



PLANNING COMMISSION MEETING

Notice is hereby given that a regular meeting of the Planning Commission of the Village of Bingham Farms will be held on Monday, April 8, 2024, beginning at 7:30 p.m., in the Village Council Chambers, 24255 Thirteen Mile Road, Suite 190, Bingham Farms, MI 48025.

AGENDA

- I. Call to order and roll call
- II. Approval of agenda - M
- III. Approval of meeting minutes of March 11, 2024 – M
- IV. Public comment on non-agenda items
- V. Appointment of officers
 - a. Chair – M
 - b. Vice chair – M
- VI. Zoning Ordinance amendment
 - a. Open public hearing
 - b. Close public hearing
 - c. Approve ordinance language - M
- VII. Commissioner comments
- VIII. Adjournment - M

M = Motion

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETING ACT)

The Village of Bingham Farms will provide necessary, reasonable auxiliary aids and services to individuals with disabilities requiring such services. All requests must be made to the village administrator at least five (5) business days before meeting. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Bingham Farms in writing or by calling the village office, 24255 Thirteen Mile, Suite 190, Bingham Farms, MI 48025 – 248-644-0044.

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The **meeting minutes** of the Planning Commission of the Village of Bingham Farms, held at 24255 13 Mile Road, Suite 190, Bingham Farms, Mi., Monday, March 11, 2024 at 7:30 pm.

- I. **Call to Order:** 7:30 p.m. by Village Manager Ken Marten
Commissioners present: Village President Lisa Blackburn, Brian Beaver, Dean Nelson, Gino Del Pup, Mike DeRonne.
Commissioners absent: Carl Grenadier, Amanda Mocerri.

Others present: Village Manager Ken Marten, Administrative Assistant Yevgeniy Malkin, Kathy Hagaman, D.E. Hagaman.
- II. **Approval of Agenda:** Motion by Del Pup, second by Beaver. Approved 5-0.
- III. **Approval of Meeting Minutes, December 13, 2023:** Motion by Beaver, second by Nelson. Approved 5-0.
- IV. **Introduction of new planning commissioner:** Marten introduced Mike DeRonne to the commission.
- V. **Public Comment on Non-Agenda Items:** None.
- VI. **New Business:**
 - a. **Appoinment of officers: Motion** by Nelson, second by Beaver, to table these appointments until the whole Commission can be present.
 - b. **Zoning Ordinance amendment:**
 - i. Review Village Council motion: Marten presented the motion made by Council to request the Planning Commission review and approve the changes to the Zoning Ordinance re DRB dissolution.
 - ii. Set Public Hearing:
Motion by Beaver, second by Nelson to set public hearing for the proposed amendment for the April 8, 2024 Planning Commission meeting. Approved 5-0.
- VII. **Commissioner Comments:** None.
- VIII. **Adjournment (8:04 pm): Motion** by DeRonne, second by Del Pup. Approved 5-0.

Prepared by Administrative Assistant Yevgeniy Malkin.



Communication

To: Planning Commission

From: Ken Marten, Village Manager

Date: April 5, 2024

Re: Zoning Ordinance Amendments Public Hearing

Dear Commissioners:

What's before you today is a step in a process that has consumed nearly two years (see the attached timeline). In short, based upon advice from legal counsel, Village Council has instructed the Planning Commission to hold a public hearing regarding Zoning Ordinance (ZO) amendments that:

- 1) eliminate references to the Design Review Board throughout the text of the ZO; and
- 2) change "Design Standards For Residences" within the ZO from requirements to suggested guidelines.

The proposed amendments as drafted by village attorney Derk Beckerleg and reviewed by village planning consultant Eric Pietsch are somewhat complex. The following is an explanatory note from Mr. Beckerleg: "With respect to the proposed Text Amendments to the Zoning Ordinance pertaining to the Design Review Board, the language in red are proposed additions/deletions from the existing language contained in the Zoning Ordinance, while the language highlighted in yellow are additional changes requested by Dean Nelson.

"With respect to the "square" in Section 5 of the Ordinance (amending Section 3.5E of the Zoning Ordinance), that square is carried over from the actual text of Section 3.5E as currently contained in the Zoning Ordinance (square is shown in the current Zoning Ordinance). With respect to the "asterisk" shown in Section 6 of the Ordinance (amending Section 3.6E of the Zoning Ordinance), that asterisk is carried over from the actual text of Section 3.6E as currently contained in the Zoning Ordinance (asterisk is shown in the current Zoning Ordinance)."

The language highlighted in pink are additional changes suggested by Mr. Peitsch.

