Traffic Volumes

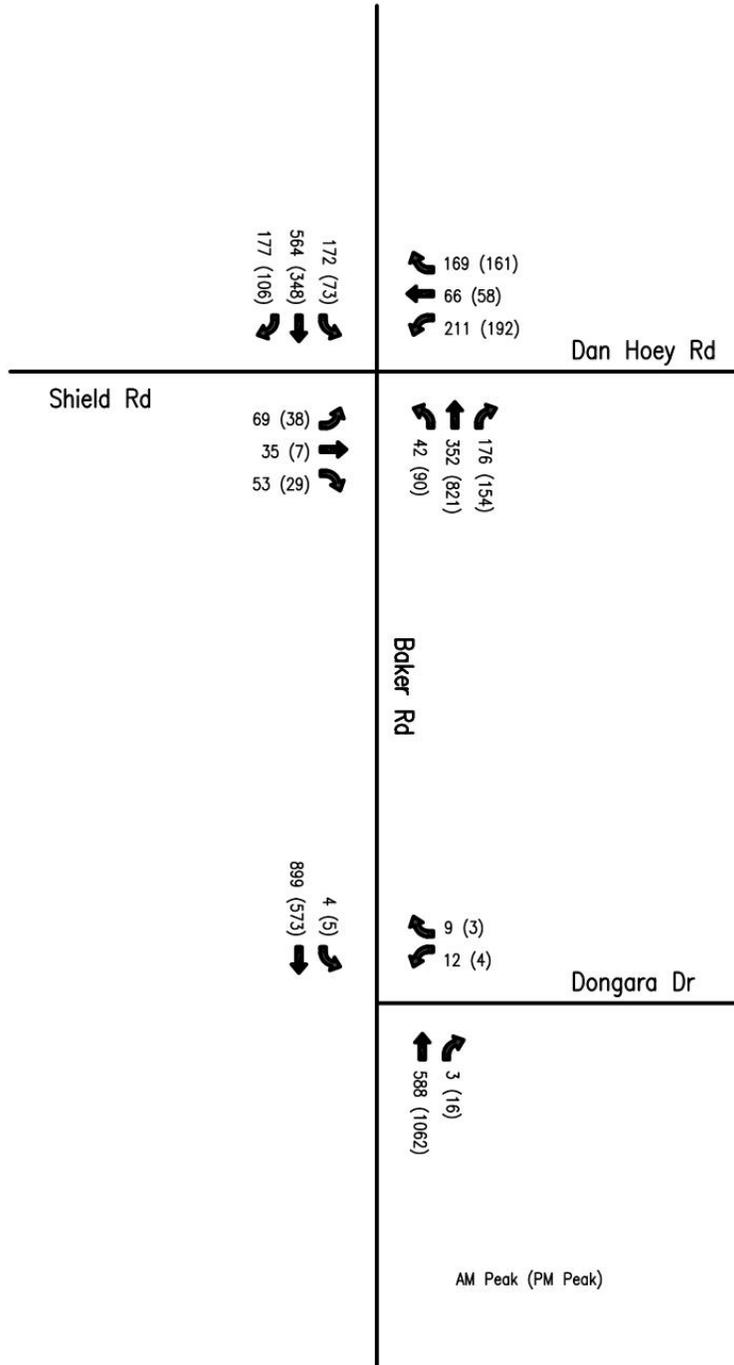


Figure 7 – 2035 Realignment Traffic Volumes

EXISTING CORRIDOR SECTIONS

South of the study area, Baker Road is a two-lane roadway with a 50 mph speed limit. Traveling north towards the study area, the speed limit drops to 40 mph and then 30 mph as Baker Road approaches the intersection at Shield Road. Between the two study intersections the two-lane section is widened to develop a northbound auxiliary right turn lane at the intersection with Dan Hoey Road. North of the study

area, Baker Road is a three lane roadway with a 30 mph speed limit. The study area is a transitional zone between the more rural development to the south and the urban development patterns to the north.

PRELIMINARY ALTERNATIVES

Preliminary alternatives were identified at the stakeholder kick off meeting. These alternatives represent a variety of intersection controls. Alternatives also include options maintaining the existing alignment as well as options that relocate Shield Road to align with Dan Hoey.

- No build
- No changes to intersection controls, just geometric changes to improve operations
- Maintain Dan Hoey Road as signal, add signal to Shield/Dongara
- Maintain Dan Hoey Road as signal, modify Shield/Dongara to a one-lane roundabout or compact urban roundabout
- Maintain Shield/Dongara as STOP control, modify Dan Hoey Road to a one-lane roundabout or compact urban roundabout
- Add signal to Shield/Dongara, modify Dan Hoey Road to a one-lane roundabout or compact urban roundabout
- Modify both Dan Hoey Road and Shield Road to one-lane roundabouts or compact urban roundabouts
- Relocate Shield Road to align with Dan Hoey Road, operate under signal control
- Relocate Shield Road to align with Dan Hoey Road, modify to a one-lane roundabout or compact urban roundabout

The preliminary alternatives were narrowed to a short list for further study using a two-step process. The stakeholders individually ranked and rated the evaluation factors. This exercise allowed for priorities to be established without considering particular alternatives. Public involvement was used to further determine priorities. A public meeting held on October 14, 2015 served as a forum for displaying various alternatives as well as gathering information on the existing conditions and priorities for any future improvements. A variety of exhibits were created to represent components of various preliminary alternatives. These exhibits and a summary of the feedback received at this meeting have been included in Appendix B. Comments received from the public were reviewed to identify comments that aligned with the evaluation factors. Stakeholder and public input were used to determine the priority rankings for the study evaluation factors.

Table 2: Evaluation Factor Rankings

Evaluation Factor	Stakeholder Ranking	Public Ranking
Traffic and pedestrian safety	1	2
Traffic capacity and operations	2	1
Non-motorized access	3	4
Construction and maintenance costs	4	3
Right-of-way and environmental impacts	5	5
Opportunity for place making and aesthetic enhancements	6	6

The ranking exercises indicate a high priority should be assigned to traffic capacity and operations. This was especially important to the public meeting attendees. The close spacing of these intersections has the potential to negatively impact the capacity for thru traffic on Baker. The potential impacts on Baker Road are best minimized by using consistent intersection treatments at both of the intersections. For this reason, the following alternatives were removed from further consideration:

- No changes to intersection controls, just geometric changes to improve operations
- Maintain Dan Hoey Road as signal, modify Shield/Dongara to a one-lane roundabout or compact urban roundabout
- Maintain Shield/Dongara as STOP control, modify Dan Hoey Road to a one-lane roundabout or compact urban roundabout
- Add signal to Shield/Dongara, modify Dan Hoey Road to a one-lane roundabout or compact urban roundabout

In addition to capacity and operations, a high priority was assigned to traffic and pedestrian safety. This was the top stakeholder priority. The preliminary alternatives included two realignment options. The difference between these alternatives was the intersection treatment at the intersection with Dan Hoey Road. Constructing a roundabout at this intersection will minimize serious accidents and provide for continuous traffic flow at this busy location. For this reason, the following alternative was removed from further consideration:

- Relocate Shield Road to align with Dan Hoey Road, operate under signal control

Of the remaining alternatives, two include roundabout intersections. Two types of roundabouts were considered for these intersections. A roundabout has a diameter of 100', wide curbed splitter islands on the approaches and a landscaped central island. A compact urban roundabout has a diameter of 70', narrow curbed splitter islands and a traversable paved central island. Safety features of the larger roundabout include more vehicular path deflection to better reduce speeds and a pedestrian refuge area in the splitter islands. The compact urban roundabout provides these benefits to a lesser degree and minimizes costs and right-of-way impacts by reducing the footprint. With a higher priority given to traffic and pedestrian safety the roundabout alternatives will move forward using the larger roundabout footprint.

Detailed intersection analysis will further evaluate the following alternatives:

- No build
- Maintain Dan Hoey Road as signal, add signal to Shield/Dongara
- Modify both Dan Hoey Road and Shield Road to one-lane roundabouts
- Relocate Shield Road to align with Dan Hoey Road, modify to a one-lane roundabout

INTERSECTION ANALYSIS

The intersections within the study area were analyzed according to the methodologies published in the Highway Capacity Manual, 2010 edition. For this project, Synchro Version 8 software was used to conduct the analysis for traditional signalized intersections. Roundabout intersections were analyzed using RODEL™ software. Software printouts for the evaluations of intersections have been included in Appendix C for Synchro and Appendix D for RODEL. These software packages compute delay values based on factors such as number and type of lanes, intersection controls such as STOP signs or traffic signals, traffic volumes, pedestrian volumes, signal timing characteristics, roadway grade, speed limit, etc. This analysis determines the average delay experienced by vehicles. This value is an average across the entire

peak hour, vehicles arriving during the busiest portion of the peak hour or arriving in a clustered group of vehicles instead of in a random pattern could experience longer delays. On the other hand, vehicles arriving during a lighter portion of the peak hour could experience a shorter delay. The average delay is used to determine the corresponding level of service (LOS) values for each intersection movement as well as the intersection as a whole.

The LOS of an intersection is based on factors such as number and types of lanes, intersection controls such as STOP signs or traffic signals, traffic volumes, pedestrian volumes, etc. LOS is expressed as a letter grade, in a range from A through F. In this context, 'A' represents the best conditions, with very little or no average delay to vehicles. LOS 'F' is the worst of conditions, equated with very large average delays and few gaps of acceptable length. The following tables identify level of service criteria for signalized and un-signalized intersections.

Table 3: Level of Service Criteria For Signalized Intersections

Level of Service	Average Delay/Vehicle (seconds)	Description
A	Less than or equal to 10	Most vehicles do not stop at all. Most arrive during the green phase. Little or no delay.
B	> 10 to 20	More vehicles stop than for LOS A. Still good progression through lights. Short traffic delays.
C	> 20 to 35	Significant numbers of vehicles stop, although many pass through without stopping.
D	> 35 to 55	Many vehicles stop. Individual signal cycle failures are noticeable. Progression is intermittent.
E	> 55 to 80	Considered to be the limit of acceptable delay. Individual cycle failures are frequent and progression is poor.
F	>80	Extreme and unacceptable traffic delays.

SOURCE: Transportation Research Board, Highway Capacity Manual 2010.

Table 4: Level of Service Criteria For Unsignalized Intersections (Including Roundabouts)

Level of Service	Average Delay/Vehicle (seconds)	Description
A	0 to 10	Little or no delay, very low main street traffic
B	> 10 to 15	Short traffic delays, many acceptable gaps
C	> 15 to 25	Average traffic delays, frequent gaps still occur
D	> 25 to 35	Longer traffic delays, limited number of acceptable gaps
E	> 35 to 50	Very long traffic delays, very small number of acceptable gaps
F	>50	Extreme traffic delays, virtually no acceptable gaps in traffic

SOURCE: Transportation Research Board, Highway Capacity Manual 2010.

An intersection LOS 'D' is considered by many traffic safety professionals to be the minimum acceptable condition in an urban/suburban area. For rural areas, most highway agencies consider LOS 'C' the minimum. Given the location of the study intersections, on the border of an urban area, LOS 'D' was utilized as the study goal.

