



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, January 10, 2022, beginning at 7:30 p.m., in the village council chambers, 24255 Thirteen Mile Rd Suite 190 Bingham Farms, MI 48025

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda - M
- IV. Approval of Meeting Minutes of December 13, 2021 - M
- V. Public Comment on Non-Agenda Items
- VI. Old Business
 - a. Public Hearing: Proposed solar energy ordinance amendment – M
 - b. Public Hearing: Proposed PUD ordinance amendment – M
- VII. New Business
 - a. Communication: Request to amend FCO district
 - b. Appoint Planning Commission chair – M
 - c. Appoint Planning Commission – M
- VIII. Commissioner Comments
- IX. 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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**Village of Bingham Farms Planning Commission
Videoconference Meeting Minutes of November 8, 2021**

- I. Call to Order:** 7:30 p.m.
- II. Roll Call; Commissioners present:** William Burrell, Bryan Beaver, Lisa Blackburn, D.E. Hagaman, Amanda Mocerri, Carl Grenadier, Earl Wolfe.
- Commissioners absent:** Carl Grenadier, Amanda Mocerri.
- Others present:** Village Manager Ken Marten, Administrative Assistant Yevgeniy Malkin, Village Planner Jill Bahm, Joe Hlavaty, Village President Ben Templeton, Village Trustee Kurt Jones, Yvonne Murray, Todd Wyatt, Keith Maziasz.
- III. Approval of Agenda:** Motion by Beaver, second by Hagaman.
AYES: Burrell, Beaver, Blackburn, Hagaman, Wolfe.
NAYS: None.
- IV. Approval of Meeting Minutes, November 8, 2021:** Motion by Hagaman, second by Wolfe.
AYES: Burrell, Beaver, Blackburn, Hagaman, Wolfe.
NAYS: None.
- V. Public Comment on Non-Agenda Items:** None.
- VI. New Business**
- a. Public Hearing: Proposed amendment to FCO district to add personal/consumer financial services as an allowed use**
Public hearing open: 7:35 pm.
Todd Wyatt, a commercial building owner in the FCO district, requested that an Urgent Care use also be added to the FCO.
Keith Maziasz, a commercial building owner in the FCO district, requested that yoga/fitness uses be added to the FCO.
Public hearing closed: 7:41 pm.
The board responded to the public comments that those uses cannot be added at this time as a new use would require a separate public notice and hearing. However, they can be considered in the future.
Motion by Wolfe, second by Hagaman, to recommend that the Village Council approve the Zoning Ordinance amendment to the permitted uses in the FCO district.



AYES: Burrell, Beaver, Blackburn, Hagaman, Wolfe.

NAYS: None.

VII. Old Business

a. Solar energy ordinance: After reviewing edited draft ordinance, commission scheduled a public hearing for January 10, 2022.

b. PUD ordinance amendment: After reviewing edited draft ordinance and flowchart, commission scheduled a public hearing for January 10, 2022.

VIII. Commissioner Comments: None.

IX. Adjournment: Motion by Wolfe, second by Hagaman. Adjourned at 8:27 p.m.

AYES: Burrell, Beaver, Blackburn, Hagaman, Wolfe.

NAYS: None.

memorandum

DATE: November 08, 2021
TO: Ken Marten, Bingham Farms Village Administrator
FROM: Jill Bahm and Eric Pietsch, Giffels Webster
SUBJECT: Solar Panels

Previous Discussion/Action

November 8, 2021: The Planning Commission reviewed the second draft ordinance and had a few additional questions and changes:

- Research how large a ground-mounted system could be for residential dwellings and non-residential uses.
 - Solar panels for residential purposes are approximately 18 sf each. A typical home installation would be about 360 sf, whether roof-mounted or ground-mounted.
 - Related equipment may include batteries and solar generators. These may be installed either inside or outside the home or principal building and would be consistent in size with other generators, air conditioning units and pool equipment.
- Change the setbacks for panels and equipment to be consistent with the principal structures
- Specify a maximum size for ground-mounted systems in non-residential districts to 2,000 sf.

Updated text appears in **blue**.

October 11, 2021: The Planning Commission reviewed the draft solar energy ordinance and asked for clarification to the following:

- Ensure the size of solar systems is limited and does not permit a “solar farm.” The ordinance limits such systems to no more than 1/10th of an acre, or 4,365 sf by definition, but additional clarification was added that the total square footage of all accessory structures in residential districts includes ground-mounted solar systems, as provided in Section 5.10.A.3. Note that this is 25% of a rear yard for all accessory buildings and structures; the total of all attached and detached accessory structures shall not exceed 50%.
- Limit roof-mounted panels to 5 ft in height for either flat or pitched roof and have no more than a 45-degree angle from a flat roof.
- Ensure setbacks, height, and total area are consistent with other accessory structures.
- Add standard for landscaping.

See the attached updated text for additions **in red**.

July 12, 2021: The Planning Commission discussed the benefits of permitting solar energy components as well as some of the potential concerns. Direction was provided to:

- Residents and businesses should be allowed and encouraged to utilize alternative energy.
- Encourage solar panels on rooftops, facing away from the road to the extent possible.
- Minimize tree removal.

Recommendation

Please see attached draft ordinance for discussion at our upcoming meeting.

The remainder of this memo is provided as background

Introduction

What prompted this discussion?

- The Village Council has requested that the Planning Commission consider ordinance language to support solar energy in the village. The Zoning Ordinance is currently silent on solar panels and other alternative energy sources. Therefore, it appears that solar panels would be prohibited under the current Zoning Ordinance.
- This memo provides resources on sample solar panel ordinances from other communities we work with for the Planning Commission's consideration and discussion.

Current Language

What does the Ordinance say?

- While the Zoning Ordinance does not specifically address solar panels, there are a couple references to "energy" that could be interpreted as supporting solar panels. In addition, encouraging solar energy is consistent with the current draft Master Plan addresses sustainability and resiliency.
- **Planned Unit Developments.** Section 3.21 A.2. addresses the purpose of the Planned Unit Development (PUD) option. A specific objective of PUD's under this section is that PUD's "achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities". This objective could be interpreted as a desire to permit solar panels as part of PUD development.
- Additionally, with PUD Section 3.21 is G. Residential density, which states that PUD proposals meet one or more desired characteristics, including "innovate energy efficient design". Again, while this is not a specific reference to solar panels, this language implies that solar panels could be proposed as part of a PUD to provide desired characteristics per the Zoning Ordinance.
- **Special Land Uses.** Section 6.2 addresses procedures for Special Land Uses (SLU) in all districts. Subsection B.4. states that Village Council may impose other reasonable conditions on SLU approvals, including the conservation of natural resources and energy. Like with PUD's, while this is not a specific reference to solar panels, Council could require the inclusion of solar energy as part of the case-by-case approval process for SLU's.
- **Variations.** Lastly, the same language provided for Council SLU approvals above is again provided in Section 7.1 Zoning Board of Appeals (ZBA). This section states that the ZBA may impose other reasonable conditions on appeal or variance approvals, including the conservation of natural resources and energy. Again, while this is not a specific reference to solar panels, they could be required under this section if desired for a specific proposal.