Moreover, Mr. Beckerleg has explained that the commission's recommendation for approval and council's final approval will address the legal aspect of the amendments; should the commission, council, or members of the public have ideas to alter the "suggested guidelines," those ideas can be addressed at any time in the future.

Suggested motion: To recommend approval to Village Council of the Zoning Ordinance amendments as presented.

TIMELINE OF DISSOLUTION PROCEDURE

Date	Event	Notes
06/06/22	DRB meeting	DRB discussed “must haves” vs “suggested designs;” Marten to discuss village attorney Beckerleg
08/01/22	DRB meeting	DRB informed of Beckerleg comments re non-conformance with state law
08/22/22	VC meeting	VC approved “motion to task the DRB to develop design standards over their next three meetings for incorporation into ordinances. Once written, revised and incorporated into our ordinances, the DRB shall be dissolved”
09/06/22	DRB “standards” meeting	First meeting
10/24/22	VC meeting	VC approved resolution establishing moratorium on DRB actions
11/07/22	DRB “standards” meeting	Second meeting
01/03/23	DRB “standards” meeting	Third meeting
01/23/23	VC meeting	VC approved fourth “standards” meeting
02/06/23	DRB “standards” meeting	Fourth meeting
02/13/23	Informal meeting	DeRonne, DuComb, Marten
04/13/23	Informal meeting	Beckerleg, DeRonne, DuComb, Marten
04/24/23	VC meeting	Beckerleg statement re amendment ordinance procedure read into record
02/26/24	VC meeting	Beckerleg presented Code Book amendments for first reading and Zoning Ord amendments for Planning Commission public hearing
03/11/24	PC meeting	PC approved public hearing for 04/08/24
04/08/24	PC meeting	Public hearing

memorandum

DATE: April 5, 2024
TO: Ken Marten, Village Administrator
FROM: Jill Bahm, Eric Pietsch, Giffels Webster
SUBJECT: Ordinance Amendment: Residential Design/Design Review Board (DRB)

Proposed Ordinance Amendment

Per the direction of the Village Council and Village Administration, the proposed amendments of Section 3.16 -Residential Design, drafted by the Village Attorney, have been reviewed by us, the Village Planning consultant. Aside from a few minor grammatical corrections, we express no objection to the proposed amendment for consideration by the Planning Commission on April 8, 2024.

STATE OF MICHIGAN
COUNTY OF OAKLAND
VILLAGE OF BINGHAM FARMS
TEXT AMENDMENT TO ZONING ORDINANCE
ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 157 – ZONING ORDINANCE, OF THE VILLAGE OF BINGHAM FARMS CODE OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 3.16 RESIDENTIAL DESIGN – INTENT, PRINCIPLES AND GUIDELINES AND RENAMING SAID SECTION TO RESIDENTIAL DESIGN – ADDITIONAL REQUIREMENTS, ADDING A NEW SECTION 3.16.5 – RESIDENTIAL DESIGN – SUGGESTED GUIDELINES AND AMENDING SEVERAL OTHER SECTIONS OF THE ZONING ORDINANCE **TO DELETE REFERENCES TO THE DESIGN REVIEW BOARD.**

THE VILLAGE OF BINGHAM FARMS ORDAINS:

Section 1 of Ordinance

Section 3.16 Residential Design – Intent, Principles and Guidelines of Chapter 157 – Zoning Ordinance, of the Village of Bingham Farms Code of Ordinances, as amended, is hereby amended to now read as follows:

3.16 Residential Design – Additional Requirements~~Intent, Principles, and Guidelines~~

~~A. Intent. The following design guidelines identify the elements of appropriate residential development in Bingham Farms. The intent of these design guidelines is to provide a reference for the appropriate integration of new construction into the village, thereby promoting an appearance which is characteristic of Bingham Farms. The guidelines are intended to give the Design Review Board (DRB), property owners, architects, and general contractors information needed to make appropriate design decisions when presenting a project for review by the DRB. Following the design guidelines will ensure that the unique character of Bingham Farms is maintained and that residents’ investments are protected.~~

- ~~1. Guidelines are given for the following design elements: building form, scale, and placement on site; exterior materials and colors; roofs; front entries; windows and shutters; front porches; garages and driveways; and landscaping. Guidance on appropriate architectural styles is also offered. Illustrations and detailed descriptions of appropriate design elements and architectural styles can be found in (C) of this Section.~~
- ~~2. While applicable throughout the village, these design guidelines are particularly critical for new construction on Bingham Road and Bingham Lane, where characteristic Bingham Farms homes are most highly concentrated. On Old Orchard Trail, Hickory Hollow Lane, Shagwood Drive, and Bingham Court the neighborhood area classified as having a “Contemporary Mix” of housing styles upholding the design guidelines is also encouraged, as this area has a number of homes which are distinctive to the village and the area is close to Bingham Road and Bingham Lane. Additionally, it is recommended that~~