Baker Road at Dan Hoey Road

This intersection, located at the city limits, forms a tee with Dan Hoey Road on the east side of Baker Road. Baker Road is a posted 30 mph speed limit. South of the intersection Baker Road has a two-lane cross section with an auxiliary right turn lane at the intersection. North of the intersection, Baker Road has a three lane cross section. Dan Hoey Road is a two-lane road posted at 35 mph. An east bound auxiliary right turn lane is provided at the intersection. The intersection is under signal control. A cemetery is located in the northeast quadrant of the intersection. The remaining adjacent properties are residential, some of which are owned by the school district. Table 5 shows the intersection LOS and corresponding delays for the existing conditions.

Table 5: Existing Conditions Level of Service: Baker Road at Dan Hoey Road

	NB		SB		WB		Overall Intersection	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS	Delay (Sec.)	LOS	Delay (Sec.)	LOS
2015 AM Peak	8.9	A	15.2	B	22.6	C	15.0	B
2015 PM Peak	17.4	B	10.9	B	23.1	C	17.3	B

Under existing conditions, the intersection of Baker Road and Dan Hoey Road operates at a LOS B during peak periods. Two signal poles and a tight curb radius in the southeast quadrant have a negative impact on operations as larger vehicles cross left of center to complete turning movements. This is exemplified by the severe rutting to be seen back of curb in this quadrant.

Three alternatives were evaluated at this intersection and are illustrated in Appendix A. The first alternative maintains signalized control of the intersection. Minor intersection improvements include revising the southeast curb radius to provide better accommodation for large vehicles. This option would add pedestrian facilities, including sidewalks and signalized pedestrian crossings.

The second alternative would reconstruct the intersection to add a roundabout. The roundabout would be designed with an approximate 100' inscribed circle diameter and geometry that will accommodate large vehicles. Pedestrian facilities for this option would include sidewalks and pedestrian crossings with median refuge islands.

The third alternative would also reconstruct the intersection to add a roundabout. As in the second alternative, the roundabout would be designed with an approximate 100' inscribed circle diameter and geometry that will accommodate large vehicles. In order to accommodate the heavy southbound traffic in the AM peak period, two lanes will be provided for entry and circulation in the southbound direction. The inside lane will accommodate southbound left-turning vehicles allowing southbound thru vehicles to use the outside lane. Additionally, heavy northbound traffic during the PM peak hours necessitates a northbound right-turn bypass lane. This alternative realigns Shield Road through the school district

property to become the fourth leg of this intersection. Pedestrian facilities for this option would include sidewalks and pedestrian crossings with median refuge islands.

Table 6: Future Conditions Level of Service: AM Peak Hour Baker Road at Dan Hoey Road

		NB		SB		EB		WB		Overall Intersection	
		Delay (Sec.)	LOS	Delay (Sec.)	LOS						
2025	No Build	9.3	A	17.3	B	n/a	n/a	23.1	C	16.0	B
	Alternative 1 – Signal	6.3	A	15.4	B	n/a	n/a	30.0	C	15.8	B
	Alternative 2 - Roundabout	7.6	A	26.7	D	n/a	n/a	7.0	A	16.2	C
	Alternative 3 - Realignment	5.2	A	5.8	A	5.7	A	7.4	A	6.0	A
2035	No Build	9.4	A	17.9	B	n/a	n/a	23.3	C	16.3	B
	Alternative 1 – Signal	6.3	A	15.8	B	n/a	n/a	30.3	C	16.0	B
	Alternative 2 - Roundabout	7.7	A	29.4	D	n/a	n/a	7.1	A	17.6	C
	Alternative 3 - Realignment	5.2	A	6.0	A	5.8	A	7.6	A	6.1	A

Table 7: Future Conditions Level of Service: PM Peak Hour Baker Road at Dan Hoey Road

		NB		SB		EB		WB		Overall Intersection	
		Delay (Sec.)	LOS	Delay (Sec.)	LOS						
2025	No Build	21.5	C	13.2	B	n/a	n/a	25.1	C	20.3	C
	Alternative 1 – Signal	12.7	B	11.6	B	n/a	n/a	32.1	C	17.5	B
	Alternative 2 - Roundabout	22.2	C	6.6	A	n/a	n/a	14.5	B	16.4	C
	Alternative 3 - Realignment	14.2	B	4.0	A	4.3	A	19.6	C	12.3	B
2035	No Build	22.6	C	13.3	B	n/a	n/a	25.4	C	21.0	C
	Alternative 1 – Signal	13.1	B	11.9	B	n/a	n/a	32.4	C	17.8	B
	Alternative 2 - Roundabout	24.0	C	6.7	A	n/a	n/a	15.3	C	17.5	C
	Alternative 3 - Realignment	15.2	C	4.0	A	4.3	A	21.3	C	13.2	B

With existing geometric and operational conditions, this intersection operates at LOS B in the AM peak hour and LOS C in the PM peak hour for both analysis years. With the various geometric improvements, the LOS of most individual movements and approaches will be improved. Operations at this intersection will also be improved by geometric changes to the southeast quadrant with adjustments to the curb line and signal poles. These changes will improve maneuverability of large vehicles and reduce left of center travel through this intersection.

Alternative 1 optimizes the signal timings to reduce delay for the Baker Road approaches. This will slightly increase the delay for the westbound approach, however, this approach will still operate at a LOS C. Alternative 1 also includes changes to the curb in the southeast quadrant in order to better accommodate larger vehicles. While not reflected in the delay and LOS results, this change will improve operations by minimizing the number of vehicles that need to travel left of center to turn at this intersection.

The roundabout option in Alternative 2 provides reduced overall intersection delay at this intersection. With this option the intersection operates at a LOS C in the PM Peak for both the 2025 and 2035 analysis years. During both analysis years and both peak periods all approaches operate at acceptable LOS values. Delay is reduced in westbound approach direction. In the PM peak hour, the northbound approach experiences increased delay over the no improvement condition, however, the LOS remains unchanged at LOS C. In the AM peak hour, the southbound approach delay is increased and the approach operates at a LOS D during both analysis years.

The roundabout in Alternative 3 adds the eastbound approach leg with the Shield Rd. realignment. The overall intersection operates at LOS A for the AM and PM peak hours in the 2025 condition, and LOS B for the AM and PM peak hours in the 2035 forecast. The additional approach leg modestly increases delay in the southbound and westbound approach directions compared to Alternative 2. However, the overall intersection delay is decreased in all scenarios compared to Alternative 2.

Baker Road at Shield Road

This four approach intersection has Shield road on the west side of Baker Road and Dongara Drive (a private road) on the east side. Baker Road has a two lane cross section and a posted 30 mph speed limit. Shield Road is a two-lane road posted at 45 mph. The intersection is unsignalized with the Shield and Dongara approaches under stop control. Also note that there is a pronounced grade for the Shield approach up to the intersection. The property in the northwest quadrant is owned by the school district. The remaining adjacent properties are residential. Table 8 shows the intersection LOS and corresponding delays for the existing conditions.

Table 8: Existing Conditions Level of Service: Baker Road at Shield Road

	NB LT		SB LT		EB		WB	
	Delay (Sec.)	LOS						
2015 AM Peak	9.9	B	8.9	A	380.9	F	46.8	E
2015 PM Peak	9.1	A	10.6	B	209.6	F	57.8	F

Under existing conditions, the Baker Road approaches to Shield Road are free flow with slight delays for vehicles making left turns. Limited gaps and high percentages of left turns onto Baker cause substantial delays for the stop controlled approaches. The Shield Road approach is operating at an average delay of

almost 6.5 minutes during the AM peak hours and 3.5 minutes during the PM peak hours. As discussed above, this delay appears to be contributing to an angle crash pattern as drivers grow impatient waiting for an acceptable gap in traffic.

Three alternatives were evaluated at this intersection and are illustrated in Appendix A. The first alternative would modify the intersection to be under signalized control. Intersection improvements include revising the Shield Road approach to provide improved alignment for left turning vehicles. This option would add pedestrian facilities, including sidewalks and signalized pedestrian crossings.

The second alternative would reconstruct the intersection to add a roundabout. The roundabout would be designed with an approximate 100' inscribed circle diameter and geometry that will accommodate large vehicles. Pedestrian facilities for this option would include sidewalks and pedestrian crossings with median refuge islands. An additional right-turn only lane would be provided in the southbound direction for vehicles performing a right-turn to Shield Road.

The third alternative would realign the Shield Road approach through the school district property to become the fourth leg of the Dan Hoey intersection. The remaining approaches of the intersection would be unsignalized with the Dongara Road approach under stop control. Pedestrian facilities for this option are provided along Shield Road and now new facilities will be added at this intersection.

Table 9: Future Conditions Level of Service: AM Peak Hour Baker Road at Shield Road

		NB		SB		EB		WB		Overall Intersection	
		Delay (Sec.)	LOS	Delay (Sec.)	LOS						
2025	No Build	10.1 (LT)	B	9.2 (LT)	A	575.5	F	62.5	F	882.8	F
	Alternative 1 – Signal	6.3	A	10.8	B	51.6	D	31.5	C	13.0	B
	Alternative 2 - Roundabout	6.7	A	9.1	B	6.7	A	4.6	A	8.0	A
	Alternative 3 - Realignment	Free	A	9.4 (LT)	A	n/a	n/a	21.3	C	0.4	A
2035	No Build	10.2 (LT)	A	9.2 (LT)	B	632.4	F	67.4	F	883.0	F
	Alternative 1 – Signal	6.5	A	11.4	B	51.5	D	31.4	C	13.4	B
	Alternative 2 - Roundabout	6.8	A	9.3	A	6.8	A	4.6	A	8.3	A
	Alternative 3 - Realignment	Free	A	9.5 (LT)	A	n/a	n/a	21.7	C	0.4	A

Table 10: Future Conditions Level of Service: PM Peak Hour Baker Road at Shield Road

		NB		SB		EB		WB		Overall Intersection	
		Delay (Sec.)	LOS	Delay (Sec.)	LOS	Delay (Sec.)	LOS	Delay (Sec.)	LOS	Delay (Sec.)	LOS
2025	No Build	9.5 (LT)	A	10.9 (LT)	B	398.9	F	79.7	F	18.9	C
	Alternative 1 – Signal	10.3	A	7.3	A	35.0	D	32.9	C	10.1	B
	Alternative 2 - Roundabout	31.0	D	5.4	A	4.6	A	6.0	A	20.1	C
	Alternative 3 - Realignment	Free	NA	11.4 (LT)	B	n/a	n/a	30.3	D	0.2	A
2035	No Build	9.5 (LT)	A	11.0 (LT)	B	446.9	F	84.6	F	21.2	C
	Alternative 1 – Signal	10.6	B	7.5	A	35.1	D	32.9	C	10.4	B
	Alternative 2 - Roundabout	34.7	D	5.5	A	4.6	A	6.0	A	22.2	C
	Alternative 3 - Realignment	Free	A	11.6 (LT)	B	n/a	n/a	31.1	D	0.2	A

With existing geometric and operational conditions, this intersection operates at LOS F in the AM peak hours and LOS C in the PM peak hours for both analysis years. With the various geometric improvements, the LOS of the side street approaches will be significantly improved. Changing the operations for Baker Road from an uncontrolled approach will increase delay for thru vehicles during both peak hours.

