



Village of Bingham Farms Zoning Ordinance

Effective DATE

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How to Use This Ordinance

I. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. **Green** tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. *User Notes* are always highlighted in grey.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

The screenshot displays the 'R-1 One-Family Residential' section of the Village of Bingham Farms Code Chapter 157. The page is annotated with callouts explaining various features:

- Article Tabs:** A vertical sidebar on the left shows tabs for Purpose & Intent, Definitions, Zoning Districts (highlighted in green), Use Standards, Site Standards, Development Procedures, and Administration & Enforcement.
- User Notes:** A grey box highlights a note: 'User Notes: Click on bold blue for use-specific standards.'
- Sections and Subsections:** The main content is organized into sections A through F, including Purpose & Intent, Principal Permitted Uses, Special Land Uses, Development Standards, Additional Requirements, and Other Ordinances.
- Blue Bold Font:** A link to 'Section 3.11 Notes to District Standards' is highlighted in blue bold font.
- Graphics:** A diagram shows a building footprint on a lot with setbacks (100 ft front, 100 ft rear, 25 ft side) and a 'Building Envelope' (27 ft height, 1,800 sq ft floor area). A 'Clearzoning' diagram below shows a house with a 'New local ordinance height' of 27 ft.
- Page Numbering:** The page number '3-4' is shown at the bottom left, and '3-5' is shown at the bottom right.

Link to Table of Contents.

Link to How to Use This Ordinance.

Notes provide relevant district information recommended for review.

Link to Zoning Map.

Additional Requirements list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

 indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)

 indicates there is a graphic that illustrates the standard or requirement.

P identifies a property line.

C identifies the right-of-way centerline.

R/W identifies the right-of-way.

 identifies a **User Note** that provides helpful information for all users.

 identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Meanings of Word and Phrases](#)



Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.



If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



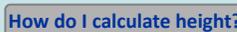
Article tabs located on the side of each page are linked to the Contents page of each Article.



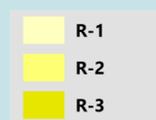
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.



‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in Article 2.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory

Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-2	R-3	R-4	R-5	PS	C-1	FCO	RO
Accessory buildings	P	P	P	P	P				
Accessory structures	P	P	P	P	P				
Accessory uses	P/S	P/S	P/S	P/S	P/S		P		
Barber shop ≤ 1,000 sq. ft.							A		
Beauty shop ≤ 2,000 sq. ft.							A		
Copy & reproductive services ≤ 1,000 sq. ft.							A		
Day-care homes, family	P	P	P	P	P				
Day-care homes, group	S	S	S	S	S				
Dwellings, cluster one-family detached				P	P				
Dwellings, domestic service	S	S	S	S	S				
Dwellings, one-family attached townhouses and stacked flats									P
Dwellings, one-family detached	P	P	P						
Food services (cafeteria, coffee shop, restaurant, lounge, snack bar, automat or vending machine area) ≤ 8,000 sq. ft.							A		
Home occupations	P	P	P	P	P				A
Medical marihuana, use & cultivation	S	S	S	S	S				
Medical or dental centers and laboratories						P	P		
Municipal uses	S	S	S	S	S		P		
Museums							P		
Offices - administrative, executive, and professional						P	P		
Parking, off-street	S	S	S	S	S				
Personal services								P	
Places of worship	S	S	S	S	S		P		
Public recreation	S	S	S	S	S				

Continued on next page



How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory

 **Digital User Note:**

Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-2	R-3	R-4	R-5	PS	C-1	FCO	RO
Restaurants, freestanding							S	P	
Retail								P	
State-licensed residential facilities	P	P	P	P	P				
Sundry shop ≤ 1,000 sq. ft.							A		
Travel agency ≤ 1,500 sq. ft.							A		



How to Use This Ordinance

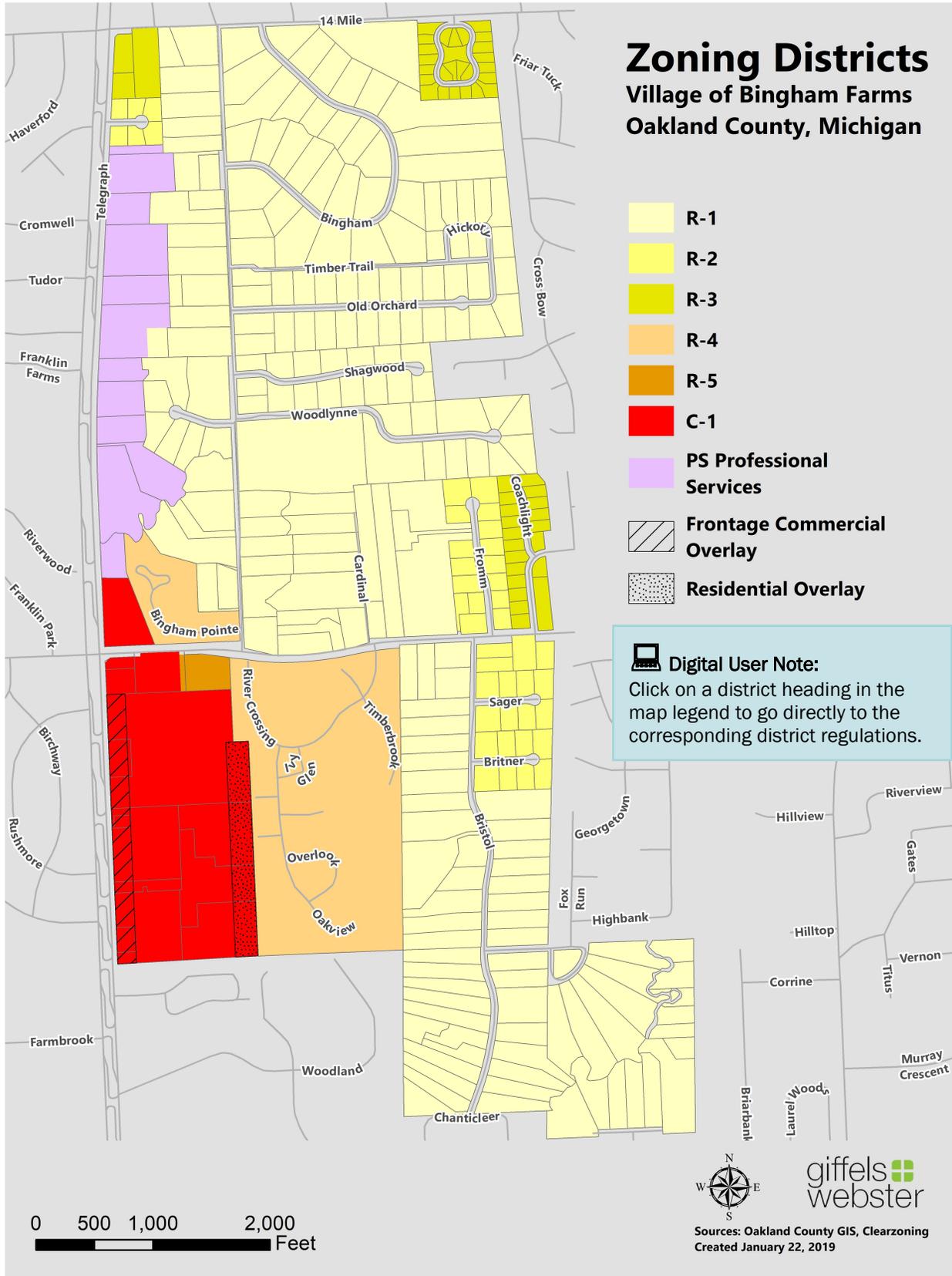
5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 One-Family Residential	60,000 sq. ft.	140	100	25	100
R-2 One-Family Residential	30,000 sq. ft.	120	60	15	60
R-3 One-Family Residential	17,500 sq. ft.	100	40	15	35
R-4 Clustered One-Family Residential	17,500 sq. ft.	100	40	25	35
R-5 Clustered One-Family Residential	10,000 sq. ft.	100	40	25	35
Professional Service	N/A	N/A	60	30	120
Commercial	10,000 sq. ft.	100	60	60	60
Frontage Overlay District	N/A	N/A	80	0	20
Residential Overlay District	N/A	N/A	25	15	45



