

ARTICLE 11 PLANNED UNIT DEVELOPMENT

Section 11.01 Statement of Purpose.

The Planned Unit Development (PUD) development option is intended to permit development of areas throughout the Village that shall be substantially in accordance with the goals and objectives of the Village of Dundee Master Plan. It is the intent of this Article to offer an alternative to conventional development through the use of the Planned Unit Development, as authorized by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et. seq.*, as amended, for the purpose of:

- 11.01.01 Encouraging the use of land in accordance with its character and adaptability;
- 11.01.02 Allowing innovation and greater flexibility in design;
- 11.01.03 Assuring the permanent preservation of natural, social, cultural and historic resources;
- 11.01.04 Providing open space and recreational facilities for all residents of the development;
- 11.01.05 Providing complete non-motorized circulation to, from, and within the development;
- 11.01.06 Providing convenient vehicular access throughout the development and minimizing adverse traffic impacts;
- 11.01.07 Utilizing clustered development as a means to more efficiently and cost effectively provide and maintain streets, utilities, and public services; and
- 11.01.08 Ensuring various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

Section 11.02 Eligibility Criteria.

A PUD may be applied for in any zoning district, provided the proposal satisfies the following criteria:

- 11.02.01 **Recognizable Benefits.** A PUD shall result in a recognizable and substantial benefit, both to the ultimate users of the project and adds to the overall quality of life in the Village. The benefits can be provided through, but is not limited to, the following:
 - (a) Site design elements in excess of the requirements of this Ordinance, such as high quality architectural design,
 - (b) traditional neighborhood design that is in keeping with the character of the Village,
 - (c) extensive landscaping,
 - (d) unique site design features,
 - (e) preservation of woodlands and open space,
 - (f) buffering development from streams, wetlands or the River Rasin,
 - (g) aesthetic improvements, and
 - (h) provision of buffers between incompatible uses.

- 11.02.02 **Qualification Requirements.** The proposed development shall provide at least one (1) of the following open space benefits:
- (a) **Preserving Significant Natural Assets.** The site contains significant natural assets such as woodlands, significant views, natural drainage ways, wetlands, and River Raisin frontage, which would be in the best interest of the Village to preserve and which might be negatively impacted by a conventional development.
 - (b) **Recreation Facilities.** If the site lacks natural features, it can qualify as a PUD if the development will preserve existing, or provide new, recreation facilities and open spaces to which will be reasonable access by the ultimate users of the development. Such facilities include areas such as a neighborhood parks, plazas, passive recreational facilities, soccer fields, ball fields, pathways or similar facilities, but exclude golf courses.
- 11.02.03 **Guarantee of Open Space.** Usable open space shall be provided, and the applicant shall guarantee that all such open spaces will be maintained in the manner approved, as required herein.
- 11.02.04 **Cohesive Development.** The proposed development shall be designed to create a cohesive development pattern through a network of interconnected spaces such as parks and common open space areas for passive or active recreation and tenant/resident interaction.
- 11.02.05 **Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- 11.02.06 **Public Utilities.** The development shall be adequately served by public water and sanitary sewer, or the applicant shall provide a means to extend these services to the site.
- 11.02.07 **Master Plan.** The proposed development shall be consistent with, and further the implementation of, the Village Master Plan.

Section 11.03 Permitted Uses.

- 11.03.01 **Single Family Residential.** Detached and attached single-family residential uses shall be permitted where the property is planned, and/or currently zoned, for single-family residential use (see future land use plan in Master Plan).
- 11.03.02 **Multiple Family Residential.** Multiple-family residential shall be permitted in any PUD as follows:
- (a) where the property is planned, and/or currently zoned, for multiple family residential use (see future land use plan in Master Plan), multiple family dwelling units shall be permitted meeting the density and design standards of this Ordinance; or
 - (b) where the property is planned, and/or zoned, for single-family residential use, up to forty percent (40%) of the dwelling units may be multiple family housing.