Introducing a signal to the intersection in alternative 1 substantially improves overall intersection performance. The addition of the signal increases the delays for the Baker Road approaches, which were previously uncontrolled. These minor increases in delay are overshadowed by the improvements to LOS in the westbound and eastbound direction, resulting in overall intersection performance improving from LOS F to LOS B in the AM peak hours and LOS C to LOS B in the PM peak hours.

The roundabout option in Alternative 2 slightly increases overall intersection delay in the PM Peak compared to the existing condition at this intersection. During the PM Peak this alternative has more impact on the heavy northbound traffic volumes, resulting in LOS D for this approach and increasing overall delay. The delays for the eastbound and westbound approaches are significantly decreased. Whereas the minor street approaches operate at LOS C or D under Alternative 1, the LOS is improved to a LOS A under Alternative 2. Additionally, the roundabout improves overall intersection delay by approximately 5 seconds in the AM peak period for both the 2025 and 2035 conditions, compared to Alternative 1. This improvement reflects the improved operations for the heavy eastbound approach.

Alternative 3 removes the eastbound approach leg with the realignment of Shield Rd, while maintaining STOP control on the westbound approach. The overall intersection operates at LOS A with very little delay. Southbound left-turns are unsubstantially affected compared to the “No Build” option. Compared to the signalized intersection in Alternative 1, vehicles exiting Dongara Rd. from the west experience slightly higher delays in the AM peak hours.

ALTERNATIVE EVALUATION

Traffic and pedestrian safety

All three alternatives were designed to improve safety and maximize the safety benefits of the selected intersection type. The traffic and pedestrian safety ranking of the alternatives, from best to worst, is as follows,

1. Alternative 2 - Roundabout
Traffic safety benefits from slower traffic speeds and the one-way flow of the roundabouts. Head-on and angle crash types are minimized. Pedestrians cross one direction of traffic at a time at crossings pulled away from the distraction of the intersection.
2. Alternative 1 – Signal
Traffic safety benefits from the improved large vehicle turn maneuvers at Dan Hoey as well as the signal installation at Shield. Shield Drivers will no longer rely solely on gap perception in order to turn onto Baker. Signalized pedestrian crossings with push buttons will provide adequate time for pedestrian crossing.
3. Alternative 3 - Realignment
Traffic safety benefits are offset by the horizontal alignment of the realigned portion of Shield. The alignment will require a slower posted speed and curve super elevation. The intersection queue may extend into the super elevated curve, which may become problematic in the winter. Traffic safety benefits from slower traffic speeds and the one-way flow of the roundabouts. Head-on and angle crash types at this intersection are minimized. Shield Drivers will no longer rely solely on gap perception in order to turn onto Baker. Pedestrians cross one lane of traffic at a time at crossings pulled away from the distraction of the intersection.
4. No Build
Pre-existing crash patterns are anticipated to persist into the future, with the potential of increasing frequency and rate as congestion increases in future years.

Traffic capacity and operations

As described above all alternatives provide acceptable operations during both peak hours. The traffic operations of each alternative is improved over the 'do nothing' condition. The traffic capacity and operations ranking of the alternatives is as follows,

1. Alternative 3 - Realignment
Realigning Shield Road to align with Dan Hoey balances the traffic volumes at this intersection and is well accommodated by a roundabout. Removing the Shield approach at the Dongara intersection removes some of the conflicting traffic for the minor roadway approach.
2. Alternative 1 – Signal
The intersection at Dan Hoey benefits from the modest geometric improvements and optimizing the signal. The intersection at Shield is greatly improved by the addition of a signal. By optimizing the corridor, traffic flow intrusions by these closely spaces signals can be minimized.
3. Alternative 2 - Roundabout

The roundabout alternative provides adequate approach and intersection levels of service. Baker road traffic sees a slight increase in delay. This delay is offset by a substantial improvement in the level of service for stop controlled approaches.

4. No Build
Pre-existing levels of service are anticipated to persist into the future, with slowly increasing congestion in future years.

Non-motorized access

All three alternatives will add pedestrian facilities to this corridor. Pedestrian crossings will be located to optimize pedestrian visibility and safety. Other non-motorized facilities can be incorporated during the design phase. The traffic capacity and operations ranking of the alternatives is as follows,

1. Alternative 2 - Roundabout
This alternative will include pedestrian facilities on both sides of Baker Road between the two intersections. Pedestrian crossings will be provided at both intersections.
2. Alternative 1 – Signal
This alternative will include pedestrian facilities on both sides of Baker Road between the two intersections. Signalized pedestrian crossings will be provided at both intersections.
3. Alternative 3 - Realignment
This alternative will provide pedestrian facilities at the intersection with Dan Hoey and extending onto the high school property.
4. No Build
The pre-existing conditions of no pedestrian facilities south of Dan Hoey limits the access of school age children to the Dexter Schools campus.

Construction and maintenance costs

There are both short term construction costs and long term maintenance costs associated with each alternative. The construction and maintenance costs ranking of the alternatives is as follows,

1. No Build
Preliminary Construction Costs = \$0
Maintenance Costs = High
2. Alternative 2 - Roundabout
Preliminary Construction Costs = \$1,133,000
Maintenance Costs = Low
3. Alternative 1 – Signal
Preliminary Construction Costs = \$1,142,000
Maintenance Costs = High
4. Alternative 3 - Realignment
Preliminary Construction Costs = \$1,902,000
Maintenance Costs = Low

Right-of-way and environmental impacts

Expanding the intersections to provide increases in the maneuverability of large vehicles will increase the amount of impervious surface and has the potential to require additional right-of-way. The right-of-way and environmental impacts ranking of the alternatives is as follows.

1. No Build
Obviously, no additional right-of-way is needed in the absence of construction. However, there are operation problems with large trucks at the intersection of Baker / Dan Hoey Roads, as evidenced by the rutting back of curb in the southeast corner.
2. Alternative 1 – Signal
Adjusting the southeast quadrant curb line at the Dan Hoey intersection will require additional right-of-way from one parcel.
3. Alternative 2 - Roundabout
Construction of two roundabouts intersections will require small triangles of right-of-way from each corner parcel.
4. Alternative 3 - Realignment
Construction of one roundabout intersection will require small triangles of right-of-way from each corner parcel. The realignment will take place entirely outside of existing right-of-way and will require a large amount of additional right-of-way.

Opportunity for place making and aesthetic enhancements

The alternatives vary in the ability to provide aesthetic enhancements. In many cases the ability to add these elements is hindered by the remaining right-of-way. The Opportunity for place making and aesthetic enhancements ranking of the alternatives is as follows.

1. Alternative 3 - Realignment
Constructing a new approach to the Dan Hoey intersection provides opportunity for a gateway type enhancement in this area. The roundabout provided further opportunity for landscaping enhancements.
2. Alternative 2 - Roundabout
The two roundabouts provide opportunity for landscaping enhancement and can be used together to provide a gateway entrance to the community.
3. Alternative 1 – Signal
Opportunities for aesthetic enhancements are limited to streetscaping adjacent to the roadway.
4. No Build
Opportunities for aesthetic enhancements are limited to streetscaping adjacent to the roadway.

CONCLUSIONS AND RECOMENDATIONS

We recommend that the intersections of Baker Road at Dan Hoey Road and Baker Road at Shield Road be reconstructed to add one-lane roundabouts.

The realignment alternative (Alternative 3) provides unique opportunities for place making and improved operations. However, this option also has large right-of-way impacts and is substantially more expensive than other alternatives. The realignment alternative (Alternative 3) is not recommended as the negative performance in key areas outweigh the other unique positive characteristics of this alternative.

The remaining in two alternatives performed exceptionally well across all of the study evaluation factors. Both signals (Alternative 1) and roundabouts (Alternative 2) will improve non-motorized access along the corridor. The costs associated with the alternatives are nearly even. The signal alternative (Alternative 1) provides slightly better operations and has less right-of-way impacts. The roundabout alternative includes more place making opportunities and places a higher emphasis on traffic and pedestrian safety.

The project stakeholders emphasized safety as the primary concern in the study area, a concern shared by OHM. By reducing speeds and minimizing crossing lengths, the roundabout alternative provides improved safety for pedestrians and vehicles at both intersections.



CARLISLE

WORTMAN
associates, inc.605 S. Main Street, Ste. 1
Ann Arbor, MI 48104(734) 662-2200
(734) 662-1935 Fax**MEMORANDUM**

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Douglas J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: July 25, 2016

RE: Planned Unit Development (PUD) Provisions

Attached is the first draft of the proposed PUD regulations based on the Planning Commission's discussion and direction provided at their June meeting. Both marked-up and clean copy versions are attached for ease of review.

Much of the language provided has been reorganized and slightly modified for grammatical corrections and to provide greater detail. However, there are a number of sections/provisions the Planning Commission will need to discuss prior to moving forward with a more polished draft. We are looking for direction on the following items (we have cited the NEW Section number):

Section 19.02 C.3. – “Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality” is provided as a required criterion in qualifying a subject parcel for PUD development. While protection and preservation of any natural resources and/or features should be a priority in all developments, within an existing built-environment this criterion may not be able to be met in future in-fill project submittals.

Section 19.03 A. – “Perimeter setbacks” are listed as a current design consideration. This is a suburban requirement where development may take place on a large tract of land adjacent to agricultural or very-low density residential development.

Sections 19.04 A.2./19.06 B.1.g./19.06 C.2. – All of these sections require a parallel plan be provided during the Concept Review Meeting phase (initial PUD review phase) as is currently the case under the current Area Plan standards. The Planning Commission should determine if this is an appropriate requirement at Concept Review meeting phase or at Preliminary PUD Plan phase.

Section 19.05 A.1. – “Significant areas devoted to open space” – “Significant” was removed from this provision. This requirement is not meant for urban settings, and may not be able to be met in future in-fill project submittals.

Section 19.06 – This section outlines the modified review process based on the Planning Commission's preference discussed at the June meeting. It includes 1) Concept Review Meeting with the Planning

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President*

R. Donald Wortman, *Principal* John L. Enos, *Principal* David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal*
Brian Oppmann, *Associate* Laura K. Kreps, *Associate*

Commission and City Council; 2) Preliminary PUD Plan review and approval; 3) Final PUD Plan review and approval. Please review the proposed process and information required at each submittal/phase.

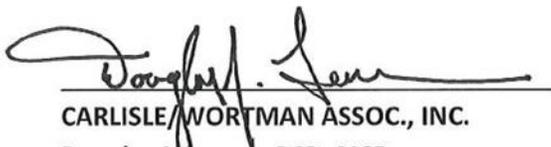
Section 19.06 E. – The timeframe of Preliminary PUD effectiveness is currently two (2) years with the option to request an extension. We have reduced this timeframe to one (1) year with the option to request an extension. Within one (1) year the developer would be required to apply for Final PUD Plan approval for one or more phases of the proposed development.

Section 19.09 B. – Currently, construction of an approved PUD shall be completed within two (2) years with an option to request an extension. The proposed language requires construction to commence within one (1) year of Final PUD approval, with the allowance of an extension.