~~new construction on Bristol Lane adhere to the design guidelines, since this street lacks a particular character of its own and since its large lots could provide new homes with the country-like setting typical of characteristic village houses.~~

~~AB. Guiding principles.—These additional requirements are design guidelines offer specific principles for residential development in the village. All of these principles should be applied with the following general guidance in mind:~~

~~1. Residential infill/redevelopment shall be consistent with the predominant character of the existing neighborhood or with the distinctive Bingham Farms characteristics identified in the master plan and division (A)(2) above.~~

~~2. Residential infill/redevelopment proposals shall be consistent with the use and density recommendations of the master plan. To that end, all requests for rezoning will be measured against the adopted master plan.~~

~~3. Residential infill/redevelopment shall not require public expenditure for infrastructure improvements. The cost of all infrastructure upgrades shall be borne by the development sponsor.~~

~~4. Residential infill/redevelopment shall not receive density credit for unbuildable, natural features, including regulated wetlands, floodplains, and fragile, steep slopes in excess of 20%.~~

~~C. Design Guidelines for Residential Zones.—Dwellings shall adhere to at least five of the following nine general guidelines, as determined by the Design Review Board:~~

~~1. Building form, scale and placement on site.~~

~~a. New homes should respect the form, bulk, and size of characteristic homes in their neighborhood, and should have comparable setbacks. A house's bulk, which is a function of its height, floor area, and proximity to the street, should not exceed that of nearby characteristic homes. Bulk, or the volume occupied by a home, is a spatial dimension which is perceived differently depending on the distance from which a house is viewed.~~

~~b. The proportion between a house's footprint and lot area should be similar to that of characteristic neighborhood homes.~~

~~c. New homes should be built as a central section with side wings.~~

~~d. For a new residence, the maximum number of recommended stories is two. A story that is less than 75% of the floor below is considered a half story. Half stories on characteristic homes typically feature dormer windows.~~

~~e. Both front and side setbacks should be generous, fostering a country-like setting.~~

~~f. Side setbacks should correspond with the side yard dimensions of characteristic neighborhood homes.~~

~~g. Homes should not use minimum setback standards to establish their maximum desirable footprint.~~

4h. The front yard setback of an infill house shall~~should~~ be equivalent to the average front setback of homes within 200 feet on the same side of the street; this may require~~permit~~ a front setback that is less than the minimum required for the applicable zoning district.

~~2. Exterior materials and colors. New houses should employ materials and colors common to, complimentary to or compatible with characteristic Bingham Farms homes:~~

~~a. Preferred materials include wood for lap siding and trim, and brick/fieldstone for foundations, chimneys, and decorative features.~~

~~b. Vinyl is discouraged, unless it is visually indistinguishable from authentic materials, such as Hardie Plank.~~

~~c. Deed restrictions in effect as of the date of adoption of this section, that require particular exterior materials (e.g., brick) shall supersede the design guidelines.~~

~~d. Unless the colors of nearby homes differ, siding should be white or an earth tone color compatible with or complimentary to nearby homes.~~

~~3. Roofs.~~

~~a. New homes' roof lines and pitches should be similar to those of characteristic village homes.~~

~~b. Roof lines should be broken, with separate roofs covering the central section and the side wings; additions and successive side wings (such as for garages) should have their own distinct roof lines.~~

~~c. Roof pitches should be moderate or low, typically between 4/12 and 10/12; Maximum roof pitches of 10/12 are acceptable for one and a half story homes. Flat roofs as well as steep roofs over 10/12 pitch are discouraged, unless they are elements of an approved modern architectural style as described in division (9)(c) of this section.~~

~~4. Front entries.~~

~~a. The front entry should be clearly recognizable as the primary entrance. Front entries should not, however, be monumental (appearing as two stories).~~

~~b. The primary entrance should be oriented to the street.~~

~~c. Glass around front doors is encouraged, but should be limited to modestly sized transoms, fanlights, and sidelights.~~

~~5. Windows and shutters.~~

~~a. Windows should be double hung and multi-paned to provide a divided light appearance.~~

~~b. Windows should be one story.~~

~~c. Except for fanlights, arched windows are discouraged.~~

~~d. Gabled dormer windows are recommended for the upper story of one and a half story homes.~~

~~e. If shutters are included in a home's design, they should be in direct proportion to the window opening.~~

~~6. Front porches.~~

~~a. Porches visible from the street should be rectilinear.~~

~~5b. Porches shall not exceed~~should be one story in height.