Zoning Map



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Chapter 157 | Article I

Purpose & Intent

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& Intent
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Article I - Purpose & Intent

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1.5	General Regulations _____	1-3



Section 1.1 - 1.5

1.1 Title

This chapter shall be known and may be cited as the “Village of Bingham Farms Zoning Ordinance.”

1.2 Intent, Purposes and Methods

The comprehensive plan of this chapter is for the purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of the community and of a wholesome, serviceable and attractive municipality by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that provide for a more uniformly just land use pattern and tax assessment basis; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, public buildings, housing, light, air, water supply, sewage, sanitation and other public requirements; that lessen congestion, disorder and danger which often result from unregulated municipal development; that prevent overcrowding of land and undue concentration of population; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the structure upon which the good of all depends.

1.3 Scope

No building, structure, land or part thereof located in the Village of Bingham Farms shall be used, altered, remodeled, changed, constructed, reconstructed or moved within or into the village except in conformity with the provisions of this chapter.

1.4 Interpretation and Conflicting Regulations

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless provided elsewhere in this chapter, it is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing and unrepealed provision of law or chapter or any rules, regulations or permits previously adopted or issued pursuant to the law relating to the use of buildings or lands, neither is it intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this chapter imposes a greater restriction upon or regulations of the use of buildings or structures or land or restrictions upon the height, area or size of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such agreements, the provisions of this chapter shall control.

1.5 General Regulations

The regulations contained in this ordinance shall apply to all zoning districts if the described or required condition or activity is not permitted or more specifically regulated by another provision of this chapter. In case of conflict, the more restrictive regulation shall apply.



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Chapter 157 | Article 2

Definitions

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Article 2 - Definitions

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2.2	Definitions _____	2-3

Definitions A to I

Auxiliary parking area
 Basement
 Building
 Building, accessory
 Building, principal
 Dwelling, one-family
 Dwelling, one-family, clustered
 Essential services
 Established grade
 Family*
 Family day-care home
 Fence
 Floodplain (flood hazard area)*
 Floor Area Ratio (FAR)
 Gate
 Gross floor area
 Gross floor area, residential districts
 Group day-care home
 Height of Building
 Impervious surface
 Invisible fence

Definitions L to O

Living area, residential
 Lot*
 Lot, corner
 Lot, interior
 Lot area
 Lot line, front
 Lot line, rear
 Lot line, side
 Lot width
 Marijuana or marihuana
 Marijuana, usable
 Medical marijuana*
 Medical marijuana caregiver
 Medical marijuana patient
 Medical or dental centers
 MMMA
 Municipal uses
 Nonconforming buildings
 Nonconforming use
 Offices - executive, administrative & professional
 Open space ration (OSR).
 Ornamental landscape feature

Definitions P to Z

Personal service
 Planned Unit Development (PUD)*
 Public recreation
 Public utility
 Residential infill
 Restaurant
 Retail
 Semi-circular driveways
 Setback
 Sign
 Site condominium development*
 State-licensed residential facility
 Story
 Story-half
 Street
 Structure
 Structure, accessory
 Sundry shop
 Telecommunications antennae
 Temporary outside storage units
 Use, accessory
 Wall
 Wireless communication facilities*
 Yard, front
 Yard, rear
 Yard, side
 Zoning compliance permit

* Multiple definitions



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2.1 Meanings of Word and Phrases

When not inconsistent with the context, words and tenses used herein shall be interpreted or defined as follows:

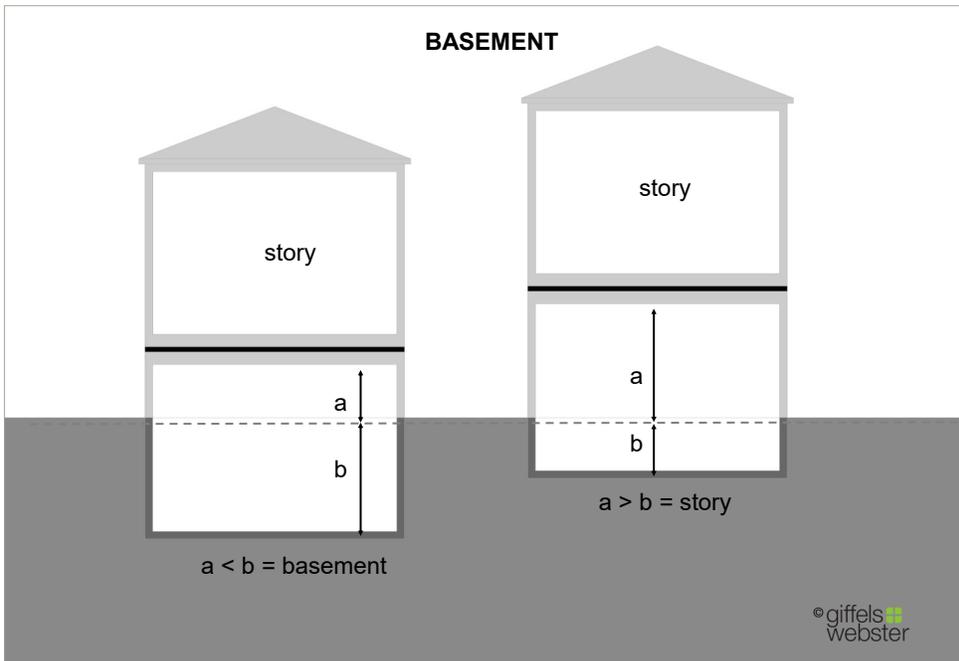
- A. Words used in the present tense shall include the future tense;
- B. The singular number includes the plural and the plural the singular;
- C. The word "Person" includes any individual, association, firm, partnership or corporation;
- D. The word "Shall" is always mandatory and not merely directory;
- E. Terms not herein defined shall have the meanings customarily assigned to them.