We look forward to reviewing the modified PUD provisions with you at an upcoming meeting.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal

Cc: File



CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP
Associate

Article XIX

~~PUD PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS~~

Section 19.01 PURPOSE AND INTENT

~~—~~The Planned Unit Development (PUD) district is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use ~~in terms of~~ and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Section 19.02 GENERAL PROVISIONS

A. **Where Permitted.** A PUD may be applied in any zoning district.

B. **Uses Permitted.** ~~B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and welfare to ensure the compatibility of varied land uses both within and outside of the development, and to the limitations of this Article.~~

C. **Qualifications of Subject Parcel.** ~~Specifically, the PUD District regulations set forth herein are intended to achieve the following and a~~ The petitioner for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following ~~as a condition for a PUD:~~ criteria are met:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
2. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.

- ~~3.1. The PUD shall incorporate design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways.~~
- 4.3. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which identifies and integrates natural resources and features in the overall site design concept, as applicable, and encourages the provision of open space for active and or-passive use.
- 5.4. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.
- 6.5. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision for public services and utilities, and provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
- 7.6. The PUD shall be harmonious with the public health, safety, and welfare of the City.
- 8.7. The proposed PUD shall not result in an unreasonable, negative environmental impact or loss of historic structure(s) on the subject site.
- 9.8. The proposed ~~planned unit development~~PUD shall not result in an unreasonable, negative economic impact upon surrounding properties.
- 10.9. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the underlying zoning district and City of Dexter Master Plan, and shall not be detrimental to the adjoining zoning districts or uses.
- 11.10. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
- 12.11. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards, rather to ensure the increased flexibility of regulations over land development is subject to proper standards and review procedures.

Section 19.02 PUD REGULATIONS

- ~~A. A PUD may be applied in any zoning district.~~
- ~~B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and~~

~~welfare to ensure the compatibility of varied land uses both within and outside of the development and to the limitations of this Article.~~

- ~~C. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved area plan, and on site plans and plats approved subsequently thereto pursuant to an approved PUD, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance.~~
- ~~D. Regulations shall be the continuing obligation of any subsequent interest in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article XIX. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved area plan, preliminary and final site plans, and plats approved subsequent thereto.~~
- ~~E. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under petition for, a PUD district classification, until the requirements of this article have been met.~~

Section 19.03 GENERAL DESIGN PROVISIONS CONSIDERATIONS

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- A. Perimeter setbacks.
- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- C. Underground installation of utilities.
- D. Installation of separate pedestrian ways apart from vehicular streets and ways.
- E. ~~The PUD shall incorporate~~ Achievement of integrated and harmonious design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways, and construction materials.
- F. Noise reduction and visual screening features for protection of adjoining incompatible residential uses.
- G. Ingress and egress to the property with respect to vehicular and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.

H. Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.

I. Yard areas and other open space.

J. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre, and the height of buildings and other structures.

K. The preservation of natural resources and natural features, if applicable.

~~All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as Permitted Principle Uses. In all cases, the strictest provision shall apply.~~

~~Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the petitioner and deemed adequate by the City Council, upon recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.~~

Section 19.04 – PROJECT DENSITIES

~~The proposed density of the PUD shall be no greater than that which would be required for each of the proposed component uses included within the PUD (measured by the stated acreage allocated to each use) of the development by the district regulations for the underlying zoning district unless otherwise permitted by the Planning Commission and City Council or per this section.~~

A. ~~A.~~ **Residential Density.**

1. ~~1.~~ The total number of dwelling units in a PUD project shall not exceed the number of dwelling units Residential density shall not be greater than the maximum density permitted in the underlying zoning district or the density as proposed in the Master Plan in which the property is situated immediately prior to classification under this Article. If the parcel is not zoned for residential use immediately prior to classification under this Article, the City shall make a determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.

2. ~~2.~~ Project density shall be demonstrated by a parallel plan, i.e. a conceptual site plan with demonstrating a conventional development layout

based on the underlying zoning with all applicable ordinances and laws observed, including proof of water supply and sewage disposal. The ~~parallel~~ Parallel site ~~p~~Plan shall be included as a part of the initial Area Concept Plan submittal. The Parallel plan must be a realistic residential site plan that could be developed if the PUD was not approved.

3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow a more dense development in an earlier phase, while ensuring appropriate overall density.
4. ~~3.~~ Additional density for residential uses may be allowed in at the discretion of the City Council upon the recommendation of the Planning Commission, and b Allowance of additional residential density shall be based upon a demonstration by the applicant of consistency with the Master Plan, and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project, where additional density is proposed to be preserved, where sSuch material benefit(s) would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the ~~determination~~ determining whether a project warrants additional density, the City Council, upon recommendation of the Planning Commission, may also consider the following factors including, ~~without limitation~~ but not limited to: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of ~~the resources base~~ and contributes to an area wide open space network; and improvements to the City's infrastructure.

B. **Mixed Use Projects** Density.

1. For ~~planned unit development~~ PUD projects which contain both a non-residential and a residential component, the City shall make a determination as to the appropriate residential density based upon the Master Plan; existing and planned residential densities in the surrounding area; the availability of utilities and service; and the natural features and resources ~~of~~ contained on the subject parcel.
2. Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen

and/or landscaping berms and/or decorative walls, shall be employed in accordance with Article VI.

C. Non-Residential Component. A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met:

1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed 10% of the gross area of the development.
2. All non-residential uses shall be compatible with the residential area of the PUD.
3. The architectural design of the structure(s) is compatible with the balance of the development.
4. All non-residential structures are connected to a pedestrian access system servicing the project.
5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to 25% of the required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be screened in accordance with Section X.XX.

Section 19.05 – DESIGN STANDARDS

A. Open Space Regulations.

1. ~~1.~~ When completed, the PUD shall have significant areas devoted to open space, which shall either remain in its a natural state and/or be restricted for use for active and/or passive recreation purposes. Such areas shall be harmonious with peaceful single-family residential uses within and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis, and may include: natural, historical, and architectural features, and/or the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains. —The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.

- ~~3.~~ 2. Open space areas shall be conveniently located in relation to dwelling units.
- ~~2.4.~~ 2.4. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
- ~~3.5.~~ 3.5. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as ~~ravines, rock outcrops,~~ wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
- ~~4.1.~~ 4.1. ~~Landscaping shall be preserved and/or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.~~
- ~~5.~~ 5. ~~Efforts shall be made to preserve natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains~~
- ~~6.~~ 6. ~~When completed, the PUD shall have significant areas devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive recreation purposes harmonious with peaceful single-family residential uses in and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.~~
6. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following:
- a. ~~provide~~ Provide areas for active recreation.;
- b. ~~provide~~ Provide areas for informal recreation and pathways convenient to the majority of the residents within the development.;
- c. ~~connect~~ Connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
- ~~7.d.~~ 7.d. Preserve an existing natural buffer from adjacent land uses where appropriate.
- ~~8.7.~~ 8.7. Areas not considered open space.
- i.a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
- ii.b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
- iii.c. The area within any manmade storm water detention or retention pond.
- iv.d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.

~~D. Preservation of Natural Resources and Natural Features. Taking into consideration the criteria set forth in Sections 19.01 and 19.03, the City shall evaluate the proposed PUD to determine the following:~~

- ~~1. Natural resources will be preserved to the maximum extent feasible.~~
- ~~2. The proposed PUD respects the natural topography and minimizes the cutting, filling, and grading required.~~
- ~~3. The proposed PUD will not detrimentally affect or destroy natural features such as lakes, ponds, stream, wetland, steep slopes and woodlands, and will preserve and incorporate such features into the development's site design.~~
- ~~4. The proposed PUD will not cause off site soil erosion or sedimentation problems.~~
- ~~5. The conveyance and storage of storm water will enhance the aesthetics of the site.~~
8. To ensure that open space is maintained in perpetuity, the following shall apply:
 - a. No PUD shall be approved by City Council until documents pertaining to maintenance and preservation of common open space areas, common landscaped areas, and/or common recreation facilities located within the development plan have been reviewed by the City Attorney.
 - b. The City shall be identified as having the right to enforce the conditions, covenants, and restrictions placed on the open space, unless otherwise directed by the City Council and the City Attorney, with the documentation utilized for such purpose to be in a form approved by the City Attorney. Any costs associated with enforcement may be assessed to the property owner and/or the homeowner's association.

~~Section 19.04 – DESIGN STANDARDS~~

Section 19.12 – COMMON AREAS AND FACILITIES

B. Common Areas and Facilities. A. The location, extent, and purpose of all common area and facilities shall be identified on the area Concept pPlan, on the pPreliminary sitePUD pPlan where applicable, and on each fFinal sitePUD pPlan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the fFinal site-PUD pPlan(s).

~~B. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.~~

~~C. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a final site plan or final plat.~~

~~D. Where a Home Owners or Condominium Association (Association) is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, same to be filed with the area plan application. The provisions shall include, but shall not be limited to, the following:~~

~~1. The Association shall be established before any dwellings in the PUD are sold.~~

~~2. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.~~

~~3. Restrictions shall be permanent.~~

~~4. The Association shall be made responsible for liability.~~

~~5. Dwelling unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties.~~

~~a.~~

~~C. A. **Setbacks in the PUD Project.** All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as a Permitted Principle Uses. In all cases, the strictest provision shall apply. All regulations applicable to front, side and rear yard setbacks, shall be met in relation to each respective land use in the PUD upon zoning district regulations in which the proposed use is listed as a Permitted Principle Use or Special Land Use.~~

~~D. **Buffering from Adjacent Property.** Landscaping shall be preserved and/or provided in accordance with Section X.XX to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.~~

~~E. **B. **Vehicular and Pedestrian Circulation.****~~

- ~~1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid~~

system or a modified grid system and traditional neighborhood design (TND) guidelines.

2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between, or through all open space and/or common space areas, and to appropriate off-site amenities. Informal trails may be constructed of gravel or other similar material; however, the City may require the construction of a pathway of up to eight ~~(8)~~ feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development. ~~The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.~~
3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic. ~~Traffic calming techniques may include but are not limited to the following, pedestrian refuge islands, central islands, chicanes, roundabouts, chokers, curb extensions and/or raised pedestrian crossings.~~
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street, ~~or private~~ street, or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission, ~~as part of the area plan.~~ All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the ~~area plan~~ PUD provides for separation of pedestrian and vehicular traffic and adequate, off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.
8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in ~~section~~ Section 19.0305.A.3D, ~~preceding~~.

streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.