~~c. Simple designs for railings and posts are encouraged.~~

~~i. Posts should avoid complex shapes and ornamentation.~~

~~ii. Ornate capitals are discouraged.~~

~~7. Garages and driveways.~~

~~a. Garages should not be prominently visible from the street.~~

~~6i. Detached garages shall~~should be located in the rear yard ~~when practical.~~

7. Invasive plants, such as those listed on either the State of Michigan Invasive Species Program List or the Oakland County Cooperative Invasive Species Management Area list, shall not be planted on residential properties.

~~ii. Attached garages should follow these guidelines:~~

~~(A) Entry from the side is preferable;~~

~~(B) If a garage must face the street, it should be recessed behind the wall plane of the house's main facade;~~

~~(C) Doors of street-facing garages should be recessed under eaves or other architectural elements such as trellises;~~

~~(D) Attached garages should have their own roof lines and appear as a distinct section of the home; and~~

~~(E) Garages should be distinctly smaller in scale than the central portion of the home.~~

8. For a new residence, the maximum number of stories is two. A story that is less than 75% of the floor area is considered a half story. **Half stories on characteristic homes typically feature dormer windows.**

~~8. Landscaping. Landscaping should be incorporated as an integral part of a project's design.~~

~~9. Architectural style.~~

~~a. The use of classic architectural styles common to the characteristic neighborhoods, including Greek Revival, Italianate, Cape Cod, Colonial Revival, and Midwestern Farmhouse, is encouraged for new construction.~~

~~b. The New Victorian style is discouraged, except on Woodlyne Drive, where this style already predominates.~~

~~c. Where appropriate, modern architectural styles such as: organic architecture, International Style, Art Deco, and similar styles, may be approved where they complement and do not detract from classic styles characteristic of the particular Bingham Farms neighborhood.~~

~~Design element and architectural style illustrations. Refer to the illustrations which follow. These images are intended to illustrate certain building elements described above, as noted in the text~~

that accompanies each image. However, they also may contain additional building elements that do not comply with the text herein.

Design Standards for Residences



Sloped roof with “broken” roof lines: See 3(b) and 3(c)

Front entry is prominent and faces the street. See 4(a) and 4(b)
Side facing garage. See 7(a)



Sloped roof with “broken” roof lines: See 3(b) and 3(c)

Front entry is prominent and faces the street. See 4(a) and 4(b)
Side facing garage. See 7(a)



Shutters are sized appropriately and could cover the window. See
Dormer windows are appropriate for this half-story. See 5(d)

Landscaping is integrally designed with home design. See 8(a)



Sloped roof with “broken” roof lines. See 3(b) and 3(c)

Windows are one-story and have divided light appearance. See 5(a) and 5(b)

Porch on front of home is one-story and has simple posts and rails. See 6(a), (6(b), and 6(c)



Shutters are sized appropriately and could cover the window. See

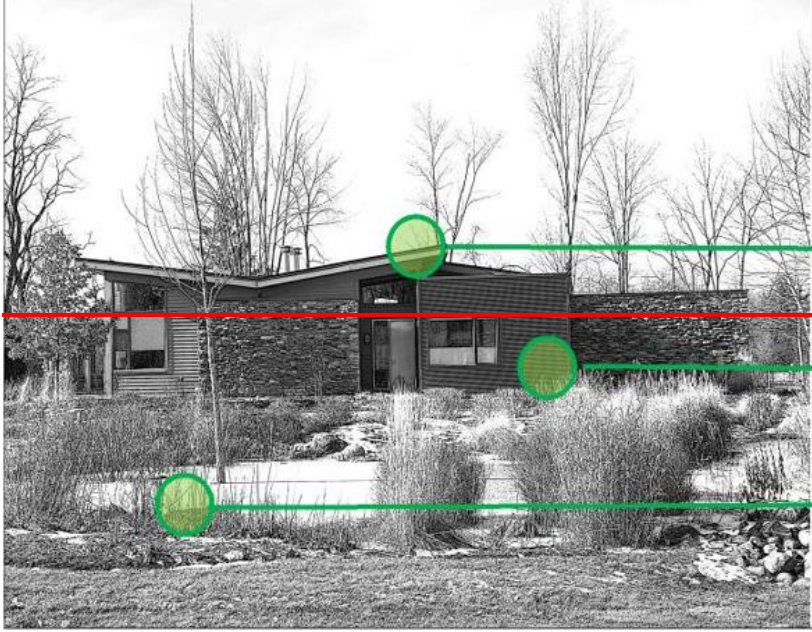
Side facing garage. See 7(a)(i)



Dormer windows are appropriate for this half story. See 5(d)

Shutters are sized appropriately and could cover the window. See

Front entry is prominent and faces the street. See 4(a) and 4(b)