Sample Ordinances

What do Ordinances from other communities that permit solar say? For the Planning Commission's information, we're providing some sample regulations; not all provisions would be appropriate in Bingham Farms, but they are provided as background to further understanding of the issue of solar energy.

Attica Township, west of Imlay City, permits a range of "solar energy systems" as follows:

- Small Solar Energy Systems for On-Site Use
 - Definition: A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 1 acre of land, and that will be used only to produce utility power primarily for on-site users.
 - Permitted in all zoning districts
- Medium Solar Energy Systems for On-Site and/or Utility Use
 - Definition: A private on-site or utility-scale solar energy conversion system consisting of many roof panels, ground-mounted solar arrays, and associated control or conversion electronics, occupying more than one acre and no more than 5 acres of land, and that will be used to produce utility power for on-site uses and/or off-site customers.
 - On-site (private) use: Permitted in B-1 and B-2 Business districts only
 - Utility use: Special Land Use in B-1 and B-2 Business districts only
- Large Solar Systems for Utility Use
 - Definition: A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 5 acres of land, and that will be used to produce utility power for off-site customers.
 - Permitted in I-1 and I-2 Industrial districts only
- General Requirements:
 - Small: 1 solar system permitted per lot, setback 20 feet from all property lines
 - Medium: setback 50 feet from all property lines
 - Large: prohibited on parcels less than 20 acres, setback 50 feet from all property lines and 100 feet from any residential dwelling, maximum area determined by PC, drainage plan, 10-foot maximum panel height, screening requirements determined by PC
 - Applies to all sizes: documentation that glare will be limited, screening of mechanical equipment, sketch plan/site plan requirements
- Roof Mounted Solar Panels: permitted extension of 5 feet for flat roofs and two feet for other roof types, prohibition on overhanging edge of building or below eaves
- Ground Mounted Solar Panels:
 - Small: prohibited on parcels less than one acre, only in rear or side yards, panel area included in impervious surface, 8-foot maximum panel height
 - Medium: prohibited on parcels less than 10 acres, 10-foot maximum panel height

- Large: see General Requirements above
- Applies to all sizes: drainage plan required if over 2,000 sq. ft. of impervious surface, screening requirement from residential districts and streets

Casco Township, St. Clair County, permits a range of “solar energy systems” as follows:

- Solar Energy System, Small:
 - Definition: “Small solar energy system” shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, ground–mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 0.09 acre of land, and that will be used to produce utility power primarily to onsite users or customers.
 - Permitted in AG, R-1, R-2, RT, B-1 and B-2, ROS, IND, OS
 - Approved through building permit if roof mounted and ground mounted less than 4,000 sq. ft. PC site plan approval may be required if there are concerns with proposal
 - Ground Mounted
 - Ground panels required to comply with accessory structure regulations and shall not exceed 20 feet in height in residential zones, mechanical equipment screened from view, drainage plan required if over 8,000 sq. ft. impervious surface, decommissioning requirements
 - 26-foot greenbelt required adjacent to residential or agricultural districts, or public roads
- Solar Energy System, Medium:
 - Definition: “Medium solar energy system” shall mean a private on-site or utility-scale solar energy conversion system consisting of many ground–mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying more than 0.1 acre and no more than 5 acres of land, and that will be used to produce utility power to on-site uses and off-site customers.
 - Permitted in AG, B-1 and B-2, ROS, IND, OS
 - Approved through PC site plan approval process
 - Ground Mounted
 - Shall meet all zoning district setbacks (with exceptions) and district height limit
 - Mechanical equipment screened from view, drainage plan, decommissioning requirements, performance guarantee requirement
 - 26-foot greenbelt required adjacent to residential or agricultural districts, or public roads
- Solar Energy System, Large:
 - Definition: “Large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground–mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 5 acres of land, and that will be used to produce utility power to off-site customers.
 - Permitted in AG with Special Approval, B-1 and B-2 with Special Approval, IND, OS with Special Approval
 - Compliance with Solar Energy System, Medium standards

- Roof Mounted and General Requirements (Small and Medium Systems Only)
 - May extend up to 5 feet above roof surface (may exceed building height limit), separate provisions for solar water or swimming pool heating
 - Equipment may be installed within the required side and rear yard but setback 5 feet
 - Glare and traffic safety provisions, report may be required by PC

Grand Blanc Township:

- Link to full ordinance standards:
 - <https://giffelswebster.sharefile.com/d-s6f1c559585034417974f9c07ef95aec4>
- Unique Zoning Ordinance standards that Bingham Farms may wish to consider:
 - The Township’s Tech Village Park District contains sustainability requirements that include “incorporation of alternative energy systems, such as solar collectors or geothermal heat pumps into building and site designs”.
 - Additional requirements are provided for solar energy canopies for off-street parking:
 - Solar energy canopies
 - Parking spaces may be covered with canopies that provide a platform for solar energy systems.
 - Maneuvering lanes shall not be covered with canopies.
 - The minimum clearance below a solar canopy shall be 9 feet. The height of a solar energy canopy shall not exceed the maximum height for accessory structures in the district.
 - Parking structures
 - Parking structures shall be architecturally compatible with the principal structure.
 - Where possible, parking structures shall be constructed as part of the structure.
 - The height of a parking structure shall not exceed 36 feet. Solar canopies are permitted on parking structure roofs and shall not be included in the calculation of maximum height.

**PROPOSED ORDINANCE TO AMEND
THE VILLAGE OF BINGHAM FARMS ZONING ORDINANCE**

AN ORDINANCE TO AMEND SECTIONS 2.2, OF THE VILLAGE OF BINGHAM FARMS ZONING ORDINANCE.