2.2 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUXILIARY PARKING AREA. An improved area outside of a building and adjacent to a driveway for the parking of vehicles on a lot or parcel of residentially zoned land.

BASEMENT. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average of the finished grade to the basement floor is greater than the vertical distance from the average of the finished grade level to the basement ceiling. A basement shall not be included as a story for height measurement. ✍



Section 2.2.B - E

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BUILDING. A structure with a roof supported by walls or columns for the housing, shelter, enclosure or storage of persons, property or animals of any kind.

BUILDING, ACCESSORY. A building, the use of which is supplementary or subordinate and clearly incidental to a permitted principal or special land use of a principal building on the same lot.

BUILDING, PRINCIPAL. A building in which a permitted principal or special land use on a lot is allowed to be located. For purposes of administration and enforcement of the yard definitions and encroachment regulations in this section, a private garage attached to a dwelling and meeting or exceeding the applicable lot line setbacks shall be considered as part of the principal building.

DWELLING, ONE-FAMILY. A building designed for occupancy by one family.

DWELLING, ONE-FAMILY, CLUSTERED. A one-family dwelling as defined above which has one or more walls contiguous in whole or in part with the walls of another one-family dwelling and which is completely self-contained with no part of the dwelling above or below another dwelling and without interior access to any other dwelling. A cluster is two or more contiguous one-family dwellings. ✍



ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories other than buildings, electric substations and towers in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission or for the public health, safety or general welfare.

ESTABLISHED GRADE. The established grade level of a parcel of property shall be the average of the two property line elevations at the front face of an existing or proposed building extended to the side property lines. Elevations shall be based on U.S.G.S. datum. This elevation may only be raised to provide a maximum of 2% of grade change for the purpose of drainage.

FAMILY.

- A. A domestic family, that is an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single domestic, housekeeping unit in a dwelling unit; or
- B. The functional equivalent of the domestic family that is a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period. There shall be a rebuttable presumption in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Council for a special land use in residential zones.

FAMILY DAY-CARE HOME. A private home in which one to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

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, 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.

FLOODPLAIN (FLOOD HAZARD AREA). Land which on the basis of available information would be subject to inundation during a base flood event.

The following definitions are in relation to floodplain regulations:

- A. **BASE FLOOD (100-YEAR FLOOD).** The flood having a 1% chance of being equaled or exceeded in any given year, or of a magnitude that may be equaled or exceeded once in any 100-year period.
- B. **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- C. **FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any surface.

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Section 2.2.F

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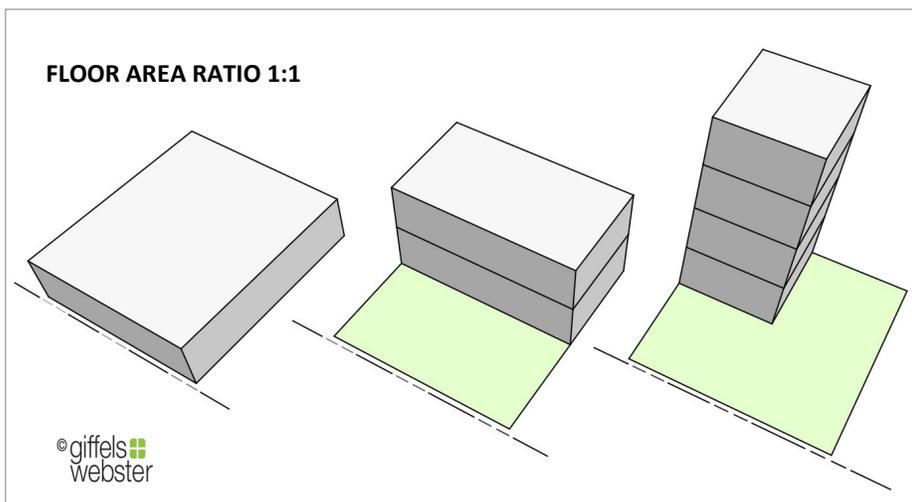
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- D. **FLOOD BOUNDARY AND FLOODWAY MAP (FBFM).** An official map of the Village of Bingham Farms on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe.
- E. **FLOOD INSURANCE RATE MAP (FIRM).** An official map of the Village of Bingham Farms on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Village of Bingham Farms.
- F. **FLOOD INSURANCE STUDY.** The official report for the Village of Bingham Farms by the Federal Emergency Management Agency and consisting of flood profiles, as well as the Flood Boundary and Floodway Map and the Flood Insurance Rate Map and the water surface elevation of the base flood.
- G. **FLOODWAY.** The channel of a river or other water course and the adjacent land areas which must be reserved in order to discharge the base flood.
- H. **NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of this section.
- I. **STRUCTURE.** Any assembly of building materials, earth, log or rocks, including among other things: bridges, buildings, cages, docks, fences, platforms, sheds, shelters, signs, tanks, towers, trestles, walls and wharfs.
- J. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

FLOOR AREA RATIO (FAR). The ratio between the gross floor area in a structure or structures on a lot and the total area of the lot on which the structure or structures are located. ✎ $FAR = \text{Gross Floor Area/Lot Area}$



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FOOD PREPARATION SERVICES. Establishments such as cafeterias, coffee shops, lounges, snack bars, and vending machine areas.