Sloped with “broken” roof lines: See 3(b) and 3(e)

Natural building materials. See 2(a-e)

Landscaping is well integrated with the design of the home. See 8(a)



Side facing garage. See 7(a)

Home design is compatible with adjacent homes and is proportional to lot. See 1(a) and 1(e)

Section 2 of Ordinance

Chapter 157 – Zoning Ordinance of the Village of Bingham Farms Code of Ordinances, as amended, is hereby amended to add a new Section 3.16.5 – Residential Design – Suggested Guidelines, to read as follows:

3.16.5 Residential Design – Suggested Guidelines

A. Intent. The following design guidelines identify the elements of desired residential development in Bingham Farms. The intent of these suggested design guidelines is to provide a reference for the appropriate integration of new construction into the village, thereby promoting an appearance which is characteristic of Bingham Farms. The guidelines are only suggested guidelines and are not requirements and are intended to encourage property owners, architects, and general contractors to make appropriate design decisions when presenting a project for residential construction. Following the design guidelines will help ensure that the

unique character of Bingham Farms is maintained and that residents' investments are protected.

1. Suggested guidelines are given for the following design elements: building form, scale, and placement on site; exterior materials and colors; roofs; front entries; windows and shutters; front porches; garages and driveways; and landscaping. Guidance on appropriate architectural styles is also offered. Illustrations and detailed descriptions of desired and suggested design elements and architectural styles can be found in (C) of this Section.
2. While these suggested guidelines are encouraged throughout the village, these suggested design guidelines are particularly critical for new construction on Bingham Road and Bingham Lane, where characteristic Bingham Farms homes are most highly concentrated. On Old Orchard Trail, Hickory Hollow Lane, Shagwood Drive, and Bingham Court – the neighborhood area classified as having a “Contemporary Mix” of housing styles – upholding the design guidelines is also encouraged, as this area has a number of homes which are distinctive to the village and the area is close to Bingham Road and Bingham Lane. Additionally, it is recommended that new construction on Bristol Lane follow the suggested design guidelines, since this street lacks a particular character of its own and since its large lots could provide new homes with the country-like setting typical of characteristic village houses.

B. Guiding principles. These suggested design guidelines encourage specific principles for residential development in the village. All of these principles should be considered, keeping in mind that all residential infill/development should attempt to be consistent with the predominant character of the existing neighborhood or with the distinctive Bingham Farms characteristics identified in the Master Plan and division (A)(2) above, with the following general guidance in mind:

1. Residential infill/redevelopment should attempt to be consistent with the predominant character of the existing neighborhood or with the distinctive Bingham Farms characteristics identified in the master plan and division (A)(2) above.

C. Suggested Design Guidelines for Residential Zones. Dwellings are encouraged to follow at least five of the following nine suggested guidelines:

1. Building form, scale and placement on site.

- a. New homes should respect the form, bulk, and size of characteristic homes in their neighborhood, and should try to have comparable setbacks. A house's bulk, which is a function of its height, floor area, and proximity to the street, should generally not exceed that of nearby characteristic homes. Bulk, or the volume occupied by a home, is a spatial dimension which is perceived differently depending on the distance from which a house is viewed.
- b. The proportion between a house's footprint and lot area should be similar to that of characteristic neighborhood homes.
- c. New homes should be built as a central section with side wings.
- d. Both front and side setbacks should be generous, fostering a country-like setting.
- e. Side setbacks should correspond with the side yard dimensions of characteristic neighborhood homes.

- f. Homes should not use minimum setback standards to establish their maximum desirable footprint.
- 2. Exterior materials and colors. New houses should employ materials and colors common to, complimentary to or compatible with characteristic Bingham Farms homes:
 - a. Preferred materials include wood for lap siding and trim, and brick/fieldstone for foundations, chimneys, and decorative features.
 - b. Vinyl is discouraged, unless it is visually indistinguishable from authentic materials, such as Hardie Plank.
 - c. Unless the colors of nearby homes differ, siding should be white or an earth tone color compatible with or complimentary to nearby homes.
- 3. Roofs.
 - a. New homes' roof lines and pitches should be similar to those of characteristic village homes.
 - b. Roof lines should be broken, with separate roofs covering the central section and the side wings; additions and successive side wings (such as for garages) should have their own distinct roof lines.
 - c. Roof pitches should be moderate or low, typically between 4/12 and 10/12; Maximum roof pitches of 10/12 are acceptable for one-and-a-half-story homes. Flat roofs as well as steep roofs over 10/12 pitch are discouraged, unless they are elements of an approved modern architectural style as described in division (9)(c) of this section.
- 4. Front entries.
 - a. The front entry should be clearly recognizable as the primary entrance. Front entries should not, however, be monumental (appearing as two stories).
 - b. The primary entrance should be oriented to the street.
 - c. Glass around front doors is encouraged, but should be limited to modestly sized transoms, fanlights, and sidelights.
- 5. Windows and shutters.
 - a. Windows should be double-hung and multi-paned to provide a divided light appearance.
 - b. Windows should be one story.
 - c. Except for fanlights, arched windows are discouraged.
 - d. Gabled dormer windows are recommended for the upper story of one-and-a-half story homes.
 - e. If shutters are included in a home's design, they should be in direct proportion to the window opening.
- 6. Front porches.
 - a. Porches visible from the street should be rectilinear.