THE VILLAGE OF BINGHAM FARMS ORDAINS:

ARTICLE 1. Amend Section 2.2 Definitions to add the following definitions:

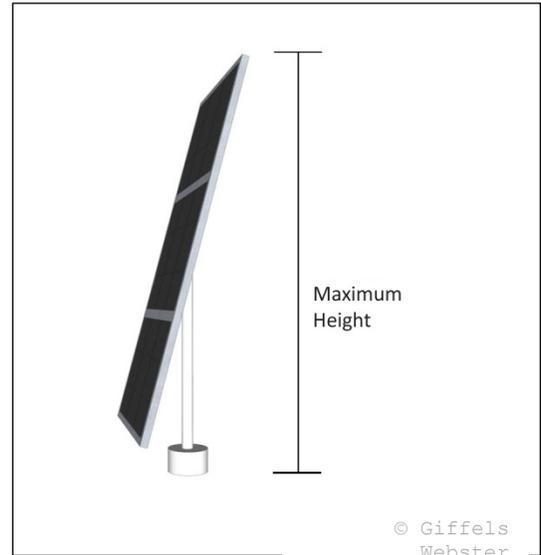
Solar energy system, small - means a single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than one tenth of an acre of land, and that will be used to produce utility power primarily to on-site users or customers.

ARTICLE 2. Add Section 4.11 Solar Energy Systems as follows:

4.11 Solar Energy Systems

1. Intent. The intent of this section is to permit and encourage the development of solar energy systems within Village of Bingham Farms while ensuring that such systems do not become a nuisance to neighbors or the community.
2. Roof-Mounted Solar Energy Systems. Roof-Mounted Solar Energy Systems of any capacity are permitted in all districts, subject to the following:
 - a. Panels may be mounted on the roof of any principal or accessory structure capable of supporting their weight.
 - b. The presence of solar panels on a rooftop shall not increase the overall height of a structure with a flat roof by greater than ~~ten~~ **five** feet, or the height of a structure with a pitched roof by greater than five feet, as measured from the highest point of the structure to the top of the panels. **Panels shall not exceed an angle of 45 degrees from the horizontal surface of the roof.**
 - c. Solar panels shall not project beyond the edge of the roof.
 - d. Site plans shall not be required for roof-mounted panels. Such systems shall be approved administratively, subject to building, mechanical, and electrical inspections.
 - e. In residential districts, roof-mounted panels are encouraged to be placed where they are not visible from the street, unless tree cover prevents preferred non-visible locations.
3. Ground-Mounted Solar Energy Systems. Ground-Mounted Solar Energy Systems are permitted as follows:
 - a. General Requirements. All ground-mounted solar energy systems shall be subject to the following requirements:

- i. Solar collection panels **and related equipment, including batteries and generators**, shall meet the setback requirements **for structures in** the district in which they are placed.
- ~~ii. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard but shall be a minimum of five (5) feet from any property line.~~
- iii. Solar collectors shall be placed such that concentrated solar radiation or solar glare will not be directed onto nearby properties or roadways. Traffic safety and adjacent properties shall be protected from unreasonable glare and radiation.
- iv. The area beneath ground-mounted solar panels ~~shall not be a continuous impervious surface or slab~~ **shall be covered with perennial ground cover vegetation, maintained for the duration of operation until the site is decommissioned**, except where the panels are part of a parking lot canopy.
- v. The height of ground-mounted solar panels shall not exceed **14 20** feet from grade to the highest point of the panel. If the panel is located on a berm, height shall be measured from the base of the berm.
- vi. If a ground-mounted solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state, or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- vii. Solar energy systems shall not be installed in a front or **required** side yard.
- viii. Solar energy systems shall be accessory to a principal use on the site.
- ix. Solar energy systems shall comply with the maximum coverage provided in Section 5.10.A.3 in residential districts.
- x. ~~Such systems in non-residential districts shall not exceed 1/10th of an acre or 10% of the parcel, whichever is smaller.~~ Solar energy systems may be installed and operated in PS and C-1 districts one-half acre in size or larger, **in the side or**



rear yard, subject to Planning Commission approval. **Such systems shall not exceed 2,000 sf. When adjacent to residential districts, the setbacks for such systems shall adhere for principal buildings in the district in which they are located. The Planning Commission may waive screening and landscaping standards that interfere with solar collection, provided that such system is not visible from a residential property.**

memorandum

DATE: January 6, 2022
TO: Ken Marten, Village Administrator
FROM: Jill Bahm & Eric Pietsch, Giffels Webster
SUBJECT: Zoning Amendment – PUD Procedure

Previous Action/Discussion

- **December 13, 2021:** the Planning Commission set a public hearing for January 10, 2022. After discussion about the process and order of reviewing body deliberations, consensus was to move the Design Review Board review to after the Village Council's review, but prior to the development agreement being approved. This gives the applicant an opportunity to prepare the more complex and detailed architectural and landscape plans once the conceptual PUD plan is approved. This change is noted **in blue** in the attached updated amendment.
- **November 8, 2021:** the Planning Commission discussed the PUD process and asked for a flow chart to help visualize the process (see attached). In addition, the statement regarding conveyance of property to the Village has been removed.

Introduction

What prompted this amendment?

- The Planning Commission started a discussion about clarifying the PUD process. An outline was discussed at the October 11, 2021 meeting.

Current Language

What does the Ordinance say? The general PUD standards are attached.

Background on Issue

Why consider an amendment?

- Amending the PUD procedure to clarify that the Planning Commission will consider a preliminary qualification allows an applicant the opportunity to get feedback and refine the application/project before spending significantly more time and resources on a more complete submission.

Recommendation

See attached amended language. **Text in red** is new language – and includes new standards to help the Planning Commission and applicant consider what community benefits could entail. **Green text** has been relocated from another section and ~~strikethrough text~~ is proposed to be removed. We have also included a clean version as well for easier reading.