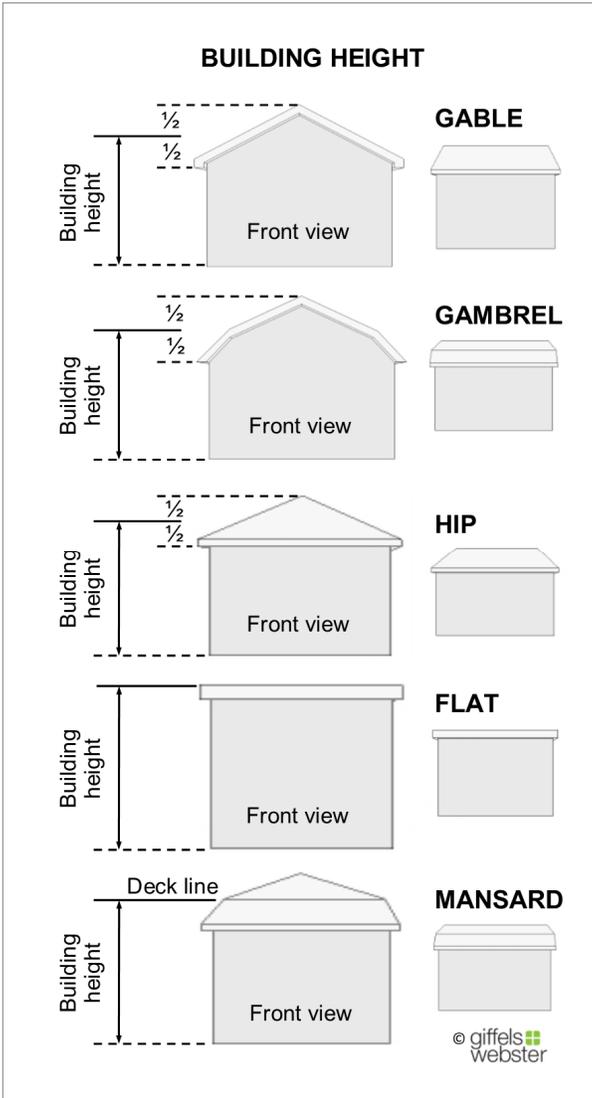
GATE. A man-made structure or barrier of any kind that can be opened and/or closed in a manner that allows it to limit or provide access to all or part of an area of land, including access via a driveway.

GROSS FLOOR AREA, NONRESIDENTIAL DISTRICTS. The sum of the gross horizontal areas on all stories measured to the exterior face of exterior walls of a building including all basement area.

GROSS FLOOR AREA, RESIDENTIAL DISTRICTS. The sum of the floor areas of each full, half or partial story of a dwelling, as measured from the exterior faces of the exterior walls and the floor areas of all breezeways, covered porches, and attached and detached garages on the same lot as the dwelling. The measurement shall exclude the floor areas of basements and unfinished attics.

GROUP DAY-CARE HOME. A private residence in which between seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

HEIGHT OF BUILDING. The height of a building is the vertical distance from the established grade level at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for mansard roofs and to the mean height level between the eaves and ridge for gable, hip, gambrel or studio roofs. For “A Frame” structures, building height shall be measured to the height to a point three-quarters of the distance to the height from the ridge of the top of the roof and the finished grade level. When a building faces on more than one street, the height shall be measured from the average of the finished grade level at the center of each street front. ✍



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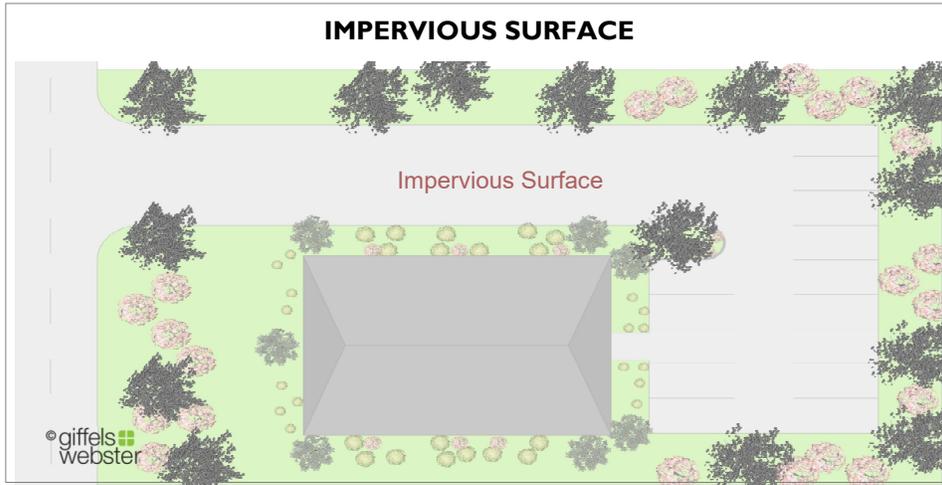
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IMPERVIOUS SURFACE. A structure or portion of a structure constructed of impenetrable material that repels water so as to prevent precipitation from infiltrating the ground occupied by the structure or that causes water to run off the structure in greater quantities or at a greater rate than existed prior to development. ✎



INVISIBLE FENCE. A concealed or underground fence or barrier, which emits a radio signal powered by a direct current voltage supply used in conjunction with a collar or other device on an animal to be confined within the boundaries of the fence or the boundaries of the fence and a building or structure in combination.

LIVING AREA, RESIDENTIAL. The sum of the floor areas of each full, half or partial story of a dwelling, excluding the areas of basements, unfinished attics, breezeways, covered porches, and attached and detached garages, as measured from the exterior faces of the exterior walls.

LOT.

- A. A parcel of land, including, in addition to the land required to meet the regulations of this chapter, all of the land area shown in a request for a zoning compliance permit, occupied or intended to be occupied by a principal and accessory building or use.
- B. A parcel of land, the deed to which is on record with the Oakland County Register of Deeds and which actually exists as described. Also, where two or more abutting lots of record at the time of the adoption of Ordinance No. 63 are held in one ownership or subsequently come to be held in one ownership, either in fee simple and/or under a vendee's land contract interest, they shall be considered to be a single lot for the purposes of this chapter if such lots are necessary to meet the minimum lot requirements set forth in §§ 157.050 et seq.

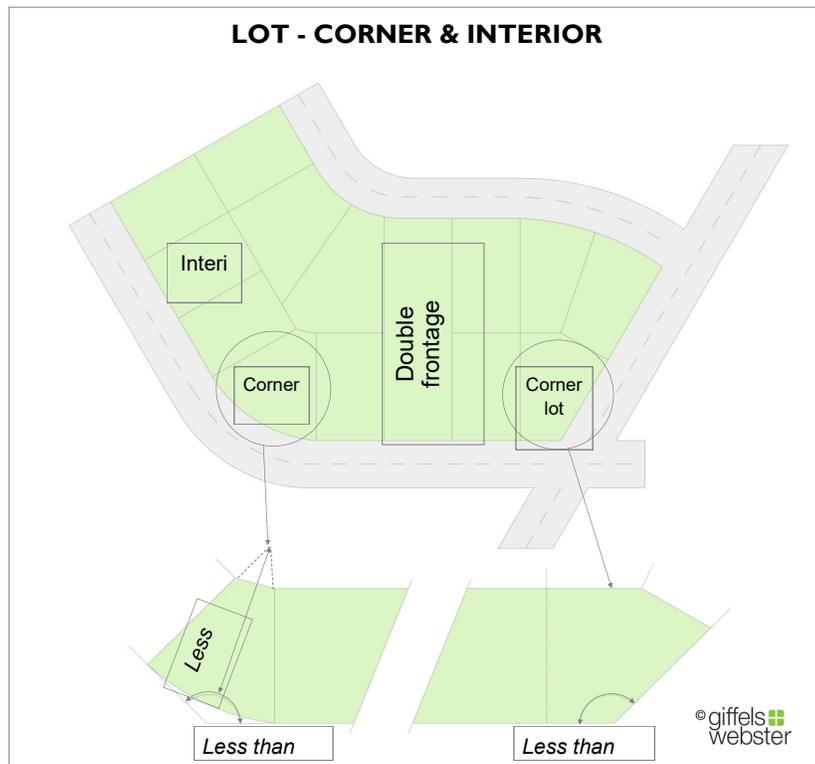
LOT, CORNER. A lot where the interior angle at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this chapter if the arc is of less radius than 150 feet and the tangents to the curve (at the two points where the lot lines meet the curve or the straight street line extended) form an interior angle of less than 135 degrees. ✍