b. Simple designs for railings and posts are encouraged.

i. Posts should avoid complex shapes and ornamentation.

ii. Ornate capitals are discouraged.

7. Garages and driveways.

a. Garages should not be prominently visible from the street.

b.i. Attached garages should follow these guidelines:

(iA) Entry from the side is preferable;

(iiB) If a garage must face the street, it should be recessed behind the wall plane of the house's main facade;

(iiiC) Doors of street-facing garages should be recessed under eaves or other architectural elements such as trellises;

(ivD) Attached garages should have their own roof lines and appear as a distinct section of the home; and

(vE) Garages should be distinctly smaller in scale than the central portion of the home.

8. Landscaping. Landscaping should be incorporated as an integral part of a project's design.

9. Architectural style.

a. The use of classic architectural styles common to the characteristic neighborhoods, including Greek Revival, Italianate, Cape Cod, Colonial Revival, and Midwestern Farmhouse, is encouraged for new construction.

b. The New Victorian style is discouraged, except on Woodlynne Drive, where this style already predominates.

c. Where appropriate, modern architectural styles such as: organic architecture, International Style, Art Deco, and similar styles, may be considered where they complement and do not detract from classic styles characteristic of the particular Bingham Farms neighborhood.

Suggested design element and architectural style illustrations. Refer to the illustrations which follow. These images are intended to illustrate certain building elements described above, as noted in the text that accompanies each image. However, they also may contain additional building elements that do not comply with the text herein.

Design Standards for Residences



Sloped roof with “broken” roof lines: See 3(b) and 3(c)

Front entry is prominent and faces the street. See 4(a) and 4(b)

Side-facing garage. See 7(b)(i)(a)



Sloped roof with “broken” roof lines: See 3(b) and 3(c)

Front entry is prominent and faces the street. See 4(a) and 4(b)

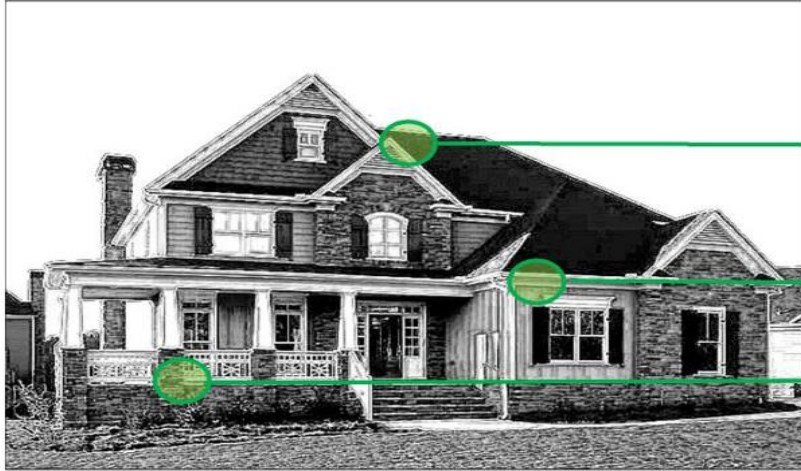
Side-facing garage. See 7(b)(i)(a)



Shutters are sized appropriately and could cover the window. See (5)(e)(G)

Dormer windows are appropriate for this half-story. See 5(d)

Landscaping is integrally designed with home design. See 8



Sloped roof with “broken” roof lines: See 3(b) and 3(c)