11.03.03 **Non-residential.** Non-residential uses shall be permitted in a PUD as follows:

- (a) where the property is planned, and/or currently zoned, for non-residential use, all commercial business, services, and professional offices listed as a principal permitted use in the existing zoning designation shall be permitted; or
- (b) where the existing zoning is residential, a PUD with a gross area of twenty (20) acres or more may incorporate a commercial land use component, provided that all of the following are met:
 - 1. the commercial component shall be located on sufficient land area to accommodate all requisite structures, parking, and landscape buffering; the total area occupied by the commercial land uses may not exceed ten percent (10%) of the gross area of the PUD or six (6) acres, whichever is less;
 - 2. all commercial uses shall be compatible with the residential uses; the allowable commercial uses within such an area shall be limited to those permitted in the B-1, Central Business District.
 - 3. the Planning Commission finds that the architectural design of the structures is compatible with the balance of the PUD and/or surrounding developments;
 - 4. all commercial structures are connected to a pedestrian access system servicing the PUD; and
 - 5. the Planning Commission finds that the overall site layout and the vehicular circulation pattern will not have a detrimental effect on the residential uses and associated streets.

Section 11.04 Dwelling Density.

11.04.01 **Density Determination by Parallel Plan:** The number of dwelling units allowable within a PUD shall be determined through preparation of a “parallel plan.” The applicant shall prepare, and present to the Village for review, a parallel plan for the project that is consistent with State, County, and Village requirements. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required by the existing zoning district, public roadway improvements and contain an area that conceptually would provide sufficient area for storm water detention.

11.04.02 **Density Determination:** The Village shall review the design and determine the number of lots that could be feasibly constructed with the existing zoning following the parallel plan. This number, as determined by the Village, shall be the number of dwelling units allowable for the PUD. The regulatory flexibility of a PUD may be allow smaller lots or a mix of housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under Section 11.04.04, Density Bonus.

11.04.03 **Open Space:** A minimum of twenty percent (20%) of the site shall be set aside as common open space meeting the requirements of Section 11.06.

11.04.04 **Density Bonus:** A density bonus of not more than twenty percent (20%) of the dwelling units allowed in the parallel plan may be allowed by the Village where at least thirty percent (30%) of the site area is dedicated common open space. At least fifty (50%) percent of the required open space (i.e. 15% of the total site) shall be developed with active recreational areas such as a

park, common green, recreational facility, community building, or similar facility that provides a gathering place and/or a focal point for the development. The remaining common open space areas may be nature preserves, passive recreational areas, landscape buffers, or ponds.

The proposed density shall not result in an unreasonable increase in the need for or impact on public services, facilities, roads, and utilities in relation to the density otherwise permitted by the parallel plan, and shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Village may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic, or socio-economic impact resulting from the additional density. An unreasonable impact shall be considered an un-mitigateable, significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

Section 11.05 Area and Bulk Regulations.

11.05.01 **Lot sizes:** Lot areas and width may be reduced below the minimum requirement of the underlying zoning district, provided the lot size reduction is used to provide the required common open space.

11.05.02 **Regulatory Flexibility:** The setback requirements of the underlying zoning district shall be used as guidelines for the PUD plan. To encourage flexibility and creativity consistent with the intent of the PUD regulations, the Village may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the Village that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Ordinance shall be considered.

Section 11.06 Open Space Requirements.

11.06.01 **Common Open Space:** All land within a development that is not devoted to a residential unit, commercial use, accessory uses/structures, or road right-of-way/infrastructure shall be set aside as common land for neighborhood/tenant use, recreation, or conservation.

11.06.02 **Amount of Open Space:** A PUD shall maintain a minimum of twenty percent (20%) percent of the gross area of the site as dedicated open space held in common ownership. Additional open space may be required by Section 11.04.04, Density Bonus.