3.21 Planned Unit Development (PUD)

- A. Purpose. The purpose of the Planned Unit Development (PUD) option is to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized that take advantage of special characteristics of the land than would otherwise be possible through the strict enforcement of this subchapter. The specific objectives of this section are to:
1. Encourage innovation in land use and variety in design, layout and type of structures constructed, while preserving the intent and integrity of the village master plan.
 2. Preserve significant natural features
 3. Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
 4. Encourage useful open space.
 5. Provide adequate housing and employment opportunities.
 6. Permit flexibility in the placement, lot area and building type regulations, while ensuring the application of sound site planning standards.
 7. Ensure compatibility of design between neighboring properties.
 8. Encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
 9. The PUD option shall not be used as a technique to circumvent the intent of the zoning ordinance, or to avoid imposition of specific zoning ordinance standards or the planning upon which it is based. Thus, the provisions of this chapter are designed to promote land use substantially consistent with the village master plan and village zoning ordinance, with modifications and departures from generally applicable requirements made to provide the applicant and village with flexibility in design on the basis of the total PUD plan approved by the village.
- B. Criteria for Qualifications. Qualifying conditions for a PUD. Planned unit developments (PUDs) may be allowed upon determination that all of the following criteria are met. Where there are conflicts between the PUD regulations and the general zoning, subdivision or other village regulations or requirements, the PUD regulations shall apply to the project.
1. A PUD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. Sufficient documentation shall be provided to demonstrate that there is a single person or entity with responsibility for the completion of the project in conformity with this subchapter.
 2. A PUD shall be subject to the project design standards and review process established in this section and any other applicable ordinances, and Village Council approval.
 3. A proposed PUD development shall not have an adverse impact upon the village master plan, and shall be consistent with the spirit and intent of the village master plan, as well as the spirit and intent of the zoning ordinance.
 4. All PUDs shall have a residential element.
 5. All PUDs shall have a minimum site size of five acres.
 6. A mixed-use PUD site shall abut Telegraph Road on at least one side. A residential PUD site shall abut Telegraph Road, 13 Mile Road or 14 Mile Road on at least one side.

7. A PUD site shall have significant natural or historic features which will be preserved through development under the PUD option or shall provide a complimentary mixture of uses, variety of housing types, housing targeted to an under-served market segment, or a design that preserves common open space not possible under the requirements of the underlying zoning district, as determined by the Village Council following review and recommendation by the Planning Commission.
8. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, as demonstrated by the applicant, where such benefit would not otherwise be feasible or likely (See (F) of this Section). This may include one or more of the following community objectives:
 - a. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - b. To preserve historic structures that add to the character of the village.
 - c. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.
 - d. To accept dedication or set aside open space areas in perpetuity.
 - e. To provide alternative uses for parcels which can provide transition buffers to residential areas.
 - f. To provide active open spaces, such as parks, plazas, and market or festival spaces for public use.
 - g. To promote the goals and objectives of the Master Plan.
 - h. To provide infrastructure, such as streets, sidewalks, lighting and the like, consistent with the Master Plan.
 - i. To foster the aesthetic appearance of the Village through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - j. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.
9. The development shall be designed as an integral unit, intended to be developed according to a clearly identified schedule, which may include separate phases. Each phase of the PUD shall meet the requirements of this subchapter and all other applicable village ordinances and regulations. Phasing of the project shall be agreed upon as part of the approved development agreement.
10. The proposed type and density of use(s) shall not result in an unreasonable increase in traffic or in the use of public services, facilities and utilities in relation to the development permitted under conventional zoning regulations applicable to the site and shall not place an unreasonable burden upon the surrounding land or property owners and occupants. The applicant may propose to mitigate additional demands on public facilities and services or off-site impacts through site design features, infrastructure, and other improvements.
11. Mixed-use PUDs shall be designed to achieve a coordinated/synergistic relationship among uses. The various uses shall be integrated with pedestrian and vehicular access

systems, and open spaces, with all site design elements to be developed in a consistent manner throughout the entire site (such as, landscaping, signs, lighting, and the like).

C.

D. Uses permitted. The flexibility of the PUD provides opportunities to develop projects with either a single type of land use or a variety of land uses combined to form a unified development consistent with the village master plan.

1. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined by the districts of the zoning ordinance which are to be applicable to the parts of the PUD area.
2. Principal permitted uses as provided in the underlying district shall be allowed within the districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan. Alternatively, the Village may permit uses not permitted in the district if specifically noted on the PUD plan. Conditions applicable to uses permitted subject to special conditions shall be used as guidelines for design and layout but may be varied by the planning commission provided that such conditions are indicated on the PUD plan.

E. Height, bulk, density and area standards

1. Residential density. Density calculations shall be based upon the net buildable area which consists of the portion of the site which is not encumbered by regulated wetlands, lakes or streams, public road rights-of- way, easements, or other existing or proposed features that would prevent the construction of a building or use of the site for residential purposes. The Planning Commission shall recommend and Village Council shall determine the number of dwelling units permitted based upon the type of housing proposed, the character of the site, its relationship to surrounding areas, and the village's desire to achieve the objectives of the master plan. In granting a density bonus, the Planning Commission shall consider and the Village Council shall find that the PUD proposal will meet one or more of the following desired characteristics:
 - a. Exhibits extraordinary design excellence, examples of which include but are not limited to: innovative energy efficient design; provision of additional usable open space above the required amount; added improvements to assure vehicular and pedestrian safety; amenities or site features to assure a long-term aesthetically pleasing appearance;
 - b. Public benefits as demonstrated by the applicant.
 - c. Provides high quality architectural design through the use of natural and durable building materials (such as brick and stone) recessed, side entry or rear entry garages, or substantial variation in building elevations;
 - d. Provides landscaping and buffering from adjacent sites and from non- residential land uses within the proposed PUD that significantly exceed the requirements of the ordinance;
 - e. Preserves and restores historic structures or involves the reclamation of site features which may include the reclamation of land that has been previously mined; and
2. Other Site design standards. The Planning Commission and Village Council shall consider, and the Village Council must be satisfied with, the following aspects of the overall site design: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; quality of pedestrian circulation system including access to and from thoroughfares and parking areas; internal roadway design; the achievement of a coordinated development with regard to signage, lighting, landscaping and building materials; quality and effectiveness of noise reduction and

visual screening methods, particularly where non-residential development is proposed adjacent to off-site residentially zoned or used property.

3. Dimensional standards. The applicant shall provide a table that clearly identifies the proposed development standards for each type of development including lot area, width, setbacks, density, building height, building separation, impervious surface, and other standards and regulations of the zoning district in which the PUD is located and the standards are based upon and provide adequate justification for the consideration of the approving body. All standards shall be subject to approval of the Village Council, after recommendation by the Planning Commission. The following standards shall apply:
 - a. Dimensional standards shall be based on sound planning and design principles in accordance with the considerations of the underlying zoning district.
 - b. Approved modifications to side yard setbacks for single family structures shall not result in a least side yard of less than nine feet. Any detached single-family structure within the PUD shall be located at least 20 feet from any other detached single-family structure within the PUD.
 - c. Non-residential buildings shall be located at least 50 feet from any residential buildings.

F.