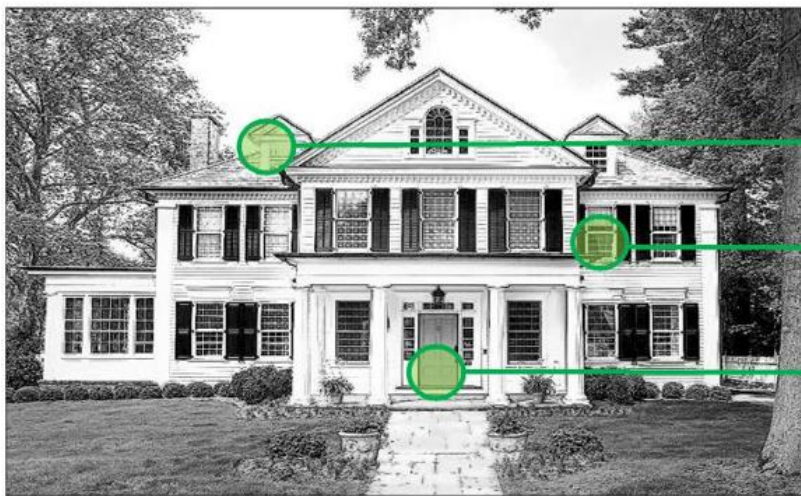
Windows are one-story and have divided light appearance. See 5(a) and 5(b)

Porch on front of home is one-story and has simple posts and rails. See 6(a) and 6(b) and 3.16(5)



Shutters are sized appropriately and could cover the window. See 5(e)

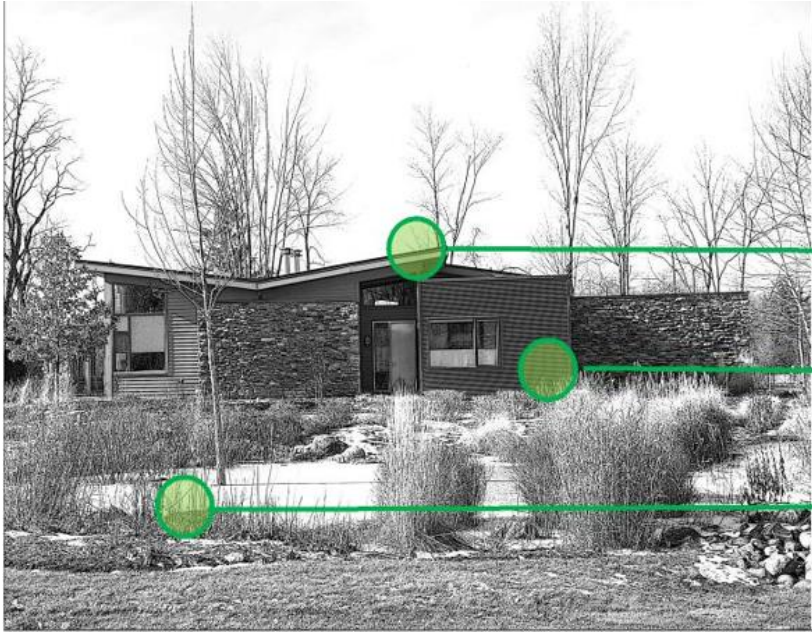
Side-facing garage. See 7(b)(i)(a)



Dormer windows are appropriate for this half-story. See 5(d)

Shutters are sized appropriately and could cover the window. See 5(e)

Front entry is prominent and faces the street. See 4(a) and 4(b)



Sloped with “broken” roof lines: See 3(b) and 3(c)

Natural building materials. See 2(a-c)

Landscaping is well-integrated with the design of the home. See 8



Side-facing garage. See 7(b)(1)(a)

Home design is compatible with adjacent homes and is proportional to lot. See 1(a) and 1(e)

Section 3 of Ordinance

The definition of “fence” as contained in Section 2.2 – Definitions, of Chapter 157 – Zoning Ordinance, of the Village of Bingham Farms Code of Ordinances, as amended, is hereby amended to now read as follows:

FENCE. Any structure or man-made barrier comprised of any material other than vegetation, with a generally open design and intended to enclose, screen, separate, mark the boundary of or limit access to all or part of an area of land. The term “fence” shall exclude any courtyard enclosure, garden wall, requirement trash receptacle enclosure, requiring mechanical equipment enclosure, required parking lot screening or similar structure integral to the design of a dwelling or the site plan for a non-residential building, that complies with all principal building setbacks, is approved by the ~~Design Review Board or~~ Planning Commission, and for which a permit has been issued.

Section 4 of Ordinance

The definition of “wall” as contained in Section 2.2 – Definitions, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

WALL. Any structure or man-made barrier, comprised of any material other than vegetation, with a generally solid design and intended to enclose, screen, separate, mark the boundary of or limit access to all or part of an area of land. The term wall shall exclude any courtyard enclosure, garden wall or required trash receptacle enclosure, required mechanical equipment enclosure, required parking lot screening or similar structure integral to the design of a dwelling or the site plan for a non-residential building, that complies with all principal building setbacks, is approved by the ~~Design Review Board or~~ Planning Commission, and for which a permit has been issued.