9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.
- ~~10. Thoroughfare, drainage and utility design shall meet and exceed standards otherwise applicable in connection with each of the respective types of uses served.~~

F. ~~C.~~ **Parking and Loading Regulations.**

1. The parking and loading requirements set forth in Article V, ~~herein~~, shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the ~~area~~ Preliminary Site plan ~~Plan~~. Such reduction shall be based upon specific findings.
- ~~2. Parking areas within the PUD shall meet the minimum requirements of City Ordinances, unless modified by the Planning Commission and City Council.~~

G. ~~D.~~ **Utilities.**

1. Each principal building shall be connected to public water and sanitary sewer lines.
 - ~~2. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention/detention ponds may be permitted.~~
 - ~~3.~~ 2. There shall be underground installation of utilities, including but not limited to, electrical, telephone, and cable television lines, ~~provided, however, that distribution~~ Distribution lines may be placed overhead if approved by the City Council. Surface ~~mounted~~ equipment for underground wires shall be shown on the ~~final~~ Final site PUD p ~~Plan~~ and shall be screened from view in accordance with Section X.XX.
 - ~~4. The uses proposed in the PUD shall not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.~~

- H. ~~E.~~ **Storm water Drainage/Erosion Control.** All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction pursuant to Section XX.XX ~~and shall to the minimum extent feasible, utilize non structural control techniques, including but not limited to:~~

- ~~1. limitation of land disturbance and grading;~~
- ~~2. maintenance of vegetated buffers and natural vegetation;~~
- ~~3. minimization of impervious surfaces;~~
- ~~4. use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock-lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio-retention swales.~~

F.I. Design Elements.

1. Residential Projects. ~~It is the intent of this article to promote excellence and innovation in design. Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character and the community, surrounding developments, and natural features of the area.~~ Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that ~~the~~any scenic views across or through the site are protected. and that the residential development is buffered from different land uses.

- ~~4. Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such manner that the scenic views across or through the site are protected and that the residential development is buffered from different land uses.~~

2. Non-Residential and/or Mixed Use Projects. Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two ~~(2)~~ of the following:

- a. ~~patio~~Patio/seating area;
- b. ~~pedestrian~~Pedestrian plaza with benches;
- c. ~~t~~Transportation center;
- d. ~~w~~Window shopping walkway
- e. ~~,e~~Outdoor playground area;
- f. ~~k~~Kiosk area;

g. Water feature;

h. Clock tower

Those amenities listed above or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Section 19.076 - PRE-APPLICATION CONFERENCE AND PROCESSING PROCEDURES

A. Effects. The granting of a PUD application shall require an amendment of the zoning ordinance and zoning map constituting a part of this Chapter. An approval granted under this Article including all aspects of the Final PUD Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

~~B. A. Concept Review Meeting. Prior to filing a formal request or to submission of an application for a PUD, the petitioner for a PUD district shall request a pre-application conference~~ Concept Review Meeting with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the Concept Review Meeting at both the next available Planning Commission and City Council Meetings. The Concept Review Meeting shall be held with the Planning Commission first, and the City Council second. Planning Commission and City Council Concept Review Meetings can be scheduled simultaneously ~~conference and shall inform the City Manager, President, Planning Commission Chair, staff or consultants whom the Zoning Administrator deems appropriate.~~

1. Purpose. ~~B. The purpose of the conference~~ Concept Review Meetings shall be to inform the Planning Commission, City Council, and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. In order to establish Concept Review Meeting dates with the Planning Commission and City Council, the petitioner must include the following information at the pre-application conference provide a sketch plan of the PUD, and the following information:

a. A legal description of the property in question.

b. Location and description of site; dimensions and area.

c. General topography; soil information.

d. Scale, north arrow, date of plan.

- e. Adjacent land uses.
- f. Location, type, and land area of each proposed land use; type of dwelling units.
- g. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.
- h. Departures from the regulations of the Ordinance which may be requested.
- i. General description of the organization to be utilized which will own and maintain common open space areas and facilities.
- j. Location, use, and size of open areas and recreation areas.
- k. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.
- l. General description of covenants or other restrictions and/or easements for public utilities.
- m. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
- n. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
- o. Location and area of each development phase.
- p. General description of proposed water, sanitary sewer and storm drainage systems.
- q. Delineation of areas to be platted under the Subdivision Control Act, if any.
- ~~1. Legal description of the subject property.~~
- ~~2. The estimates total number of acres to be developed.~~
- ~~3. The relative locations of the different uses in the proposed planned development.~~
- ~~4. The estimated density for each proposed use.~~
- ~~5. The known deviations and alterations from ordinance regulations.~~
- ~~6. The estimated number of acres to be used as open space.~~

7. At least a sketch of the exterior facades of all buildings and structures contemplated to be erected.

8. A sketch of the proposed PUD.

9. The approximate number of acres of wetlands, woodlands and any other environmentally sensitive areas.

10. The location and estimated number of acres of natural resources and natural features which are to be preserved.

2. C. Statements made in the conference at the Concept Review Meetings shall not be legally binding commitments.

C. Preliminary PUD Application – Submission and Content. Following the Concept Review meetings with the Planning Commission and City Council, XX copies of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Preliminary PUD Plan shall contain the following information:

1. All information required for Preliminary Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.

2. A narrative describing:

a. The nature of the project, projected phases, and timetable.

b. The proposed density, number, and types of dwelling units if a residential PUD.

c. A statement describing how the proposed project meets the intent of the PUD District pursuant to Section 19.01.

d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.

e. Proof of ownership or legal interest in property.

D. Preliminary PUD Plan – Planning Commission Review and Recommendation. The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in Sections 19.03 through 19.05. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
 3. The PUD shall not change the essential character of the surrounding area.
 4. Proposed phases and timetable.
 5. The proposed PUD 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 Article. This provision shall not prohibit transfer of ownership or control upon due notice to the Zoning Administrator.
- E. Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section XX.X, Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the Preliminary PUD submittal shall become null and void.
- F. Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection D. above.
- G. Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within 12 months of receiving Preliminary PUD approval or the application shall be null and void.
- H. Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:
1. All information required for Final Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.

2. Detailed construction and engineering plans in accordance with XX.XX.
 3. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- I. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a Final PUD Plan, unless a binding agreement is provided in lieu of dedication.
 - J. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a Final PUD Plan.
 - K. Where a Homeowners or Condominium Association is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, to be filed with the Final PUD Plan application. The provisions shall include, but shall not be limited to, the following:
 - a. The Association shall be established before any dwellings within the development are sold.
 - b. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer, and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - b. The Association shall be made responsible for liability.
 - c. Dwelling unit owners shall pay their prorated share of costs, and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties within the development.
 - L. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the PUD District in addition to all development standards outlined in Sections 19.03 through 19.05.
 - M. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

N. Final PUD Plan and Rezoning – Effect of Approval. The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:

1. Date of approval of the Final PUD Plan by the City Council.
2. Legal description of the property.
3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 19.07 – RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

Section 19.05-08 PUD CONDITIONS

- A. A.—Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to for the purpose of ensuring-ensure that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent land uses; and promoting the use of

land in a socially and economically desirable manner consistent with the Master Plan ~~of the City.~~

- B. ~~B.~~—Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; ~~and~~ necessary to meet the intent and purpose of this Ordinance; ~~;~~ and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the ~~development agreements~~ record of the approved PUD which shall include a ~~site~~ Final PUD plan ~~Plan~~ and development agreement signed by the City and the petitioner.

Section 19.06—09 PHASING AND COMMENCEMENT OF CONSTRUCTION

~~Development may be phased as delineated on the approved area plan, subject to the following requirements:~~

A. Phasing.

1. A.—Where a project is proposed for construction in phases, ~~the planning and designing shall be such that,~~ upon completion, each phase shall be capable of standing on its own in terms of the presence of safe and convenient vehicular and pedestrian access; ~~;~~ adequate utility services, ~~and~~ facilities, ~~;~~ and recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area, ~~including sidewalk connections and roadway improvements.~~ In addition, ~~the~~ each phase of developments which include residential and non-residential uses, shall provide the relative mix of uses and the scheduled completion of construction ~~for each phase~~ shall be disclosed and determined to be reasonable ~~in~~ at the discretion of the City Council after recommendation from the Planning Commission.
2. B.—The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market ~~analysis~~ analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council. ~~with respect to this requirement.~~

3. ~~C.~~ ~~—~~ The Planning Commission may require, as part of a ~~Final site-PUD plan-Plan~~ review of a ~~development~~ phase, that land shown as open space on the approved ~~area-plan~~ Preliminary PUD Plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases, if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

B. Commencement and Completion of Construction. Construction shall be commenced within one year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and Ordinance provisions prior to any construction.

~~C. E.~~ ~~—~~ No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued ~~therefore, on a lot with, or under petition~~ for, a PUD ~~district classification~~, until the requirements of this ~~article~~ Article have been met.

~~Section 19.07 - PRE-APPLICATION CONFERENCE~~

~~A. Prior to filing a formal request or submission of an application for a PUD the petitioner for a PUD district shall request a pre-application conference with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the conference and shall inform the City Manager, President, Planning Commission Chair, staff or consultants whom the Zoning Administrator deems appropriate.~~

~~B. The purpose of the conference shall be to inform City and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. The petitioner must include the following information at the pre-application conference:~~

- ~~1. Legal description of the subject property.~~
- ~~2. The estimates total number of acres to be developed.~~

- ~~3. The relative locations of the different uses in the proposed planned development.~~
 - ~~4. The estimated density for each proposed use.~~
 - ~~5. The known deviations and alterations from ordinance regulations.~~
 - ~~6. The estimated number of acres to be used as open space.~~
 - ~~7. At least a sketch of the exterior facades of all buildings and structures contemplated to be erected.~~
 - ~~8. A sketch of the proposed PUD.~~
 - ~~9. The approximate number of acres of wetlands, woodlands and any other environmentally sensitive areas.~~
 - ~~10. The location and estimated number of acres of natural resources and natural features which are to be preserved.~~
- ~~C. Statements made in the conference shall not be legally binding commitments.~~

~~Section 19.08 - AREA PLAN REQUIREMENTS~~

~~A. Procedure for Petition and Area Plan Approvals for PUD.~~

- ~~1. A petition for a PUD district may be made by the owner(s) of record or by person(s) acting on behalf of the owner(s) of record of the subject parcel(s). The petitioner shall have a substantial interest in the subject property prior to filing. The filing shall be in the name of all owners. The petitioner shall provide evidence of full ownership of all land in a PUD, execution of a binding sales agreement or written permission from the owner of record, prior to approval of the petition and area plan by the City Council.~~
- ~~2. The petition shall be filed with the City Zoning Administrator who shall process the petition and the area plan.~~
- ~~3. The Planning Commission shall hold a public hearing on the petition and area plan. Notice of the public hearing shall be given in a newspaper of general circulation in the City of Dexter.~~
- ~~4. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:~~
 - ~~a. General character and substance.~~
 - ~~b. Objective and purposes to be served.~~
 - ~~c. Compliance with regulations and standards.~~

~~d. Scale and scope of development proposed.~~

~~e. Economic feasibility of the proposed uses.~~

~~f. Impact assessment — Reports and Maps illustrating the following is required:~~

~~1) Intent — The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. Preparation of the Impact Assessment is required unless waived, in whole or in part, by the Planning Commission and shall be the responsibility of the petitioner. The petitioner shall use qualified personnel to complete the Impact Assessment, which shall address the following issues, at minimum:~~

~~(a). Water, noise, and air pollution associated with the proposed use.~~

~~(b). Effect of the proposed use on public utilities.~~

~~(c). Historic and archeological significance of the site and adjacent properties.~~

~~(d). Displacement of people and other land uses by the proposed use.~~

~~(e). Alteration of the character of the area by the proposed use.~~

~~(f). Effect of the proposed use on the City's tax base and adjacent property values.~~