4. Buffering between uses. The placement of PUD residential uses adjacent to residential districts sharing a common boundary is encouraged. At their discretion, the Planning Commission may recommend, and the Village Council may specifically approve a non-residential or mixed-use structure located adjacent to a residential district. Parking, loading, and vehicular traffic ways, shall be separated and buffered from residential units within the PUD and other residential districts adjacent to the PUD project in a manner consistent with good site design and planning principles as specified in this subchapter and as otherwise determined by the Village Council. When non-residential uses adjoin residentially zoned property outside of the PUD, noise reduction and screening methods including landscape berms or decorative walls may be required by the Village Council.
5. Compatibility standards. The proposed uses and design of the PUD development shall be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.
6. Infrastructure. The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the proposed PUD. The amount of impervious surface shall be minimized to limit the impact of stormwater runoff, in accordance with § 153.30 of this code. PUD's in R-1, R-2 and R-3 Districts shall be subject to the impervious surface standards of the underlying zoning district.

G. Open space standards. All PUD proposals shall incorporate open space. All residential PUDs shall maintain a minimum of 20% of the gross area of the site as permanent usable open space. All mixed-use PUDs shall maintain a minimum of 15% of the gross area of the site as permanent usable open space. The following design requirements apply:

1. With Village Council approval after recommendation by the Planning Commission based on the size of the property and the quality of the natural features up to 50% of the existing wetland, floodplain, open water bodies, and "wet" storm water detention/retention areas on the site may be counted as part of the open space required for a PUD with residential land uses. Detention ponds or drainage facilities that do not provide a natural appearance and are not incorporated into the overall plan as an amenity, as determined by the village, shall not be included as required open space.

2. Qualifying open space must be interconnected and accessible to all users within the PUD. Scattered inaccessible remnant lands shall not be considered usable. Open spaces shall be clearly identified and provide access to the site's most important natural features.
3. Usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, or the area of any commercial recreation use.
4. In addition to the preservation of the most important natural features, where possible additional open space shall be located and designed to preserve or create a buffer from adjacent land uses where appropriate.
5. Floodplain areas shall be preserved as permanent open space.
6. Open space shall be within or contiguous to the PUD. Open space that is not contiguous to the PUD shall be prohibited.
7. The useable open space shall be set aside by the developer through a recorded irrevocable conveyance, such as a deed restriction that runs with the land, conservation easement, or other instrument as approved by the Village Council after review by the Village Attorney, assuring that the open space will be developed according to the site plan and never changed to another use. The conveyance shall:
 - a. Indicate permitted use(s) to which the required open space is restricted.
 - b. Establish maintenance standards and a maintenance schedule.
 - c. Provide for the assessment of the private property owners by the village for the village's actual, administrative, and legal costs incurred in the maintenance of the open space and/or enforcement of other requirements of the conveyance.
 - d.

H. capacitySubmittal procedures and conditions:

1. Request for preliminary qualification:

- a. Any person owning or controlling land in the village may make application for consideration of a Planned Unit Development. Unless otherwise provided, such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
- b. A request shall be submitted to the village. The submission shall include the information required by subparagraph iii. below.
- c. Based on the documentation submitted, the planning commission shall make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Section B above. A preliminary determination that the parcel qualifies will not assure a favorable recommendation or approval of the PUD option but is intended only to provide an initial indication as to whether the applicant should proceed to prepare a PUD plan upon which a final determination would be based. The submittal must include the following:
 - i. Substantiation that the criteria set forth in Section B above, are or will be met.
 - ii. A schematic land use plan containing enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated.
 - iii. A plan for the protection of natural and/or historic features. In those instances where such protection is not an objective of the PUD option, the plan need not be submitted.

- d. The planning commission shall approve or deny the applicant's request for qualification. Whether approved or denied, the applicant may then proceed to prepare a PUD plan upon which a final determination will be based.

2. Request for Final Qualification. An applicant may apply to the village for final determination with the submission of the following materials:

- a. An application for PUD development that includes the following information:
 - i. A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale not smaller than one-inch equals one hundred (100) feet).
 - ii. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas (scale: not smaller than one-inch equals one hundred (100) feet).
 - iii. A preliminary site plan indicating the following at a scale no smaller than one-inch equals one hundred (100) feet (1" = 100'):
 - 1) Land use areas represented by the zoning districts enumerated in Section 3.1.1 through Section 3.1.9 of this chapter.
 - 2) Vehicular circulation including major drives and location of vehicular access. Preliminary proposals as to cross sections and as to public or private streets shall be made.
 - 3) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
 - 4) The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.
 - 5) The general location of residential unit types and densities and lot sizes by area.
 - 6) The location of all wetlands, water and watercourses and proposed water detention areas.
 - 7) The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof.
 - 8) A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
 - 9) A preliminary grading plan, indicating the extent of grading and delineating any areas which are not to be graded or disturbed.
 - 10) An indication of the contemplated water distribution, storm and sanitary sewer plan.
 - 11) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, if any, floor area, parking and supporting documentation, including the intended schedule of development.
- b. Planning commission review of proposed PUD plan:
 - i. The planning commission shall hold a public hearing on the PUD plan, with notice given in accordance with Section 7.10, Public Hearings.
 - ii. After the public hearing, the planning commission shall report its findings and make its recommendations to the council. The planning commission shall review the proposed PUD plan and make a determination as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:

- 1) The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the village.
- 2) All applicable provisions of this article and this article and this chapter shall be met. Insofar as any provision of this article shall be in conflict with the provisions of any other section of this chapter, the provisions of this article shall apply to the lands embraced within a PUD area.
- 3) There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system are adequate.
- iii. Following the public hearing, the Planning Commission shall make a final determination on the qualification for PUD and transmit a recommendation to Village Council with respect to the PUD Plan.
- 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.~~

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 Council 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.
- b. Before the contract is approved by the Village Council, the applicant shall submit architectural design and landscaping plans to the Design Review Board, who shall review said plans and provide its recommendation to Village Council. Village Council will direct the village attorney as to the final conditions for the development agreement.
- c. ~~which contract.~~ After approval by resolution of the council, the development agreement shall be executed by the Village and the applicant. Approval shall be granted only upon the council determining that all provisions of this chapter have been met and that the proposed development will not adversely affect the public health, welfare and safety.
- d. Once an area has been included with a plan for PUD and such plan has been approved by the council, no development may take place in such area nor may any use thereof be made except in accordance with such plan or in accordance with a council-approved amendment thereto, unless the plan is terminated as provided herein.
- e. An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the village and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- f. No approved plan shall be terminated after development commences except with the approval of the council and of all parties in interest in the land.
- g. Within a period of two (2) years following approval of the PUD contract by the council, final plats or site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the village.