Section 5 of Ordinance

Section 3.5.E – R-4 Clustered One-Family Residential – Development Standards, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

- Other maximum gross floor areas may be approved by the ~~Planning Commission~~**Design Review Board under Chapter 153 of this code.**

Section 6 of Ordinance

Section 3.6.E – R-5 Clustered One-Family Residential – Development Standards, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

*Other maximum gross floor areas may be approved by the ~~Planning Commission~~**Design Review Board under Chapter 153 of this code.**

Section 7 of Ordinance

Section 3.12 – Notes to District Standards, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

3.12 Notes to District Standards

- A. The maximum gross floor area of a principal dwelling, expressed in square feet, shall be the greater of: 2,500 plus the lot area multiplied by a factor of 0.13 [(lot area x 0.13) + 2,500 = maximum gross floor area]. The ~~Planning Commission~~**Design Review Board, under Chapter 153 of this code,** may approve in a final decision the maximum gross floor area.
- B. Each dwelling unit shall be **provided** capable of storing two passenger automobiles.

- C. Each dwelling shall be furnished a public water supply and a public sanitary sewer.
- D. Side street setback. The width of a side yard abutting upon a side street shall not be less than minimum front yard depth required on an adjoining lot fronting upon such side street.

Section 8 of Ordinance

Section 3.21.F.2.C – **Planned Planning** Unit Development (PUD) – Design Review Board review of proposed PUD plan, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended and deleted to now read as follows: **Farms**

- c. ~~Design Review Board review of the proposed PUD Plan. The Design Review Board shall provide its recommendation to Village Council with respect to the design of buildings and landscaping in the proposed PUD Plan.~~

Section 9 of Ordinance

Section 3.21.F.3.a – **Planned Planning** Unit Development (PUD) – Final approval of Planned Unit Development, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

3. Final approval of Planned Unit Development:

- a. Upon receipt of the report and recommendation of the Planning Commission ~~and Design Review Board~~, and after the public hearing required above, the Village Counsel shall review all findings. If the Village Council shall determine to grant the application, it shall instruct the Village attorney to prepare a contract setting forth the conditions upon which such approval is based.

Section 10 of Ordinance

Section 6.1.B.15 – Site Plan Review – Site Information Maps and Plans Required, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

- 15. Building architectural elevations/front, side, rear/indicating proposed construction materials, including color and design/~~all information necessary to comply with Chapter 1543, Design Review Board.~~

Section 11 of Ordinance

Section 6.1.E.3 – Site Plan Review – Council Review, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

3. Council may approve, approve with conditions^{comma} or reject the plan. ~~Approval or conditional approval would be subject to review by the Design Review Board of those aspects of the plan under their jurisdiction. All requirements of Chapter 153, Design Review Board, must be met in this regard.~~

Section 12 of Ordinance

Section 6.1.F.1 – Site Plan Review – Plans, Documents and Construction, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

F. Plans, Documents and Construction

1. Following Council action ~~and any necessary Design Review Board consideration~~, the plan shall be returned to the office of the Village Clerk who shall notify the village consultants that a letter of approval will be issued following receipt of all applicable site plan review expenses.

Section 13 of Ordinance

Section 6.4.D.2 – Site Condominium Development Regulations – Site Plan Review of Site Condominium Development, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended to now read as follows: **Farms**

2. Site plan content and submission procedures shall be in accordance with §6.1.

The content of the plan shall also include information to comply with the village engineering design standards, ~~the village's Design Review Board ordinance set forth in Chapter 153~~ and the State of Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.01 through 559.272, as amended.

Section 14 of Ordinance

Section 6.4.F.3 – Site Condominium Development Regulations – Construction of Building Sites, of Chapter 157 – Zoning Ordinance, of the Village of **Bingham Farm** Code of Ordinances, as amended, is hereby amended and deleted to now read as set forth below and existing Section 6.4.F.4 – Requirements for certificate of occupancy for each building site, is hereby renumbered to new Section 6.4.F.3: **Farms**

- ~~3. Prior to issuance of a permit for construction of a particular building envelope, all requirements of the Design Review Board ordinances set forth in Chapter 153 for single family residential dwellings must be met.~~

Section 153 of Ordinance

All Ordinances and resolutions or parts of Ordinances and resolutions in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 164 of Ordinance

Should any section, subdivision, clause or phrase of this Ordinance be declared by the court to be invalid, same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the parts invalidated.

Section 175 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 186 of Ordinance

This Ordinance shall take effect upon publication in the manner prescribed by law.

CERTIFICATION

I certify that this Ordinance was adopted by the Village Council of the Village of Bingham Farms at a meeting of the Village Council duly called and held on _____, 2024.

VILLAGE OF BINGHAM FARMS

By: _____
Ken Marten, Village Manager/Clerk

Date: _____