

## **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.
- 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 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 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.

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. 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. 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. Project density shall be demonstrated by a parallel plan, i.e. a conceptual site plan with a conventional layout based on the underlying zoning with all applicable ordinances and laws observed, including proof of water supply and sewage disposal. The parallel site plan shall be included as a part of the initial Area

Plan submittal. The Parallel plan must be a realistic residential site plan that could be developed if the PUD was not approved.

3. Additional density for residential uses may be allowed in the discretion of the City Council upon the recommendation of the Planning Commission and 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 such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the determination whether a project warrants additional density, the City Council, upon recommendation of the Planning Commission, 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.

#### B. Mixed Use Projects

1. 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.
2. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.

3. 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. 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. 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. 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.
  7. 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.
  8. Areas not considered open space.
    - i. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
    - ii. 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. The area within any manmade storm water detention or retention pond.
    - iv. 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.

#### **Section 19.04 – DESIGN STANDARDS**

- A. 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.
- 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 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 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 19.03.A.3., preceding. 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.

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 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.

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. 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.

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 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. Design Elements.

1. 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 (2) 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 PUD CONDITIONS**

- A. Reasonable conditions may be required by the Planning Commission before approval of a PUD, to the extent authorized by law, for the purpose of ensuring 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. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in 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 of the approved PUD which shall include a site plan and development agreement signed by the City and the petitioner.

## **Section 19.06 PHASING**

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

- 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, 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, the developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.
- 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, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD district request for recommendation to the City Council with respect to this requirement.
- C. The Planning Commission may require, as part of a final site plan review of a phase, that land shown as open space on the approved area 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.

### **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 prorate 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 19.13 AMENDMENT AND REVISION**

- A. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. 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. All amendments shall follow the procedures and conditions herein required for 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 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. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons therefore. 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. 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:
  1. Change in concept of the development.
  2. Change in use or character of the development.
  3. Change in type of dwelling unit as identified on the approved area plan.
  4. Increase in the number of dwelling units.
  5. Increase and/or decrease in nonresidential floor area of over five (5) percent.
  6. Increase and/or decrease in gross floor area or floor area ratio of the entire PUD of more than one (1) percent.

7. Rearrangement of lots, blocks, and building tracts.
  8. Change in the character or function of any street.
  9. 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 (5) percent or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
  2. An increase in nonresidential floor area of five (5) percent or less.
  3. Horizontal and/or vertical elevation changes of five (5) percent or less.
  4. Designated "Areas not to be disturbed" or open space may be increased.
  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 building materials to another higher quality material.
  7. Changes in floor plans, which do not alter the character of the use.
  8. Slight modification 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 PUD of one (1) 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, revised drawings shall each be signed by the petitioner and the owner(s) of record 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**

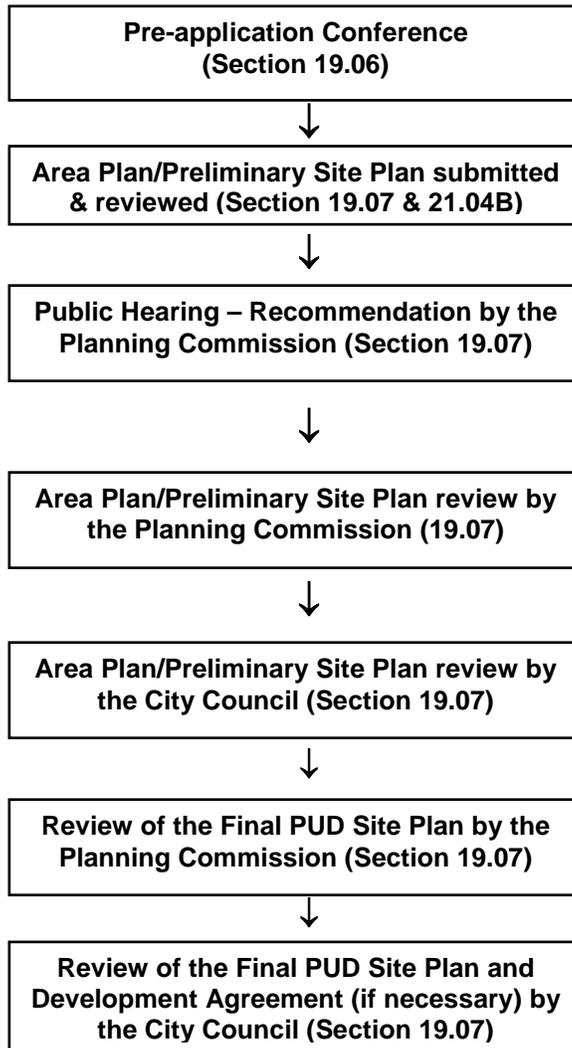
As-built drawings shall be provided in accordance with Section 21.08, herein.

### **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, preliminary site plan, and final site 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, 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 herein.



\* Annexation and/or conditional transfer requests can be made before or after the Pre-application conference.