4. Submission of final plat, site plans; schedule for completion of PUD:

- a. Before any permits are issued for any activity within the area of PUD, final plats or site plans and open space plans for a project area shall be submitted to the Village for review by the Planning Commission and Design Review Board of the following:
 - i. Review and approval of site plans shall comply with Section 6.1 as well as this section except as otherwise modified in the approved plan. Review and approval of plats shall comply with Act No. 288 of the Public Acts of Michigan of 1967 MCL 560.101 et seq., as amended, and the village code in addition to the requirements of this article.
 - ii. Before approving of any final plat or plan, the commission shall determine that:
 - 1) All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract;
 - 2) The final plats or site plans are in substantial conformity with the approved contract and plan for the PUD;
 - 3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract.
 - b. If development of approved final plats or site plans is not substantially completed in three (3) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same.
- D. Fees. Fees for review of PUD plans under this article shall be established by resolution of the council.
- E. Interpretation of approval. Approval of a PUD under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the village and the applicant.
- F. Amendments to PUD plan. Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the planning commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the planning commission and village council in accordance with the provisions and procedures of this section as they relate to final approval of the Planned Unit Development.

~~O.M.—Pre application conference. Before submitting an application for approval of a PUD, the applicant shall confer in a meeting with the Village Planner, Village Engineer and Building Officials and/or Village Clerk to obtain information and guidance regarding land development regulations, the village's Comprehensive Development Plan and the application process. After the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD, containing both maps and a written statement. All maps shall show enough of the surrounding areas to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The maps which are a part of the preliminary sketch plan may be in general schematic form and must contain the following:~~

- ~~1. — A recent map of the site reflecting area size and boundary line dimensions, as well as all properties and existing structures within 300 feet;~~
- ~~2. — Existing and proposed land uses and their approximate locations;~~
- ~~3. — Existing topographic character of the site;~~
- ~~4. — Dwelling unit densities by sub-area of the plan;~~

5. ~~Building layout of residential and office building areas;~~
 6. ~~Sample building elevations and floor plans;~~
 7. ~~Lot layout of any subdivision areas;~~
 8. ~~Circulation patterns, including streets and walkways;~~
 9. ~~Any proposed public or resident group use areas and facilities, including schools, community buildings, parks and open space;~~
 10. ~~Existing floodplains, bodies of water and other unbuildable areas;~~
 11. ~~A written statement explaining the character of the PUD, such as building types, exterior materials, approximate units, sales or rental prices, recreational and aesthetic amenities and anticipated characteristics;~~
 12. ~~A written statement as to the general vegetation characteristics of the site, in terms of type, coverage and quality. A detailed survey of these conditions is not required. The statement may be prepared from review of the aerial photograph and field observations of the site;~~
 13. ~~A written statement as to how the intended use of the property would affect the natural environment of the site as described in subsection (1) above. Attention shall also be given to the potential effect that the PUD and its land use development will have on adjacent properties, particularly with respect to drainage patterns.~~
 14. ~~A written statement as to the potential social and economic impact the proposed PUD will have on the area in terms of the number of people who could be expected to live or work on the site, the need for public facilities such as parks, utilities, roads and public safety and the anticipated potential floor space to be used for working areas; the market potential for the proposed uses and the potential vehicular traffic generation of the use and its impact on the existing road network with respect to traffic flow, current road conditions and road capacities.~~
 15. ~~A statement of ownership or option to purchase of all land within the proposed PUD;~~
 16. ~~A general indication of the expected schedule of development.~~
- ~~P.N. Village planning recommendation and site plan review. Upon completion of the pre-application stage, a formal PUD application incorporating the preliminary sketch plan shall be submitted to the Village Planning Commission for its review. As part of the Village Planning Commission's consideration of the PUD, there shall be site plan review as described in §6.1. In addition to the site plan information, maps and plans required in §6.1. and the inclusion of data from the pre-application stage, the information listed below under subsections (1), (2) and (3) should be submitted.~~
1. ~~General characteristics.~~
 - a. ~~General character, concept and substance of PUD.~~
 - b. ~~Objectives and purpose to be served.~~
 - c. ~~Compliance with village regulations and standards.~~
 - d. ~~Scale and scope of PUD development proposed.~~
 - e. ~~Market analysis and economic feasibility of the proposed PUD development as deemed necessary by the Village Planning Commission.~~
 - f. ~~Community impact in terms of streets and traffic, schools, open space, costs and revenues and utility systems.~~
 - g. ~~Environmental impact statement as deemed necessary by the Village Planning Commission.~~
 - h. ~~Development schedules.~~

- ~~i. Compliance with the adopted Village Comprehensive Development Plan.~~
- ~~2. Design and control features.~~
 - ~~a. Development plan at a scale of not less than one inch equals 50 feet if the subject property is less than 20 acres and one inch equals 100 feet if 20 acres or more.~~
 - ~~b. Date, north point and graphic scale.~~
 - ~~c. Dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.~~
 - ~~d. Existing and proposed topographic features of the site at a contour interval of at least 2-foot interval.~~
 - ~~e. Existing or proposed floodway and floodway fringe areas, bodies of water, wetlands and other unbuildable areas.~~
 - ~~f. Location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
 - ~~g. Location of all existing and proposed roads, drives and parking areas, whether dedicated to the public or private.~~
 - ~~h. Location of any signage and the dimensions of such signs.~~
 - ~~i. Location of existing and proposed rights of way width of all abutting roads and thoroughfares.~~
 - ~~j. Names and addresses of the architect, community planner, landscape architect or engineer responsible for the preparation of the area plan.~~
 - ~~k. Location of all outdoor lighting facilities.~~
 - ~~l. Typical floor plans and garage spacer method of trash and garbage collection.~~
 - ~~m. Typical exterior building elevations and style of architecture.~~
 - ~~n. Density for each use area of the site.~~
 - ~~o. Location, size and uses of common open space, public or resident group use areas and facilities, including school sites, parks and play areas.~~
 - ~~p. General description of the organization(s) or individual(s) who will own and maintain all land areas in the PUD, including common open space.~~
 - ~~q. General description of covenants, grants, easements or other restrictions to be imposed upon land or buildings, including the rules and regulations of any homeowner's association, cooperative association or other type of association.~~
 - ~~r. Detail of easement on private roads to allow necessary village access to the roads, water lines, sanitary sewer, storm sewer, as well as provisions for access of emergency vehicles.~~
 - ~~s. Circulation plan for internal streets, roadways and pedestrian walkways.~~
 - ~~t. Description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units.~~
 - ~~u. Description of all proposed nonresidential uses.~~
 - ~~v. General landscape concept showing tree masses to be preserved or added, proposed landscape plan, grading plan illustrating new land contours, berets, mounds and similar features.~~
 - ~~w. Delineation of areas to be subdivided pursuant to the State Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293.~~