LOT, INTERIOR. Any lot other than a corner lot. ✍

LOT AREA. Unless otherwise provided in this chapter, the total horizontal area within the lot lines of a lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating said lot from the street. In the case of either a corner or a double-frontage lot, the line separating said lot from that street which is designated as the front street in the request for a building permit. ✍

LOT LINE, REAR. That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten feet long lying most distant from the front lot line and wholly within the lot. ✍



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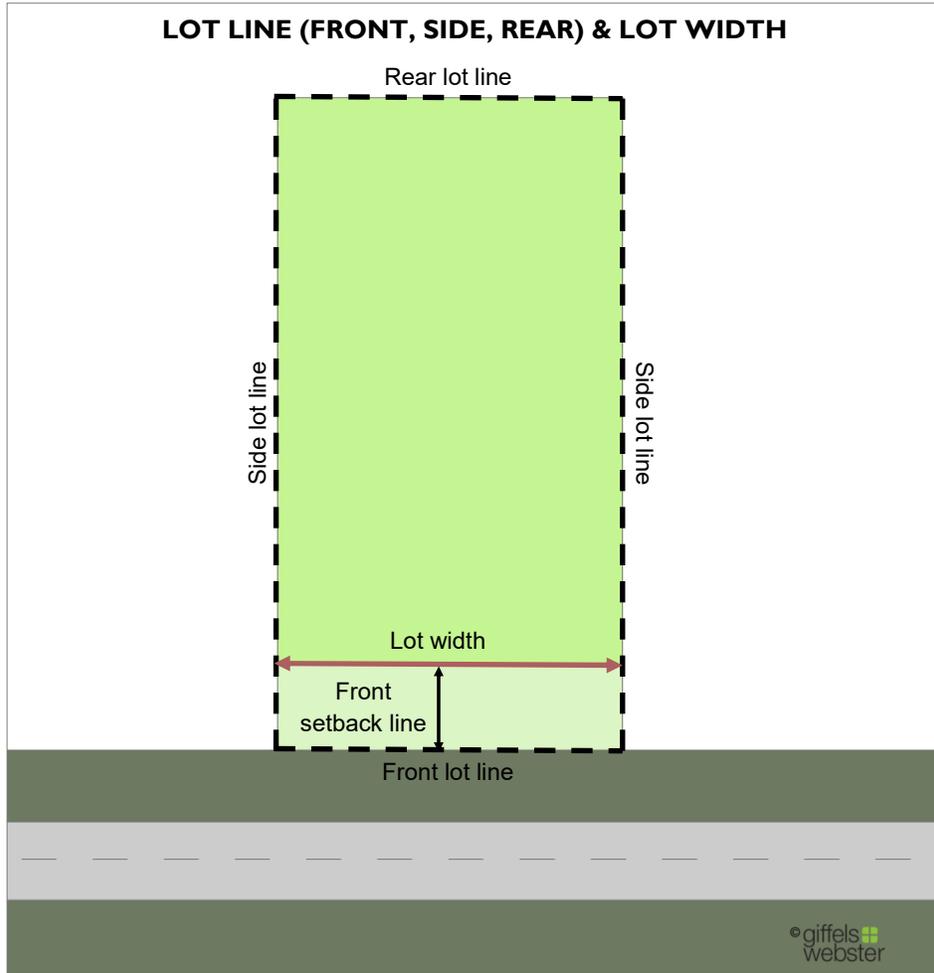
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LOT LINE, SIDE. A side lot line is any line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. ↗

LOT WIDTH. A dimension measured between the two points where the front setback line intersects the side lot lines. ↗



MARIJUANA OR MARIHUANA. Marijuana as defined in the Michigan Medical Marijuana Act, the State Public Health Code, M.C.L. §§ 333.7101 et seq., and Federal Controlled Substance Act, 21 U.S.C. 801 et seq.

MARIJUANA, USABLE. Dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof. The seeds, stalks, and root of a marijuana plant are not considered usable marijuana.



MEDICAL MARIJUANA.

- A. Marijuana that is acquired, possessed (externally or internally), cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a medical marijuana patient's debilitating medical condition or symptoms associated with the debilitating medical condition as defined by the MMMA; or
- B. Paraphernalia related to the administration of marijuana to treat or alleviate a medical marijuana patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the MMMA.

MEDICAL MARIJUANA CAREGIVER. A person who is:

- A. At least 21 years old;
- B. Who has agreed to assist with a medical marijuana patient's medical use of marijuana;
- C. Who has never been convicted of a felony involving illegal drugs; and
- D. Otherwise meets all requirements for primary caregivers under the Medical Marijuana Act, Initiated Law I of 2008, M.C.L. §§ 333.26421 et seq., and the rules promulgated therefore by the Department of Community Health R §§ 333.101 et seq., including, but not limited to possession of a valid unexpired registry identification card.

MEDICAL MARIJUANA PATIENT. A person who has satisfied all requirements as set forth in the Michigan Medical Marijuana Act, Initiated Law I of 2008, M.C.L. §§ 333.26421 et seq.

MEDICAL OR DENTAL CENTERS. A facility for outpatient care and/or for the processing of medical or dental tests, not to include however, veterinary hospitals, facilities permitting overnight patients or facilities predominantly providing emergency care.

MMMA. The Michigan Medical Marijuana Act, which has been codified at M.C.L. §§ 333.26421 et seq., as passed by the voters on November 4, 2008.

MUNICIPAL USES. Municipal uses include public schools, public libraries, public utility buildings, telephone exchanges and transformer stations.