~~(g). Compatibility of the proposed use with existing topography, and topographic alterations required.~~

~~(h). Impact of the proposed use on surface and groundwater.~~

~~(i). Operating characteristics and standards of the proposed use.~~

-
- ~~(j). Proposed screening and other visual controls.~~
-
- ~~(k). Impact of the proposed use on traffic.~~
-
- ~~(l). Impact of the proposed use on flora and fauna, natural resources and natural features, woodlands, wetlands, etc.~~
-
- ~~(m). Negative short term and long term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.~~
-
- ~~(n). Economic effect the project would have on the City, including, but not limited to, the additional need, if any, for City public services such as the need for additional police or fire services, or public school support, the generation of municipal refuse, etc.~~
-
- ~~2) Evaluation of the Impact Assessment – The Planning Commission and City Council shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the PUD. The City Council and Planning Commission shall determine that the proposed use:~~
-
- ~~(a). Will be harmonious with and in accordance with the general objectives of the Master Plan.~~
-
- ~~(b). Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.~~
-
- ~~(c). Will not be hazardous or disturbing to existing or future neighboring uses.~~
-
- ~~(d). Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.~~
-
- ~~(e). Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.~~

-
- ~~(f). Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.~~
- ~~(g). Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general health, safety and welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.~~
- ~~3) Applicability of Other Standards and Ordinances Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other City ordinance, or with any other applicable local, State or Federal law or regulation.~~
- =
- ~~g. Development schedules.~~
- ~~h. Compliance with the adopted Master Plan of the City.~~
- =
- ~~i. Ownership of land, identifying all parties of interest.~~
- ~~j. Full and complete disclosure for all parties involved in the development as to ownership, current financial position, experience in previous five (5) years, background on all management personnel. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and in the form of testimony by experts as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other City officials.~~
- ~~5. The City Planning Commission shall conduct a public hearing to review and evaluate the petition and area plan within ninety five (95) days after the pre-application conference is completed and following receipt by the City of a completed PUD application in accordance with Article XIX. Following the public hearing, the Planning Commission shall make a resolution either recommending approval or denial of the petition (or tabling the petition pending receipt of further information as required by this Article) to the City Council. The Planning Commission shall transmit a report to the City Council setting forth its conclusions, decision, recommendations and the basis for its decision, along with comments received at the public hearing. The report shall contain the Planning Commission's analysis of the petition and area plan, findings regarding standards and suggested conditions of approval if applicable.~~

- ~~6. The City Council shall review the petition and area plan and the City Planning Commission recommendations and the City Council shall approve, approve with conditions, deny, or table for future consideration (if the PUD petition and/or area plan does not meet the criteria set forth in this Ordinance, but could meet the criteria if revised), the petition and area plan. Changes in the petition or area plan desired by the City Council shall be referred back to the City Planning Commission for further review and recommendation prior to City Council action thereon.~~
- ~~7. If the petition and area plan are approved by the City Council, the petitioner and all owner(s) of record of all property included within the PUD shall sign a statement and/or PUD agreement, as determined by the City Council and its attorney, that the approved petition and area plan shall be binding upon the petitioner and owner(s) of record and upon their heirs, successors, and assigns among other criteria in accordance with this Article.~~

~~B. Information Required for Area Plan~~

- ~~1. An area plan for a PUD consisting of eighty (80) acres or less shall contain all information required for preliminary site plans as set forth in Section 21.04, herein, and the following information:~~
- ~~a. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.~~
- ~~b. General description of the organization to be utilized which will own and maintain common open space areas and facilities.~~
- ~~c. General description of covenants or other restrictions; easements for public utilities; by laws and articles of incorporation for home owners', cooperative, or condominium association(s).~~
- ~~d. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.~~
- ~~e. Description of all proposed uses by reference to existing zoning classifications under the City Zoning Ordinance, i.e. residential uses by density and housing type. Office and commercial land uses, open space and recreational facilities, and other land uses.~~
- ~~f. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.~~
- ~~g. Delineation of areas to be platted under the Subdivision Control Act, if any.~~

-
- ~~2. An Area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in Section 19.08 B.1 (a) through (g), preceding, and the following information:~~
- ~~a. Location and description of site; dimensions and area.~~
 - ~~b. General topography; soil information.~~
 - ~~c. Scale, north arrow, date of plan.~~
 - ~~d. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre); type of dwelling units.~~
 - ~~e. Location, use and size of open areas and recreation areas.~~
 - ~~f. General location, surface width, and right of way width of proposed public streets; general location and surface width of major private streets/drives.~~
 - ~~g. General location of proposed parking areas and approximate number of spaces to be provided in each area.~~
 - ~~h. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.~~
 - ~~i. Adjacent land uses.~~
 - ~~j. Location and area of each development phase; summary of land use information as required in Section 19.08.B.2.(d) preceding, for each phase.~~
 - ~~k. General description of proposed water, sanitary sewer and storm drainage systems.~~

~~C. Standards for Petition and Area Plan Review.~~

~~The Planning Commission shall determine and shall provide evidence of same in its report to the City Council, that the petition and area plan meet the following standards:~~

- ~~1. The proposed PUD shall conform to the adopted Master Plan or any part thereof, or represents a land use policy, which, in the Planning Commission's opinion, is a logical and acceptable change to the adopted Master Plan.~~

-
- ~~2. The proposed PUD shall conform to the intent and all regulations and standards of a PUD district.~~
 - ~~3. The proposed PUD shall be adequately served by public utilities, facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.~~
 - ~~4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.~~
 - ~~5. The petitioner shall have made provision to assure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.~~
 - ~~6. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.~~
 - ~~7. The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.~~
 - ~~8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.~~
 - ~~9. The proposed development shall create a minimum disturbance to natural features and landforms.~~
 - ~~10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.~~

- ~~11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD, where applicable.~~

~~**D. Effect of Approval of Petition and Area Plan Approval of the petition and area plan by the City Council shall have the following effects:**~~

~~When approved, the PUD, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all the improvements and uses shall be in conformity with the amendment. Notice of adoption of the final PUD site plan and PUD development agreement shall be recorded with the Washtenaw County Register of Deeds at the petitioner's expense.~~

- ~~1. Approval shall confer a right to the petitioner for a period of three (3) years for a PUD of eighty (80) acres or less in area, or for a period of five (5) years for a PUD of more than eighty (80) acres in area, from the date of approval, that existing zoning regulations as they apply to the land included in the petition and area plan, shall remain unchanged, provided that subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.~~

- ~~2. Approval of an area plan shall indicate acceptance of uses, building locations in the case of a PUD of eighty (80) acres or less in area, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.~~

- ~~3. Approval of an area plan of eighty (80) acres or less in area shall authorize the petitioner to file an application for final site plan approval for all or any phase of the development shown on the approved area plan. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the City Council gives permission for such construction, after recommendation by the Planning Commission, and provided that all required permits have been issued.~~

~~Grading, tree removal and other changes in existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this sub-section. Construction shall be limited to those elements whose location, size, alignment and similar characteristics will not be reviewable as part of a final site plan or any plat.~~

- ~~4. Approval of an area plan of more than eighty (80) acres shall authorize the petitioner to file a preliminary site plan for each phase of the proposed development. No construction shall begin with any phase until after a~~

~~preliminary site plan is approved as required herein, and in accordance with Section 21.04B, herein.~~

- ~~5. Approval of an area plan by the City Council shall authorize the petitioner to file a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the City's Subdivision Control Ordinance for area within the PUD which is to be platted.~~
- ~~6. No deviations from the area plan approved by the City Council shall be permitted except as provided in this article.~~

~~**Section 19.09 - PRELIMINARY SITE PLAN REQUIREMENTS**~~

~~A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan for PUD's consisting of more than eighty (80) acres of land area. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of, Section 21.04B, herein. Preliminary site plans shall conform to the approved area plan.~~

~~**Section 19.10 - FINAL SITE PLAN REQUIREMENTS**~~

~~A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet all provisions of, Section 21.04C, herein. The petitioner and all owner(s) of record or the owner(s) legal representative(s) shall sign the approved final site plan.~~

~~**Section 19.11 - SUBDIVISION PLATS**~~

- ~~A. The City Council shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.~~
- ~~B. A preliminary or final site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development.~~
- ~~C. Plats shall conform to the approved area plan.~~

~~**Section 19.12 - COMMON AREAS AND FACILITIES**~~

- ~~A. The location, extent, and purpose of all common area and facilities shall be identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the final site plan(s).~~

- ~~B. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.~~
- ~~C. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a final site plan or final plat.~~
- ~~D. Where a Home Owners or Condominium Association (Association) is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, same to be filed with the area plan application. The provisions shall include, but shall not be limited to, the following:~~
- ~~1. The Association shall be established before any dwellings in the PUD are sold.~~
 - ~~2. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.~~
 - ~~3. Restrictions shall be permanent.~~
 - ~~4. The Association shall be made responsible for liability.~~
 - ~~5. Dwelling unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties.~~

Section 19.1610 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Section 21.08, herein.

Section 19.1711 PERFORMANCE GUARANTEE

Performance guarantees shall be provided in accordance with Section 21.11 herein.

Section 19.13-12 AMENDMENT AND REVISION MODIFICATIONS TO AN APPROVED PUD PLAN

- ~~A. A developer may request a change in an approved area plan, an approved preliminary Preliminary site PUD planPlan, or an approved final Final site PUD planPlan. A change in an approved preliminary or final site plan, which is determined by the Zoning Administrator to be a major change, as defined in this~~

~~section~~, shall require an amendment to the approved ~~area plan~~ Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions ~~herein~~ required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change ~~as defined in this Section and~~ as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council ~~and~~ provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development ~~and further provided that such change is minor as defined in this Section 19.13.~~

B. ~~B.~~—A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons ~~therefore~~ for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions, ~~;~~ potential improvements in layout or design features, ; unforeseen difficulties, ~~;~~ or advantages mutually affecting the interest of City of Dexter and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.

C. ~~C.~~—~~Changes to be considered major, for which amendment is required pursuant to the procedures and conditions as required for the original submittal as set forth in this Article XIX, shall include one or more of the following~~ The following changes shall be considered major:

1. ~~1.~~—~~A C~~ A C change in concept of the development.
2. ~~2.~~—~~A C~~ A C change in use or character of the development.
3. ~~3.~~—~~Changes~~ Changes in type(s) of dwelling units ~~as identified on the approved area plan.~~
4. ~~4.~~—~~Increase~~ A change in the number of dwelling units (density).
5. ~~5.~~—~~Increase and/or decrease~~ Changes in non-residential floor area of over five ~~(5)~~ percent.
6. ~~6.~~—~~Increase and/or decrease in gross floor area~~ Changes in lot coverage and/or floor area ratio of the entire ~~PUD development of more~~ greater than one ~~(1)~~ percent.
7. ~~7.~~—~~The R~~ The R rearrangement of lots, blocks, and building tracts.
8. ~~8.~~—~~A C~~ A C change in the character or function of any street.
9. ~~9.~~—~~A R~~ A R reduction in land area set aside for common open space or the ~~relocations~~ of such area(s).

~~10.~~ 10. Horizontal and/or vertical elevation changes of five ~~(5)~~ percent or more.

