

Article XIX

PUD PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS

Section 19.01 PURPOSE AND INTENT

The Planned Unit Development (PUD) 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 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.

Specifically, the PUD District regulations set forth herein are intended to achieve the following and a petitioner for a PUD must demonstrate all of the following as a condition for a PUD:

- A. 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.
 - 1. The applicant shall demonstrate to the Planning Commission and City Council that the PUD provides at least three of the following site design elements that could not be attained through a project design under conventional zoning:
 - a. Mixed-use development with residential and non-residential uses or a variety of housing types.
 - b. Redevelopment of brownfield or grayfield sites.
 - c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site.
 - d. High quality architectural design beyond the site plan requirements of this Ordinance.

- e. Extensive landscaping beyond the site plan requirements of this Ordinance.
 - f. Preservation, enhancement, or restoration of natural resources (e.g. trees, slopes, non-regulated wetland areas, views to Mill Creek and/or the Huron River).
 - g. Preservation or restoration of historic resources.
 - h. Provision of open space of public plazas or features.
 - i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape, etc.).
 - j. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach.
 - k. Shared vehicular access between properties or uses.
 - l. Mitigation of off-site impacts on public facilities such as road improvements.
 - m. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
- B. 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.
- C. The PUD shall incorporate design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways.
- D. 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 and encourages the provision of open space for active and passive use.
- E. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.

- F. Achieve economy and efficiency in the use of land, natural resources, energy and the provision for public services and utilities, provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
- G. The PUD shall be harmonious with public health, safety, and welfare of the City.
- H. The proposed PUD shall not result in an unreasonable negative environmental impact or loss of historic structure(s) on the subject site.
- I. The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.
- J. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the zoning district and City of Dexter Master Plan and shall not be detrimental to the adjoining districts.
- K. 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.
- L. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards.

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 final PUD site plan, 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 final PUD site plan.

- 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 PROVISIONS

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.

For properties approved for PUD designation, the PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD by the City Council, based on a recommendation of the Planning Commission, in accordance with the requirements set forth herein. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this Section.

A. Residential Density.

1. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. Provided, however, City Council may allow, based on a recommendation by the Planning Commission, up to a 25% density bonus upon a finding that:
 - a. Additional density is consistent with the Master Plan and/or DDA Plan; and
 - b. The project provides more than five recognizable and material benefits listed in Section 19.01 A.1.
2. Further, in the determination whether a project warrants additional density, the Planning Commission and City Council may also consider the following factors including, without limitation: 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.

3. To determine density achievable with the underlying zoning for projects 20 acres or greater, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional requirements, access to public utilities, and density allowed by right in the district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered. The "net buildable area" consists of the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights- of-ways, easements that cannot be included in residential lots, and other site features that would prevent use of the site for residential purposes. The parallel plan shall be submitted as part of the preliminary PUD application. Projects less than 20 acres do not require a parallel plan.
 4. 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.
 5. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this Article, preservation of natural features and compatibility with surrounding land uses.
- B. Mixed Use Projects.** For planned unit development projects which contain a residential component, the City shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

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. Open Space Regulations.**

1. 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.
2. Open space areas shall be conveniently located in relation to dwelling units.
3. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
4. 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.
5. 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.
6. 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.
7. 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.
8. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways convenient to the majority of the residents within the development connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
9. 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.
- 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, streams, wetlands, 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.

Section 19.04 – DESIGN STANDARDS

- A. **Generally.** The proposed development shall be consistent with the general principles and objectives of the adopted Master Plan, the subdivision ordinance, and all applicable building codes.
- B. **Setbacks in the PUD Project.** 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.
- C. **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 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. 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 preliminary and final site plans. 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 preliminary and final site plans provide 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 19.03.A.3. 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.

10. Thoroughfare, drainage, and utility design shall meet and exceed standards otherwise applicable in connection with each of the respective types of uses served.

D. 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 preliminary and final site plans. Such reduction shall be based upon specific findings and further based on the provisions in Article V.
2. Parking areas within the PUD shall meet the minimum requirements of City Ordinances, unless modified by the Planning Commission and City Council.

E. 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. There shall be underground installation of utilities, including but not limited to, electrical, telephone, and cable television lines, provided, however, that distribution lines may be placed overhead if approved by the City Council. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
4. The uses proposed in the PUD shall not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.

F. 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 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.

- G. **Design Elements.** 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 scenic views across or through the site are protected and that the residential development is buffered from different land uses.