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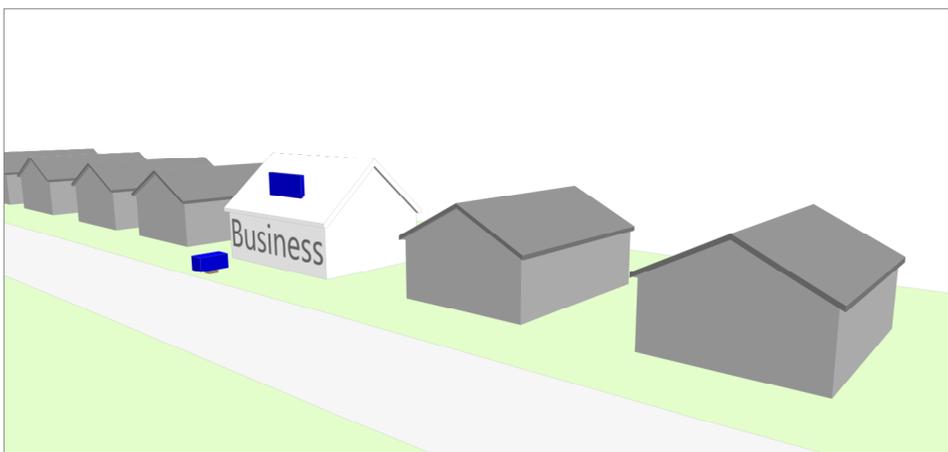
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NONCONFORMING BUILDINGS. A nonconforming building or portion thereof lawfully existing at the effective date of this chapter, or amendments hereto, but does not thereafter conform to the provisions of the chapter in the zoning district in which it is located. ✍

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments hereto, but does not thereafter conform to the use regulations of the district in which it is located. ✍



OFFICES - EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL OCCUPATIONS. Offices which include medical doctor, osteopath, chiropractor, dentist, architect, lawyer, engineer, accounting, banking, clerical, stenographic, drafting and sales, excluding retail activities, and others determined by the Village Council to be sufficiently similar in nature.

OPEN SPACE RATIO (OSR). The ratio between the minimum allowable amount of open space for landscape planting, lawn and natural vegetation on a lot in relation to the total area of the lot for which the open space is required.
 $OSR = \text{Open Space} \div \text{Lot Area}$

ORNAMENTAL LANDSCAPE FEATURE. A decorative or ornamental structure of an open or closed design that is a feature of a landscaping plan and not more than 36 inches high above grade or more than 100 cubic feet in bulk.

PERSONAL SERVICE. Uses that perform personal services on the premises including, but not limited to, barber shops, beauty shops, tailor shops, photographic studios and similar uses.

PLANNED UNIT DEVELOPMENT (PUD)

A. **MIXED USE PUD.** The development of a tract of land with two or more different uses that consist of residential and non-residential uses. Non-residential uses shall include but not be limited to those permitted in §§ 157.067 and 157.077. Residential uses in a mixed-use PUD may include residential care facilities or target population residential facilities.



B. **RESIDENTIAL PUD.** The development of a tract of land for one or any combination of the following residential dwelling types: single family; two family; and multiple family.

PUBLIC RECREATION. Uses such as community buildings, parks, playgrounds, recreation areas and athletic fields.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communication, transportation or water. Wireless communication facilities, which are subject to this chapter, are excluded from this definition.

RESIDENTIAL INFILL. A residential development that places a newly constructed or moved dwelling or dwellings into an established residential neighborhood, that reflects architectural styles, design features, use of materials, or placement consistent with adopted Bingham Farms design guidelines, and which helps define the visual character and preserve the economic stability of the neighborhood in which it is located.

RESTAURANT. An establishment that serves food and beverages for consumption on the premises while seated inside the restaurant building or within an approved outdoor dining area.

RETAIL. Uses including, clothing shops, shoe shops, flower shops, office supply and stationery shops, gift shops, and similar uses.

SEMI-CIRCULAR DRIVEWAYS. Driveways that intersect a street at more than one location

SETBACK. The distance required to conform to the minimum front, side and rear open space provisions of this chapter.

SIGN. Any use of words, numbers, figures, devices, designs or trademarks visible to the general public.

SITE CONDOMINIUM DEVELOPMENT. A condominium project proposed to be developed under Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, in any residential zoning district with respect to a development which includes one or more single-family detached building envelopes.

The following definitions correspond to site condominium development regulations:

A. **BUILDING ENVELOPE.** The ground area occupied or to be occupied by the principal structure which is or is intended to be placed on a building site, together with any attached accessory structures, for example, house and attached garage.

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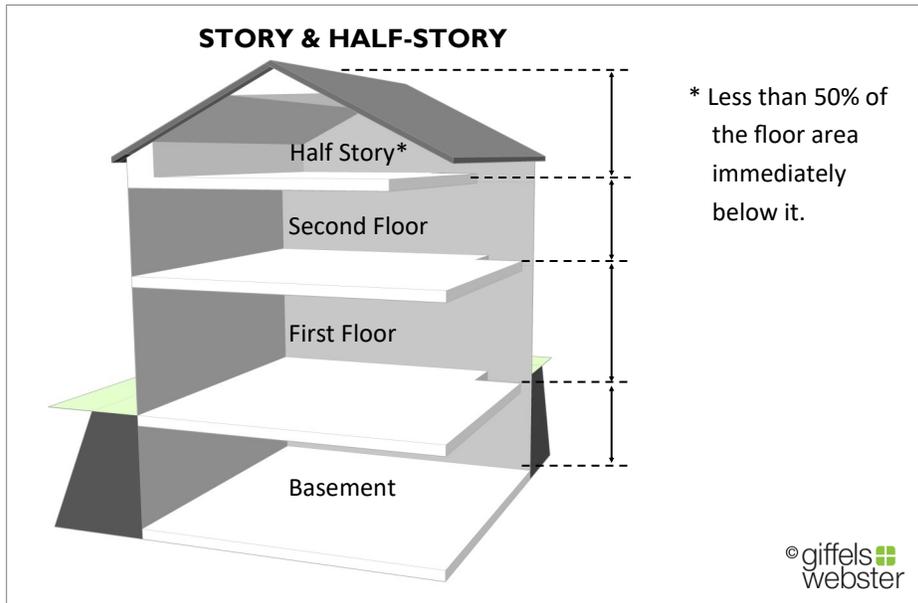
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- B. **BUILDING SITE.** The condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope and shall be the counterpart of lot as used in connection with a project developed under the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.
- C. **SUBDIVISION CONTROL ORDINANCE.** Chapter 156 in this code which regulates the development of subdivisions.