~~x. — Average initial sales prices of dwelling units for sale and aesthetic features of the overall development.~~

~~3. — Engineering data as required by the Village Engineer.~~

~~Q.O. — Based upon the standards below, the Planning Commission may recommend approval, approval with conditions, or denial, and the Village Council may approve, approve with conditions or deny the proposed planned unit development. Upon the approval of a PUD by the Village Council, the property shall be designated as Planned Unit Development zoning on the official zoning map.~~

~~1. — The proposed development shall not have an adverse impact upon the village master plan and is consistent with the master plan's spirit and intent, as well as the spirit and intent of the village's zoning ordinance.~~

~~2. — The proposal shall demonstrate consistency with the village's adopted master plan with regard to land uses proposed. The proposed development standards for lot area, width, setbacks, density, building height, building separation, and other standards and regulations for the zoning district and uses shall be incorporated into an agreed upon schedule of regulations within the PUD agreement.~~

~~3. — The PUD meets the qualification and project design requirements of~~

~~4. — The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.~~

~~5. — The PUD shall address adequacy of schools, parks, and other public facilities, compatibility with existing development, adequate provision for traffic volumes and circulation, light and air, and accessibility for fire and police protection.~~

~~6. — All reasonable methods and maximum efforts have been used to protect and preserve significant natural and/or historical features, surface water bodies, groundwater aquifers, and the integrity of the land.~~

~~7. — Adequate public water and sewer facilities are available or planned and the use of public services and facilities as proposed will not have an adverse impact on surrounding property.~~

~~8. — Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site will be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.~~

~~9. — Benefits.~~

~~a. — The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the village, as demonstrated by the applicant, where such benefit would not otherwise be feasible or likely to be achieved if strict application of the ordinance requirements were applied.~~

~~b. — A clearly demonstrated benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable impacts of the proposed development and use(s); including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or important historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, such as, modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated; and provision of a significant public facility or similar public infrastructure improvement that provides benefits to the community beyond the boundaries of the PUD. The applicant must demonstrate this benefit as part of their development proposal.~~

~~P. — Design Review Board. The Design Review Board shall review the proposed building design and provide a recommendation to the Village Council as to the degree to which the proposed PUD reflects and demonstrates quality of architectural design and exterior building materials. Building materials such as brick and stone are strongly encouraged.~~

~~R.Q. — Public hearing Requirements~~

~~1. — After receipt of the recommendation of the Village Planning Commission and the Design Review Board, the Village Council shall hold a public hearing on the PUD. One notice for the public hearing shall be published in a newspaper of general circulation in the village and shall be sent by mail or personal delivery to the owners of property for which approval is being considered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the PUD will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.~~

~~2. — The notice shall:~~

- ~~a. — Describe the nature of the PUD request;~~
- ~~b. — Indicate the property which is the subject of the PUD request;~~
- ~~c. — State when and where the PUD request will be considered;~~
- ~~d. — Indicate when and where written comments will be received concerning the request.~~

~~S.R. — Effect of Approval of Petition and PUD Area Plan. Approval of the petition and areas plan by the Village Council shall have the following effects.~~

~~1. — Approval confers a right to the applicant for a period of one year from date of approval that existing zoning regulations as they apply to the land included in the proposed PUD shall remain unchanged, provided that required subsequent planning and/or construction are pursued in accordance with the approved PUD within this time period. Upon the abandonment of a particular PUD project approved under this subchapter, or upon the expiration of one year from the effective date or approval of a planned development wherein the planned PUD development has not been completed (or commenced and an extension of time granted by the Village Council), the PUD authorization shall expire and the land shall be regulated under the zoning district regulations formerly applicable to the property.~~

~~2. — Approval by Village Council of a PUD constitutes acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, approximate construction schedule and all other elements of the area plan.~~

~~3. — No deviation from the PUD approved by the Village Council shall be permitted except as provided in subsection J below.~~

~~4. — 4. Approval of a PUD application by Village Council confers on the applicant and any subsequent owners of the PUD properties the right to utilize the property included as part of the approved PUD in accordance with the overall density, dwelling unit mix and site plan of the approved PUD.~~

~~T.S. — Amendments and Deviations From Approved PUD Site Plan. For amendments to and deviations from an approved PUD site plan, including the addition of contiguous property, a revised PUD site plan shall be submitted according to the procedures outlined in this sub chapter, including a new review and~~

~~recommendation by the Design Review Board, Planning Commission and public hearing by the Village Council prior to Village Council action.~~

~~U.T. — Development Agreement.~~

~~1. — As a condition of the approval of a PUD application, the applicant and Village Council shall enter into a development agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The development agreement may be approved by the Village Council immediately following approval of the PUD or it may be placed on a subsequent agenda of the Council. The applicant shall reimburse the village for all fees for village legal counsel and consultant participation in the PUD approval process and development agreement. The approved development agreement shall be recorded with the County Register of Deeds. In the event that the PUD requires an amendment, the development agreement shall be amended to reflect the approved changes and recorded. Action to amend a development agreement requires approval by the Village Council.~~

~~2. — Contents of the development agreement shall include the following information for review by the Village Planner and Attorney for final approval by the Village Council:~~

~~a. — A legal description and survey of the total site(s) proposed for development.~~

~~b. — Names and addresses of all owners and persons with legal, equity, or security interest in the property proposed for development.~~

~~c. — A development schedule, including any individual stages or phases, and the anticipated beginning and completion dates.~~

~~d. — Phasing information shall include information regarding the street layout and number and type of dwelling units for residential phases, the building footprint, square footage and location and number of parking spaces shall be specified for nonresidential phases.~~

~~e. — A binding and specifically enforceable covenant that the proposed use(s) will not exceed the performance criteria of the ordinance.~~

~~f. — Descriptive detail regarding the proposed architecture including proposed materials and architectural renderings.~~

~~g. — A schedule of development regulations detailing the required dimensional standards including a reference to the zoning district they are based upon. All conditions and stipulations as set forth by the Village Council. Provisions satisfactory to the Village Attorney dealing with maintenance of the property, as well as maintenance, repair, and replacement of any common facilities servicing any portion of the property. Any provisions deemed necessary by the Village Attorney, planning consultant, or engineer regarding on-site and off-site easements required to service the property.~~

~~h. — A statement incorporating by reference in the agreement all representations, warranties, and information provided in any submission by the applicant and confirming the village's reliance on those representations, warranties and information.~~

~~i. — Enforcement provisions satisfactory to the Village Attorney.~~

~~j. — A statement allowing recording of the agreement or a notice of existence of the agreement at the office of the County Register of Deeds.~~

~~Any other provisions deemed necessary by the Village Attorney, engineer or planning consultant to meet the intent and purposes of the applicable ordinances.~~

Planned Unit Development

What is a Planned Unit Development?