~~D.~~ D. Minor changes shall include the following:

~~1.~~ 1. A change in residential floor area.

~~2.~~ 2. An ~~increase~~ change in non-residential floor area of five ~~(5)~~ percent or less.

~~3.~~ 3. Horizontal and/or vertical elevation changes of five ~~(5)~~ percent or less.

~~4.~~ 4. An ~~increase in D~~ designated "Areas not to be disturbed" or open space ~~may be increased~~.

~~5.~~ 5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.

~~6.~~ 6. Changes to approved building materials to ~~another~~ higher quality materials.

~~7.~~ 7. Changes ~~in to~~ to floor plans, which do not alter the character of the use.

~~4.8.~~ 8. Slight modifications s of sign placement or reduction of size.

~~9.~~ 9. Minor variations in layout, which do not constitute major changes.

~~10.~~ 10. An increase in gross floor area or floor area ratio of the entire ~~PUD~~ development of one ~~(1)~~ percent or less.

~~E.~~ E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor, in accordance with this ~~section~~ Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, ~~and~~ the owner(s) of record, and or the legal representative(s) of said owner(s) and submitted for the record.

~~Section 19.14 EXPIRATION OF PLAN APPROVALS~~

~~A.~~ An area plan or a preliminary site plan, where applicable, shall expire two (2) years after approval unless a final site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for approval. Thereafter the final site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.

- ~~B. A final site plan for the entire PUD, or all final site plans for all phases thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area. All final plans in a PUD shall have been approved and recorded within the preceding time periods.~~
- ~~C. Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in Section 19.14A, preceding, and failure to obtain approval of final site plans and final plats provided in Sections 19.14A and B, preceding, shall authorize the City Council to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration. In such case, the City Council may require that a new area plan be filed and reviewed in accordance with the requirements for original application. Expiration shall also authorize the City Council to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the City Council to be appropriate.~~
- ~~D. An approved final site plan shall expire as provided in Section 21.04.C.8, herein.~~
- ~~E. Development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for subsequent phases of a PUD unless good cause can be shown for not completing same.~~
- ~~F. If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.~~

~~Section 19.15 EXTENSION OF TIME LIMITS~~

~~Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

~~Section 19.16 AS-BUILT DRAWINGS~~

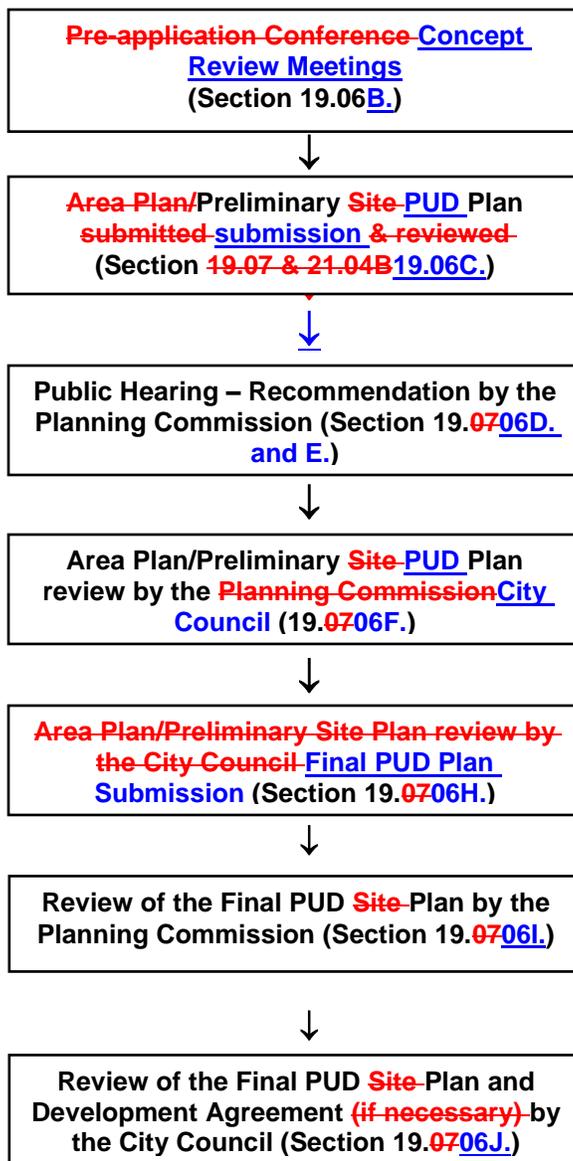
~~As-built drawings shall be provided in accordance with Section 21.08, herein.~~

~~Section 19.17 PERFORMANCE GUARANTEE~~

~~Performance guarantees shall be provided in accordance with Section 21.11 herein.~~

~~Section 19.18 VIOLATIONS~~

- A. A violation of ~~an approved area plan,~~ an approved Preliminary site-PUD plan~~Plan~~; and/or a ~~Final site-PUD plan~~Plan, shall be grounds for the City Council to order that all construction be stopped, and ~~to order~~ that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.
- B. Violations of any plan approved under this ~~article~~Article, or failure to comply with any requirement of this ~~article~~Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in Section 21.13 ~~herein~~.



* Annexation and/or conditional transfer requests can be made before or after the ~~Pre-application conference~~ Concept Review Meetings.

Article XIX

PUD PLANNED UNIT DEVELOPMENT DISTRICTS

Section 19.01 PURPOSE AND INTENT

The Planned Unit Development (PUD) district is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Section 19.02 GENERAL PROVISIONS

- A. **Where Permitted.** A PUD may be applied in any zoning district.
- B. **Uses Permitted.** Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and welfare to ensure the compatibility of varied land uses both within and outside of the development.
- C. **Qualifications of Subject Parcel.** The petitioner for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
 - 1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
 - 2. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.
 - 3. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which

identifies and integrates natural resources and features in the overall site design concept, as applicable, and encourages the provision of open space for active and/or passive use.

4. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.
5. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision for public services and utilities; and provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
6. The PUD shall be harmonious with the public health, safety, and welfare of the City.
7. The proposed PUD shall not result in an unreasonable, negative environmental impact or loss of historic structure(s) on the subject site.
8. The proposed PUD shall not result in an unreasonable, negative economic impact upon surrounding properties.
9. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the underlying zoning district and City of Dexter Master Plan, and shall not be detrimental to the adjoining zoning districts or uses.
10. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
11. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards, rather to ensure the increased flexibility of regulations over land development is subject to proper standards and review procedures.

Section 19.03 DESIGN CONSIDERATIONS

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- A. Perimeter setbacks.
- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.

- C. Underground installation of utilities.
- D. Installation of separate pedestrian ways apart from vehicular streets and ways.
- E. Achievement of integrated and harmonious design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways, and construction materials.
- F. Noise reduction and visual screening features for protection of adjoining incompatible residential uses.
- G. Ingress and egress to the property with respect to vehicular and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- H. Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.
- I. Yard areas and other open space.
- J. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre, and the height of buildings and other structures.
- K. The preservation of natural resources and natural features, if applicable.

Section 19.04 – PROJECT DENSITIES

A. Residential Density.

1. The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or the density as proposed in the Master Plan.
2. Project density shall be demonstrated by a parallel plan, demonstrating a conventional development layout based on the underlying zoning with all applicable ordinances and laws observed, including proof of water supply and sewage disposal. The Parallel Plan shall be included as a part of the initial Concept Plan submittal. The Parallel plan must be a realistic residential site plan that could be developed if the PUD was not approved.
3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the

average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow a more dense development in an earlier phase, while ensuring appropriate overall density.

4. Additional density for residential uses may be allowed at the discretion of City Council upon the recommendation of the Planning Commission. Allowance of additional residential density shall be based upon a demonstration by the applicant of consistency with the Master Plan, and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project. Such material benefit(s) would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the determining whether a project warrants additional density, the City Council, upon recommendation of the Planning Commission, may also consider the following factors including, but not limited to: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of resources and contributes to an area wide open space network; and improvements to the City's infrastructure.

B. Mixed Use Project Density.

1. For PUD projects which contain both a non-residential and a residential component, the City shall make a determination as to the appropriate residential density based upon the Master Plan; existing and planned residential densities in the surrounding area; the availability of utilities and service; and the natural features and resources contained on the subject parcel.
2. Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscaping berms and/or decorative walls, shall be employed in accordance with Article VI.

C. Non-Residential Component. A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met:

1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed 10% of the gross area of the development.

2. All non-residential uses shall be compatible with the residential area of the PUD.
3. The architectural design of the structure(s) is compatible with the balance of the development.
4. All non-residential structures are connected to a pedestrian access system servicing the project.
5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to 25% of the required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be screened in accordance with Section X.XX.

Section 19.05 – DESIGN STANDARDS

A. Open Space Regulations.

1. When completed, the PUD shall have areas devoted to open space, which shall either remain in a natural state and/or be restricted for active and/or passive recreation purposes. Such areas shall be harmonious with single-family residential uses within and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis, and may include: natural, historical, and architectural features, and/or the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units.
4. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
5. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
6. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for active recreation.
 - b. Provide areas for informal recreation and pathways convenient to the majority of the residents within the development.
 - c. Connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
 - d. Preserve an existing natural buffer from adjacent land uses where appropriate.
7. Areas not considered open space.
- a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
 - b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - c. The area within any manmade storm water detention or retention pond.
 - d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.
8. To ensure that open space is maintained in perpetuity, the following shall apply:
- a. No PUD shall be approved by City Council until documents pertaining to maintenance and preservation of common open space areas, common landscaped areas, and/or common recreation facilities located within the development plan have been reviewed by the City Attorney.
 - b. The City shall be identified as having the right to enforce the conditions, covenants, and restrictions placed on the open space, unless otherwise directed by the City Council and the City Attorney, with the documentation utilized for such purpose to be in a form approved by the City Attorney. Any costs associated with enforcement may be assessed to the property owner and/or the homeowner's association.

B. **Common Areas and Facilities.** The location, extent, and purpose of all common area and facilities shall be identified on the Concept Plan, the Preliminary PUD Plan, and on each Final PUD Plan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the Final PUD Plan(s).

a.

C. **Setbacks.** All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning

districts in which the use is listed as a Permitted Use. In all cases, the strictest provision shall apply.

D. **Buffering from Adjacent Property.** Landscaping shall be preserved and/or provided in accordance with Section X.XX to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.

E. **Vehicular and Pedestrian Circulation.**

1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site; promotes safety; contributes to coherence of site design; and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid system or a modified grid system and traditional neighborhood design (TND) guidelines.
2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between, or through all open space and/or common space areas, and to appropriate off-site amenities. Informal trails may be constructed of gravel or other similar material; however, the City may require the construction of a pathway of up to eight feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street, private street, or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission. All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the PUD provides for separation of

pedestrian and vehicular traffic and adequate off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.

8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in Section 19.05.D. If private streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.
9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

F. Parking and Loading Regulations.

1. The parking and loading requirements set forth in Article V, shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the Preliminary Site Plan. Such reduction shall be based upon specific findings.