STATE-LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Act, and provides residential services for six or fewer persons under 24-hour supervision or care.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of any floor above or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least 50% of the floor area of the floor immediately below it. ✍

STORY-HALF. A top floor area under a sloping roof with less than 50% of the floor area of the floor immediately below it. ✍



STREET. A primary thoroughfare dedicated or devoted to public use by legal platting, use or other lawful means.

STRUCTURE. Anything constructed or erected that is located on the ground or attached to something located on the ground.

STRUCTURE, ACCESSORY. A structure other than a building, the use of which is subordinate and customarily incidental to a permitted principal or special land use of a principal building on the same lot.

SUNDRY SHOP. A business whose sales and services are limited to the following: newspapers, magazines, greeting cards, office supplies, minor first aid supplies, personal care items, candy, tobacco, gum, film, camera supplies (but not cameras), film developing service and Michigan Lottery Agency.

TELECOMMUNICATIONS ANTENNAE. A structure used in or for the transmission, reception or transfer for electromagnetic waves, microwaves, radio signals or any other airborne method of telecommunications, including but not limited to satellite dish antennae, microwave antennae and towers and radio towers.

TEMPORARY OUTSIDE STORAGE UNITS. A portable storage container is any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity of more than 216 cubic feet that would normally be stored at an offsite location.

USE, ACCESSORY. A use that is subordinate and customarily incidental to a permitted principal or special land use on the same lot.

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.

WIRELESS COMMUNICATION FACILITIES. The following definitions, related primarily to §4.7 et seq., shall apply in the interpretation of this chapter.

- A. *ATTACHED WIRELESS COMMUNICATIONS FACILITIES.* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

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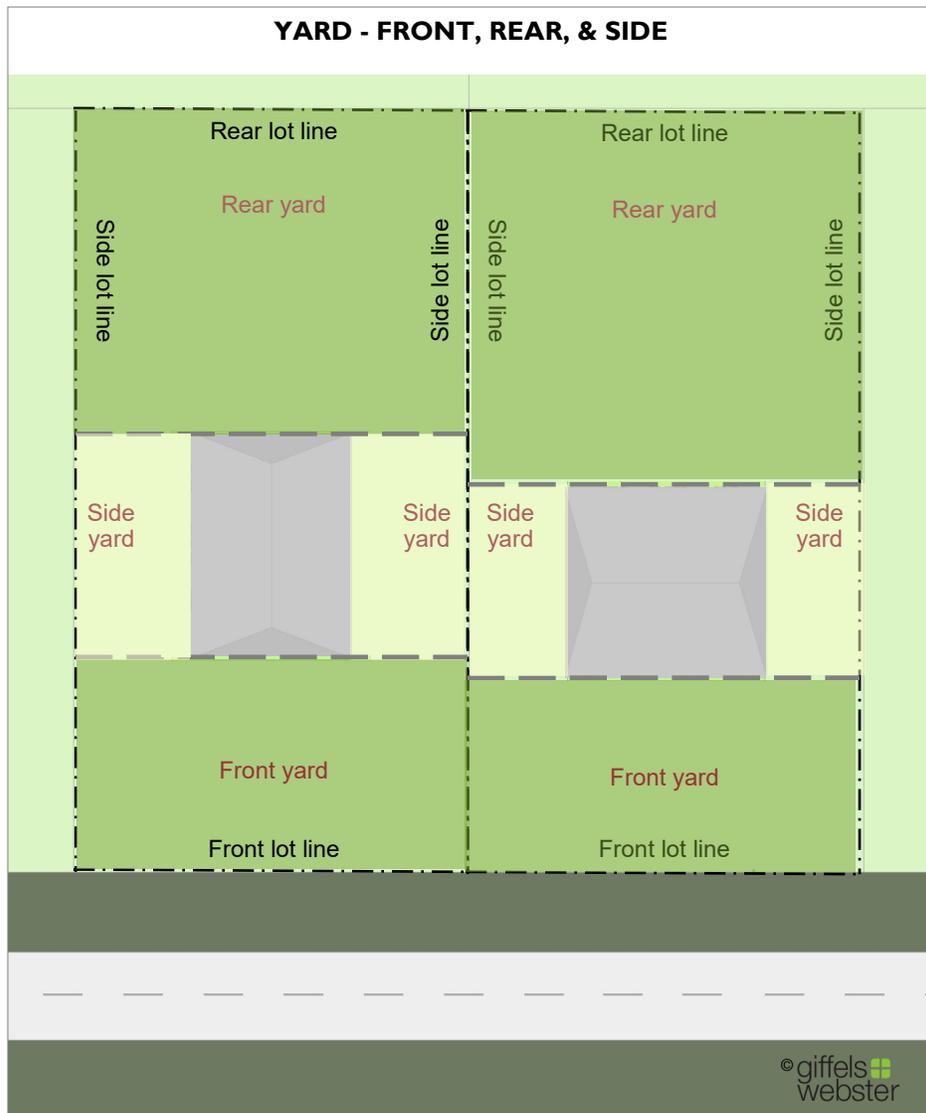
- B. **BUILDING OFFICIAL.** The person so designated by the Village Administrator for the purpose of this subchapter.
- C. **CO-LOCATION.** The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower or building with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **WIRELESS COMMUNICATION FACILITIES.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- E. **WIRELESS COMMUNICATION SUPPORT STRUCTURES.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers or other structures which appear to be something other than a mere support structure.



YARD, FRONT. An open space extending the full width of the lot between the front lot line and the nearest line of the principal building, that is vacant and unoccupied from the ground upwards except as otherwise permitted in this section. 🖋️

YARD, REAR. An open space extending the full width of the lot between the rear lot line and the nearest line of the main building and unoccupied from the ground upwards. 🖋️

YARD, SIDE. An open space extending along the side lot lines between the front yard and the rear yard and of minimum width measured horizontally at right angles to the side lot line and unoccupied from the ground upwards except as otherwise permitted herein. 🖋️



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ZONING COMPLIANCE PERMIT. A permit issued by the Building Official certifying that a proposed use or building complies with the provisions of this chapter.



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Section 3.1

3.1 Zones

For the purpose of this chapter, the Village of Bingham Farms is divided into the following zones:

R-1	One-Family Residential (60,000 sq. ft.)
R-2	One-Family Residential (30,000 sq. ft.)
R-3	One-Family Residential (17,500 sq. ft.)
R-4	Clustered One-Family Residential (1,600 sq. ft.)
R-5	Clustered One-Family Residential (1,200 sq. ft.)
PS	Professional Services
C-1	Commercial
FCO	Frontage Commercial Overlay
RO	Residential Overlay

Digital User Note:

Click on a district heading to go directly to the corresponding district regulations.

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R-1

One-Family Residential (60,000 sq. ft.)