11.06.03 **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting the requirements of Section 11.06.02:

- (a) Area proposed as single-family residential lots or site condominiums;
- (b) Areas proposed to be occupied by multiple family dwellings;
- (c) Areas proposed for commercial use;
- (d) Area of any road right-of-way or private road easement;
- (e) Submerged land area of an existing pond, river, or stream (including up to 50% of all MDEQ regulated wetlands); and

- (f) Stormwater detention basin, however, a stormwater retention basin designed to appear and function similar to a natural wetland or pond and when at least fifty percent (50%) of the minimum required open space is in the form of usable recreation area or upland nature preserves.

11.06.04 **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features, or located to connect open spaces throughout the development. Open space shall be situated to maximize the preservation of any existing on-site woodlands. A minimum one hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream, river, or wetland. However, the Village may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback. Where adjacent land includes open space, public land, or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between developments/neighborhoods.

11.06.05 **Open Space Protection:** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or other instrument acceptable to the Village. The conservation easement or other instrument shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement or other instrument shall provide the following:

- (a) Allowable use(s) of the dedicated open space shall be indicated. The Village may require the inclusion of open space restrictions that prohibit the following:
 - (1) Dumping or storing of any material or refuse;
 - (2) Activity that may cause risk of soil erosion or threaten any living plant material;
 - (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - (4) Use of motorized off road vehicles;
 - (5) Cutting, filling or removal of vegetation from wetland areas; and
 - (6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- (b) Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement or other instrument shall provide for maintenance to be undertaken by the Village in the event that the open space is not adequately maintained, or is determined by the Village to be a public nuisance, with the assessment of costs upon the owners of the open space.
- (c) Further subdivision of open space land or its use for other than recreation or conservation purposes, except for easements for utilities and septic systems, shall be strictly

prohibited. Any change in use of the open space from what is shown on the approved site plan shall be considered a major amendment as per Section 11.10.07(b).

- (d) Nothing herein shall prevent the conveyance of open space to a public agency for recreational or conservation use.

Section 11.07 Landscaping.

The landscaping requirements contained in Article 19, Landscaping shall be satisfied, along with the following:

- 11.07.01 **Frontage Greenbelt:** The Planning Commission may require a fifty (50) foot deep greenbelt along the exterior public roads. This greenbelt shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each fifteen (15) feet of road frontage arranged in natural groupings. Preservation of existing trees within the greenbelt may be credited towards meeting the landscaping requirement.
- 11.07.02 **Limits of Tree Clearing:** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the plans. .

Section 11.08 Design Standards.

- 11.08.01 **Residential Facades:** Dwellings shall be designed in keeping with the recommendation of the Dundee Village Master Plan and the requirements of Article 18, Building Design Standards to create a traditional small town environment with complementary housing types and recreational open space integrated into a small scale, compact, pedestrian oriented neighborhood. The applicant shall present typical building elevations and a set of architectural design guidelines for approval by the Village. The design guidelines shall be included as an Exhibit to the PUD Agreement and the project's Master Deed, Bylaws, or Covenant of Deed Restrictions, as applicable.
 - (a) Residential buildings shall have a traditional style of architecture, such as: Colonial, including Cape Cod and Greek Revival, Italianate, Tudor, Arts and Crafts, Gothic Revival, Victorian, and other traditional styles characteristic of the mid-western United States.
 - (b) A minimum of 40% of single family and two family dwellings shall have a front porch at least one hundred fifty (150) square feet in area facing the street, not including the stairs. All townhouses and apartment buildings shall have a porch or stoop at least thirty (30) square feet in area and facing the street.
 - (c) To create a pedestrian-scale environment, and minimize the dominance of garages on the streetscape, all garages shall be either side-entry, front-entry recessed five (5) feet behind the front wall of the dwelling, front-entry below an upper-story living area, or located within the rear yard. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development, and minimize the aesthetic impact that could result from the close clustering of units.
- 11.08.02 **Non-residential Architecture.** Non-residential buildings (including residential development club houses and maintenance facilities) shall provide distinct and prominent architectural features that result in a positive visual landmark and exceed the minimum standards set forth in Article 18. Walls facing the street shall include windows and architectural features customarily

found on the front facade of a building, such as awnings, cornice work, edge detailing, or other decorative finish materials. Blank walls shall not face the street. Single story buildings shall have pitched roofs.