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: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower 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 19.05 - APPLICATION AND PROCESSING PROCEDURES

- A. **Pre-Application Meeting (Optional).** An optional pre-application meeting with the Zoning Administrator may be requested by the applicant, and may include the Fire Inspector, other City department heads, and the City's engineer and planning consultants, as determined by the Zoning Administrator. The intent of the Pre-Application meeting is to discuss the appropriateness for the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. A generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Statements made during the pre-application meeting shall not be legally binding commitments.
- B. **Conceptual Review.** All Planned Unit Development (PUD) projects are required to undergo a conceptual review process, in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because PUD projects are generally complex projects with potentially higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety, and general welfare of City residents.
1. **Conceptual Review Procedure.** Conceptual review shall be undertaken first by the Planning Commission and then by the City Council at public meetings held pursuant to all applicable notice requirements. At this stage,

complete details of landscaping, site grading, drainage, and utilities, etc. are not essential. Basic questions of use, density, design, architecture, integration with existing development in the area and impacts on and the availability of public infrastructure are generally discussed. No formal action shall be taken on a plan submitted for conceptual review. Statements made during conceptual review shall not be legally binding commitments.

2. **Information Required for Conceptual Review.** The following information shall be required for conceptual review and shall be submitted to the Zoning Administrator at least 30 days prior to a Planning Commission or City Council meeting, as appropriate. If complete and accurate plans and documents are submitted, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).
- a. An application, in a form provided by the Zoning Administrator, along with the applicable fee, as set forth by resolution of the City Council.
 - b. A conceptual plan for the proposed PUD, drawn to an engineer's scale of not less than one inch = 20 feet for property less than three acres, or one inch = 100 feet for property three acres or more in size, that includes all of the following:
 - i. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions.
 - ii. Scale and northpoint;
 - iii. Location map drawn to a separate scale;
 - iv. A legal description of the property ;
 - v. Zoning classification of site and all abutting parcels;
 - vi. Net acreage (minus rights-of-ways) and total acreage. For parcels less than one acre, square footage must be provided.
 - vii. Adjacent land uses;
 - viii. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site;
 - ix. Location, type, and land area of each proposed land use; type of dwelling units, if residential use is proposed, along with the number of units and proposed density;
 - x. Proposed lot lines, lot dimensions, property liens, setback dimensions, and other improvements;

- xi. Location and height of all proposed buildings and structures;
 - xii. Location of existing and proposed roads, driveways, parking lots, sidewalks, and pathways on or within 250 feet of the site;
 - xiii. Proposed off-street parking lots and number of spaces;
 - xiv. Conceptual landscape plan;
 - xv. The general location of existing plant material;
 - xvi. Location of existing drainage courses, floodplains, rivers, and MDEQ regulated wetlands;
 - xvii. Location of existing and proposed sanitary sewers;
 - xviii. Location of existing and proposed water mains;
 - xix. Stormwater retention and detention pond locations and existing, or proposed storm sewers;
 - xx. Number and location of residential units;
 - xxi. Density calculation by type of residential unit; and
 - xxii. Location and size of recreation and open space areas.
- c. Documentation indicating how the criteria for qualifications for a PUD have been met (as outlined in Section 19.01).
 - d. A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - e. Any additional information requested by the Planning Commission and City Council to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
- C. **Preliminary PUD Application – Submission and Content.** Following the Conceptual Review with the Planning Commission and City Council, 16 hard-paper copies and one electronic PDF copy 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. **Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section 22.08, 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. One extension may be granted at the discretion of the Zoning Administrator upon written request by the applicant to the Zoning Administrator with additional information provided for a period of six months. The Zoning Administrator will notify the Planning Commission and the City Council of the extension.
- E. **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 which must be requested in writing to the Zoning Administrator and shall require approval of City Council.
- 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 E. 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 21.10.
 3. **PUD Agreement.** The applicant shall submit a Development Agreement in accordance with Section 22.12.
- I. **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.

- J. **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.
- K. **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. **Information Related to the Condominium Development.** The following information shall be provided with the final site plan for a condominium development
 - a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
 - b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
 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 19.06 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 19.07 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 19.08 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; 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, each phase of the development which includes 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 one-year 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. Extensions on Final PUD Plan approvals are limited to two, one-year extension periods.

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 19.09 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Section 21.13, herein.

Section 19.10 PERFORMANCE GUARANTEE

Performance guarantees shall be provided in accordance with Section 21.16 herein.

Section 19.11 MODIFICATION 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 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 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 relocations 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 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 19.12 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 21.11.

Proposed Article 19 Planned Unit Development Process