G. Utilities.

1. Each principal building shall be connected to public water and sanitary sewer lines.
2. There shall be underground installation of utilities, including but not limited to: electrical, telephone, and cable television lines. Distribution lines may be placed overhead if approved by the City Council. Surface-mounted equipment for underground wires shall be shown on the Final PUD Plan and shall be screened from view in accordance with Section X.XX.

H. Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction pursuant to Section XX.XX.

I. Design Elements.

1. **Residential Projects.** Residential projects shall be designed to complement the visual context of the area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that any scenic views across or through the site are protected.

2. **Non-Residential and/or Mixed Use Projects.** Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two of the following:
 - a. Patio/seating area
 - b. Pedestrian plaza with benches
 - c. Transportation center
 - d. Window shopping walkway
 - e. Outdoor playground area
 - f. Kiosk area
 - g. Water feature
 - h. Clock tower

Those amenities listed above or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Section 19.06 - APPLICATION AND PROCESSING PROCEDURES

- A. **Effects.** The granting of a PUD application shall require an amendment of the zoning ordinance and zoning map constituting a part of this Chapter. An approval granted under this Article including all aspects of the Final PUD Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- B. **Concept Review Meeting.** Prior to submission of an application for a PUD, the petitioner shall request a Concept Review Meeting with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the Concept Review Meeting at both the next available Planning Commission and City Council Meetings. The Concept Review Meeting shall be held with the Planning Commission first, and the City Council second. Planning Commission and City Council Concept Review Meetings can be scheduled simultaneously.
 1. **Purpose.** The purpose of the Concept Review Meetings shall be to inform the Planning Commission, City Council, and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. In order to establish Concept Review Meeting

dates with the Planning Commission and City Council, the petitioner must provide a sketch plan of the PUD, and the following information:

- a. A legal description of the property in question.
 - b. Location and description of site; dimensions and area.
 - c. General topography; soil information.
 - d. Scale, north arrow, date of plan.
 - e. Adjacent land uses.
 - f. Location, type, and land area of each proposed land use; type of dwelling units.
 - g. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.
 - h. Departures from the regulations of the Ordinance which may be requested.
 - i. General description of the organization to be utilized which will own and maintain common open space areas and facilities.
 - j. Location, use, and size of open areas and recreation areas.
 - k. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.
 - l. General description of covenants or other restrictions and/or easements for public utilities.
 - m. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
 - n. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - o. Location and area of each development phase.
 - p. General description of proposed water, sanitary sewer and storm drainage systems.
 - q. Delineation of areas to be platted under the Subdivision Control Act, if any.
2. Statements made at the Concept Review Meetings shall not be legally binding commitments.

- C. **Preliminary PUD Application – Submission and Content.** Following the Concept Review meetings with the Planning Commission and City Council, XX copies of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Preliminary PUD Plan shall contain the following information:
1. All information required for Preliminary Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 2. A narrative describing:
 - a. The nature of the project, projected phases, and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the intent of the PUD District pursuant to Section 19.01.
 - d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
- D. **Preliminary PUD Plan – Planning Commission Review and Recommendation.** The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in Sections 19.03 through 19.05. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
 3. The PUD shall not change the essential character of the surrounding area.
 4. Proposed phases and timetable.
 5. The proposed PUD 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 Article. This provision shall not prohibit transfer of ownership or control upon due notice to the Zoning Administrator.

- E. **Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section XX.X, Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the Preliminary PUD submittal shall become null and void.
- F. **Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection D. above.
- G. **Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within 12 months of receiving Preliminary PUD approval or the application shall be null and void.
- H. **Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:
 - 1. All information required for Final Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 - 2. Detailed construction and engineering plans in accordance with XX.XX.
 - 3. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- I. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a Final PUD Plan, unless a binding agreement is provided in lieu of dedication.
- J. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a Final PUD Plan.
- K. Where a Homeowners or Condominium Association is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and

restrictions that will govern the Association, to be filed with the Final PUD Plan application. The provisions shall include, but shall not be limited to, the following:

- a. The Association shall be established before any dwellings within the development are sold.
- b. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer, and shall be so specified in the covenants.
- c. Restrictions shall be permanent.
- b. The Association shall be made responsible for liability.
- c. Dwelling unit owners shall pay their prorated share of costs, and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties within the development.

L. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the PUD District in addition to all development standards outlined in Sections 19.03 through 19.05.

M. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

N. **Final PUD Plan and Rezoning – Effect of Approval.** The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:

- 1. Date of approval of the Final PUD Plan by the City Council.
- 2. Legal description of the property.

3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 19.07 – RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

Section 19.08 PUD CONDITIONS

- A. Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent land uses; and promoting the use of land in a socially and economically desirable manner consistent with the Master Plan.
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; necessary to meet the intent and purpose of this Ordinance; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the record of the approved PUD which shall include a Final PUD Plan and development agreement signed by the City and the petitioner.

Section 19.09 PHASING AND COMMENCEMENT OF CONSTRUCTION

A. Phasing.

1. Where a project is proposed for construction in phases, upon completion, each phase shall be capable of standing on its own in terms of the presence of safe and convenient vehicular and pedestrian access; adequate utility services and facilities; and recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area. In addition, each phase of developments which include residential and non-residential uses, shall provide the relative mix of uses and the scheduled completion of construction shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.
2. The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council.
3. The Planning Commission may require, as part of a Final PUD Plan review of a development phase, that land shown as open space on the approved Preliminary PUD Plan be held in reserve as part of the phase to be developed in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases, if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

- B. Commencement and Completion of Construction.** Construction shall be commenced within one year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be

reviewed in light of the existing and applicable law and Ordinance provisions prior to any construction.

- C. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued for a PUD until the requirements of this Article have been met.

Section 19.10 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Section 21.08.

Section 19.11 PERFORMANCE GUARANTEE

Performance guarantees shall be provided in accordance with Section 21.11.

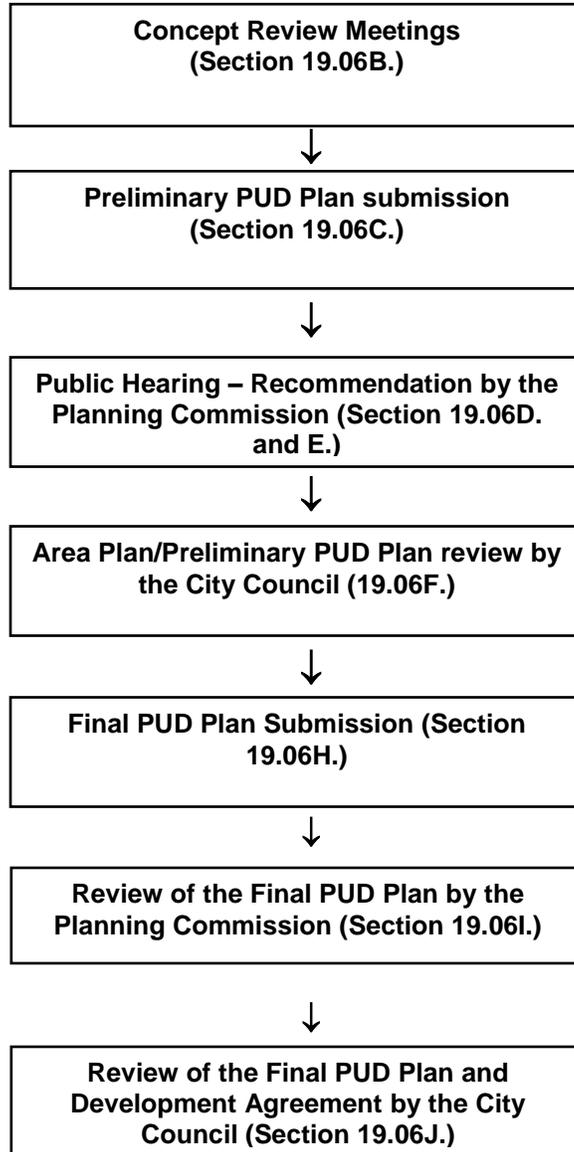
Section 19.12 MODIFICATIONS TO AN APPROVED PUD PLAN

- A. A developer may request a change in an approved Preliminary PUD Plan or an approved Final PUD Plan. A change, which is determined by the Zoning Administrator to be a major change, shall require an amendment to the approved Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development.
- B. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions; potential improvements in layout or design features; unforeseen difficulties; or advantages mutually affecting the interest of City of Dexter and the developer, such as: technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.
- C. The following changes shall be considered major:
 - 1. A change in concept of the development.
 - 2. A change in use or character of the development.
 - 3. Changes in type(s) of dwelling units.

4. A change in the number of dwelling units (density).
 5. Changes in non-residential floor area of over five percent.
 6. Changes in lot coverage and/or floor area ratio of the entire development greater than one percent.
 7. The rearrangement of lots, blocks, and building tracts.
 8. A change in the character or function of any street.
 9. A reduction in land area set aside for common open space or the relocation of such area(s).
 10. Horizontal and/or vertical elevation changes of five percent or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
 2. A change in non-residential floor area of five percent or less.
 3. Horizontal and/or vertical elevation changes of five percent or less.
 4. An increase in designated “Areas not to be disturbed” or open space.
 5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 6. Changes to approved building materials to higher quality materials.
 7. Changes to floor plans which do not alter the character of the use.
 8. Slight modifications of sign placement or reduction of size.
 9. Minor variations in layout which do not constitute major changes.
 10. An increase in gross floor area or floor area ratio of the entire development of one percent or less.
- E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, the owner(s) of record, and/or the legal representative(s) of said owner(s) and submitted for the record.

Section 19.18 VIOLATIONS

- A. A violation of an approved Preliminary PUD Plan and/or a Final PUD Plan, shall be grounds for the City Council to order that all construction be stopped, and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.
- B. Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in Section 21.13.



* Annexation and/or conditional transfer requests can be made before or after the Concept Review Meetings.



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Date: September 6, 2016

According to Section 3.17, Fences, a survey must be provided with all applications for a fence permit:

"All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a survey showing the location of the proposed fence."

However, the very next sentence eliminates the survey requirement by allowing an applicant to submit written consent from his/her neighbor:

"Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, with the submission of written consent from all adjacent property owners or a certified survey verifying the location of the property lines."

In a community, like Dexter, a certified survey is essential to ensure compliance with fence location requirements and to eliminate the creation of non-conforming or encroachment situations, especially areas platted and developed prior to the establishment of the Zoning Ordinance.

Staff is concerned that the allowance of "written permission" from an adjacent property owner, in cases where the fence would be located on the property line, has the potential to create non-conforming and encroachment situations.

Staff respectfully requests the Planning Commission consider the following amendment to Section 3.17, Fences:

Section 3.17 FENCES

Fences are permitted subject to the following regulations:

A. Permits:

- 1.** ~~A permit is required for~~ the erection, construction or alteration of any fence ~~shall require a permit and shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance.~~
- 2.** All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a certified survey prepared by a professional land surveyor registered in the state of Michigan. The survey shall be prepared according to the guidelines specified in Section 3 of Michigan Public Act 132 of 1970, as amended, and shall showing the location of the proposed fence.
- 3.** Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, ~~with the submission of written consent from all adjacent property owners or~~ as demonstrated on a certified survey verifying the location of the property lines.
- ~~1.4.~~ _____ The fee for the fence permit shall be set by resolution of the City Council.