- 11.08.03 **Site Elements:** Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The Village may require a consistent type of pedestrian scale ornamental lighting along all streets, sidewalks, and within any off street parking lots. Residential entrance signs and commercial signs shall be approved as part of the final PUD.
- 11.08.04 **Pedestrian Circulation:** A continuous sidewalk system shall be provided throughout the development, including along both sides of all internal streets as per the requirements of Section 3.25, Site: Non-Motorized Circulation.

Section 11.09 Planned Unit Development (PUD) Agreement.

The applicant shall submit to the Village Attorney an Agreement stating the conditions upon which approval is based. The Agreement shall be reviewed by the Planning Commission before being approved by the Village Council. Execution of the Agreement shall require signed approval by the Village and the applicant, and then the document shall be recorded with the County Register of Deeds. Approval shall be effective upon recording. Said agreement shall provide:

- 11.09.01 A survey of the acreage comprising the proposed development.
- 11.09.02 The manner of ownership of the developed land.
- 11.09.03 The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- 11.09.04 Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Village may require conveyances or other documents to be placed in escrow to accomplish this.
- 11.09.05 Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
- 11.09.06 The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.
- 11.09.07 Provisions to ensure adequate protection of natural features.
- 11.09.08 The preliminary site plan shall be incorporated by reference and attached as an exhibit.

Section 11.10 Approval Process.

11.10.01 **Review Process:** A PUD may be approved following the review procedures and approval standards of this Section.

- (a) Planning Commission public hearing and recommendation to Village Council on the preliminary PUD site plan and PUD Agreement.
- (b) Village Council action on the preliminary PUD site plan and PUD Agreement.
- (c) Planning Commission action on the final PUD site plan. Final approval may be granted for the overall PUD or for individual phases in a larger PUD project.

11.10.02 **Preliminary PUD Site Plan Submittal.** The Preliminary PUD Site Plan submittal shall include all of the following information:

(a) **Existing Site Conditions:**

- 1. An overall area map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the relationship of the PUD to its surroundings such as section lines and/or major streets or collector streets
- 2. Physical development plan prepared at a minimum scale of one (1) inch equals one hundred (100) feet (1" = 100')
- 3. Boundaries of the proposed PUD, section, or corporation lines within or adjacent to the tract, and overall property dimensions
- 4. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PUD boundaries, including those of areas across abutting roads
- 5. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the PUD boundaries, including those located across abutting roads
- 6. Location of existing sewers, water mains, storm drains, and other underground facilities within or adjacent to the PUD boundaries
- 7. Topography drawn at two (2) foot contour interval, and utilizing USGS datum extending a minimum of two hundred (200) feet outside the PUD boundaries

(b) **Proposed Development Features:**

- 1. Parallel plan consistent with State, County, and Village requirements that show the number of dwelling unit and/or non-residential structures that could be developed on the site using conventional development standards.
- 2. Layout of streets, right-of-way widths, and connections with adjoining platted streets, and also the widths and location of alleys, easements, and public walkways, or other pedestrian circulation systems
- 3. Layout, number, and dimensions of one-family lots, including building setback lines
- 4. Layout of proposed multiple-family dwellings, including setbacks, number of buildings, drives, parking spaces, walkway systems, and landscaping
- 5. Layout of proposed non-residential structures, including setbacks, number of buildings, drives, parking spaces, walkway systems, and landscaping
- 6. Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces

7. Depiction of major woodland areas and description of means to be employed to preserve them
8. An indication of ownership, and existing and proposed use of any parcels identified as "excepted" or otherwise not part of the PUD
9. An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet
10. Conceptual site grading plan and conceptual landscaping plan
11. Depiction of proposed development phases
12. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements

(c) **Tabulations:**

1. Total site acreage and percent of total project in various uses, including developed and undeveloped open space and roadway right-of-way
2. Total site density, density of one-family and multiple-family dwellings, and percent of ground area covered by buildings
3. Lot coverage for all of the non-residential structures
4. Acreage and numbers of one-family lots, multiple-family dwellings, and non-residential structures to be included in each development phase

(d) **Supporting Materials:**

1. Legal description of the total site
2. Draft of the Development Agreement required by Section 11.08
3. Statement of developer's interest in the land proposed for development
4. Statement regarding the manner in which open space is to be maintained
5. Statement regarding the developers intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units, and recreational facilities
6. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the use of the land and structures
7. Statement of required ordinance deviations that are otherwise applicable to the site
8. Schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed

11.10.03 **Public Hearing:** The Commission shall conduct at least one (1) public hearing for the purpose of receiving public comments on the proposed preliminary PUD site plan. Notice of the public hearing shall be in accordance with notice requirements set forth in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et. seq.*, as amended.

11.10.04 **Preliminary PUD Site Plan Action:**

- (a) Planning Commission: Following the public hearing the Commission shall review both the preliminary PUD site plan and the Development Agreement and take action to recommend approval, deny or recommend approval with conditions (see Section 11.10.5), based upon the following:

- (1) The PUD shall satisfy the eligibility criteria of Section 11.02.

- (2) The PUD shall comply with the requirements of this Article and any other applicable sections of this ordinance.
 - (3) The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.
 - (4) The proposed PUD shall be adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply, sewage facilities, and schools. The design shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points, and nearby intersections.
 - (5) The proposed PUD shall not have an unacceptably significant adverse effect on the quality of the natural and built environment in comparison to the impacts associated with a conventional development.
- (b) Village Council: Following the recommendation of the Planning Commission the Village Council shall approve, deny, or approve with conditions (see Section 11.10.5) the preliminary PUD site plan and the Development Agreement based upon the criteria outlined in Section 11.10.04(a). Preliminary approval shall be valid for one (1) year. If a final site plan for at least a phase of the project is not submitted within that year, the right to development under the approved preliminary PUD site plan shall terminate and a new application must then be filed and processed.

11.10.05 **Conditions.** Reasonable conditions may be required with the approval of a preliminary PUD site plan, to the extent authorized by law, for the purpose of ensuring that 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, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Village of Dundee Master Plan.

11.10.06 **Final Approvals:** Following approval of the preliminary PUD site plan, the application shall follow the procedures and requirements for the final site plan review process. All final site plans subsequently submitted shall conform with the preliminary PUD plan, all conditions attached to preliminary approval and the requirements of this ordinance. Approval of the final site plan shall be effective for a period of one (1) year. The one (1) year period for final approval may be extended for an additional one (1) year, if applied for, by the petitioner and granted by the Planning Commission.

11.10.07 **Modifications of an Approved Final PUD Plan:**

- (a) Minor modifications may be approved by the administration subject to the findings that:
 - (1) Such changes will not adversely or substantially affect the initial basis for granting approval;
 - (2) Such changes will not adversely or substantially affect the overall PUD in light of the intent and purpose of such development as set forth in Section 11.10.01.
 - (3) For residential buildings, the size of the structures may be decreased, or increased by up to 5% provided the overall density of units does not increase; and

- (4) Square footage of non-residential buildings may be decreased, or increased by up to 5% or 10,000 square feet, whichever is less.

The administration always reserves the right to seek guidance from the Planning Commission prior to a determination on the affect of the modifications.

- (b) Major modifications shall be subject to the preliminary PUD plan review process noted in Sections 11.10.02 through 11.10.04, including a new public hearing.