A PUD is a development review tool to promote flexibility in the regulation of land development; innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and public services and utilities; encourage useful open space; provide better housing, employment, shopping opportunities, compatibility of design and use between neighboring properties; and development that is consistent with the Village's master land use plan.

What are the procedures for requesting a PUD?

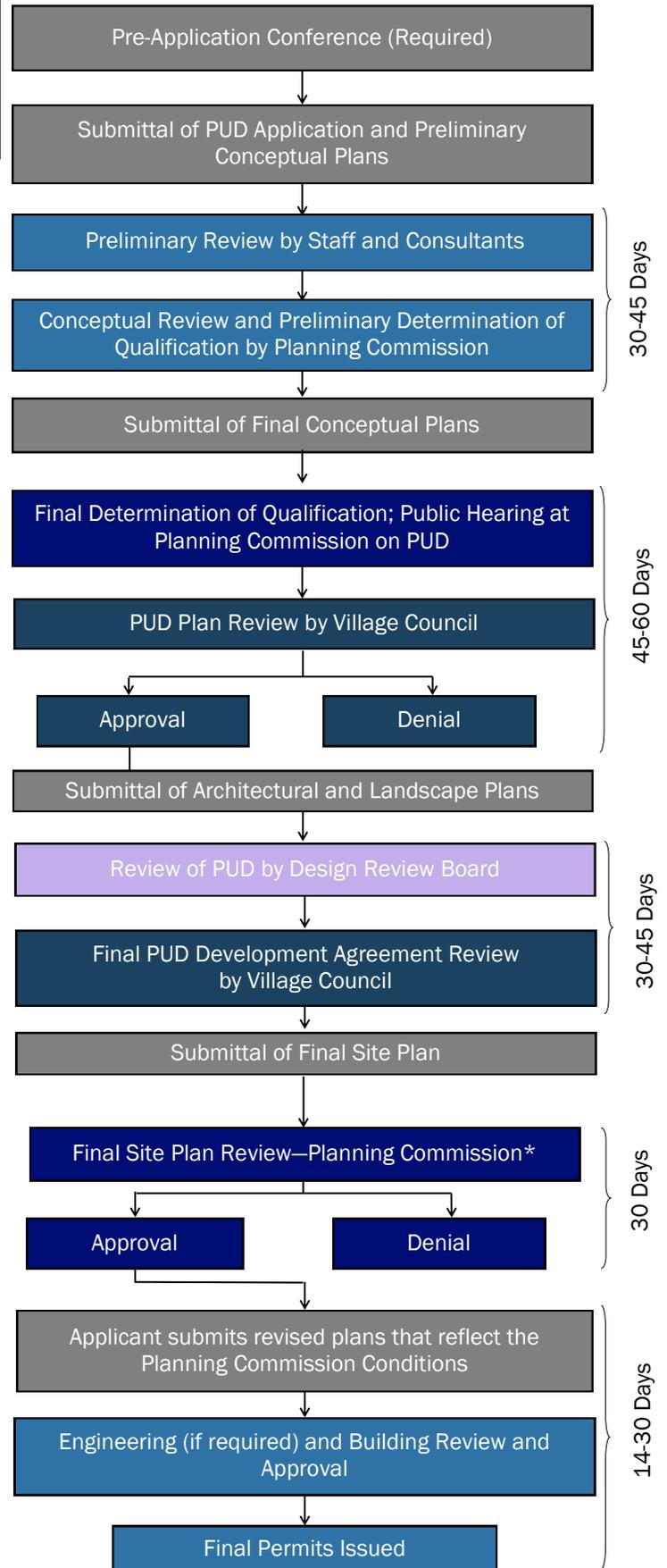
All PUD applications follow a multi-step process including a pre-application conference, conceptual PUD site plan review and qualification, public hearing, final PUD review and final site plan review.

The Planning Commission makes a recommendation on the PUD and Village Council has final authority to approve or deny a PUD. A signed development agreement is required that outlines all provisions for the PUD. Once approvals are complete, the parcel or parcels are designated PUD on the zoning map and the approved site plan and signed agreement are recorded with the county register of deeds. The Planning Commission will review the final site plan to ensure it is consistent with the approved plan.

Do I need to attend any meetings?

You will be notified of all meetings with your PUD request on the agenda. It is strongly recommended that you have representation at all meetings at which your application will be discussed.

The Planning Commission and Village Council may take action on a request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available for questions.



*Applicant maybe required to revise site plan

**VERSA RE
326 E. 4TH STREET #200
ROYAL OAK, MI 48067**

December 14, 2021

VIA EMAIL

Ken Marten
Village Administrator
Village of Bingham Farms

Ken:

I would like to formally requests an amendment to the Frontage Commercial Overlay zoning district to accommodate urgent care uses.

The following are reasons why the amendment would make sense for the district, the Village at large, its residents and the workforce:

1. Greater need for urgent care during the pandemic, which shows no sign of abating.
2. The movement of medical delivery from ERs to urgent care settings.
3. The more urgent cares in an area guarantee shorter waiting times for people in need.
4. Ease of getting a COVID-19 test.
5. Hospitalists switching from private internists to hospitalists, thereby creating a need for more urgent care centers.
6. The ease of getting Beaumont or Henry Ford doctors to care for a patient just minutes from their homes, as opposed to driving to an ER, where waiting times are 5-12 hours.

The current ordinance allows traditional retail and restaurants. The current pandemic has been terrible for restaurants. We have far too many in the vicinity. Moreover, restaurants going forward will reduce their footprint/size, as take-out and delivery apps are the new norm.

Please present my request to the Village council and planning commission.

I can be reached at (248) 770-8484 or todd@versacos.com.

Thank you in advance.



Todd A. Wyett
Principal