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A. Purpose & Intent

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. One-family detached dwellings
2. Family day-care homes
3. State-licensed residential facilities
4. **Home occupations** §4.1
5. Accessory uses, buildings[☐], and accessory structures customarily incidental to a one-family dwelling

C. Special Land Uses

1. **Places of worship** §4.1
2. Public recreation[☐]
3. Municipal uses[☐]
4. Off-street parking facilities for permitted uses
5. **Domestic service dwellings** §4.3
6. **Group day-care homes** §4.4
7. **Use and cultivation of medical marihuana** [☐] §4.5
8. **Functional Equivalent Family** [☐] §4.9
9. Any other accessory uses customarily incidental to a one-family dwelling and not specifically permitted in subsection B. of this section



E. Development Standards

Lot Size

Minimum lot area[☒]: 60,000 sq. ft.
 Minimum lot width[☒]: 140 ft.

Lot Coverage[☒]

Maximum lot coverage: 40%

Setbacks[☒]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 100 ft
 Minimum side yard setback: 25 ft

Building Height[☒]

Maximum building height: 27 ft.*

Floor Area[☒]

Minimum floor area: 1,800 sq. ft

- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13
- **Planned Residential Development** §3.15
- **Residential Design—Intent, Principles, and Guidelines** §3.16

4. Use Standards

Wireless Communication Facilities[☒] §4.7

5. Site Standards

- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10
- **Outside Storage** §5.11

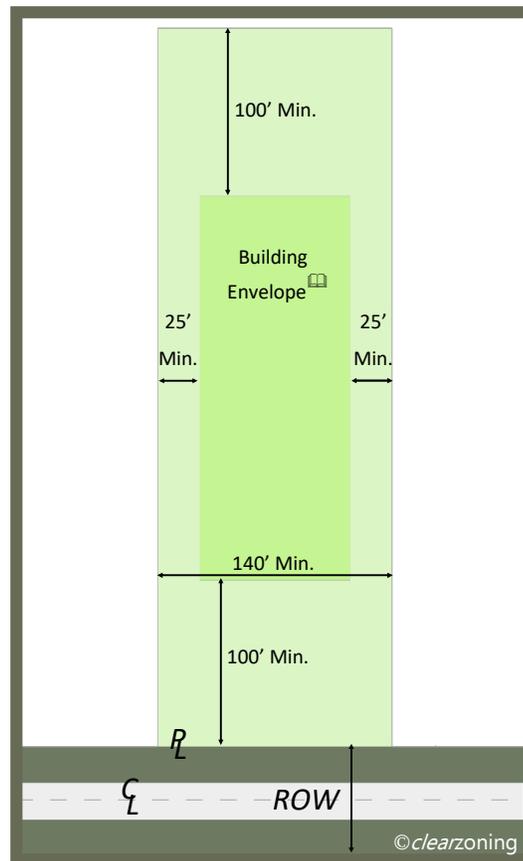
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- **Special Land Use** §6.2

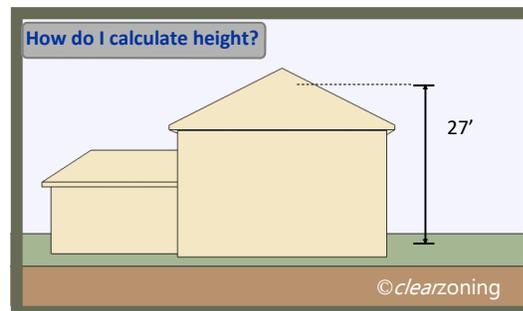
Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**

*or the shortest actual distance of the building from any side lot line multiplied by 0.9, whichever is less



P = property line C = right-of-way centerline ROW = right-of-way



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R-2

One-Family Residential (30,000 sq. ft.)

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A. Purpose & Intent

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. One-family detached dwellings
2. Family day-care homes
3. State-licensed residential facilities
4. **Home occupations** §4.1
5. Accessory uses, buildings[☐], and accessory structures customarily incidental to a one-family dwelling

C. Special Land Uses

1. **Places of worship** §4.2
2. Public recreation[☐]
3. Municipal uses[☐]
4. Off-street parking facilities for the above uses
5. **Domestic service dwellings** §4.3
6. **Group day-care homes** §4.4
7. **Use and cultivation of medical marihuana** [☐] §4.5
8. **Functional Equivalent Family** [☐] §4.9
9. Any other accessory uses customarily incidental to a one-family dwelling and not specifically permitted in subsection B. of this section



E. Development Standards

Lot Size

Minimum lot area[☒]: 30,000 sq. ft.
 Minimum lot width[☒]: 120 ft.

Lot Coverage[☒]

Maximum lot coverage: 50%

Setbacks[☒]

Minimum front yard setback: 60 ft
 Minimum rear yard setback: 60 ft
 Minimum side yard setback: 15 ft

Building Height[☒]

Maximum building height: 27 ft.*

Floor Area[☒]

Minimum floor area: 1,600 sq. ft

- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13
- **Planned Residential Development** §3.15
- **Residential Design—Intent, Principles, and Guidelines** §3.16

4. Use Standards

- **Wireless Communication Facilities**[☒] §4.7

5. Site Standards

- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10
- **Outside Storage** §5.11

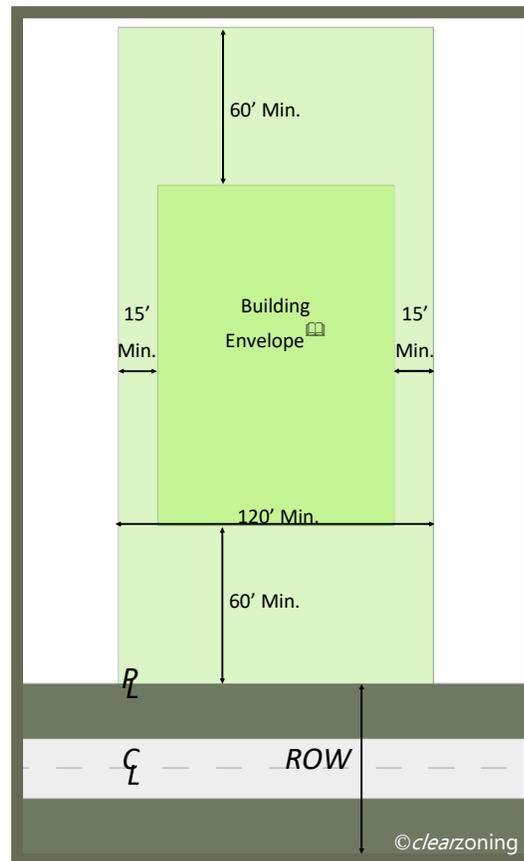
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- **Special Land Use** §6.2

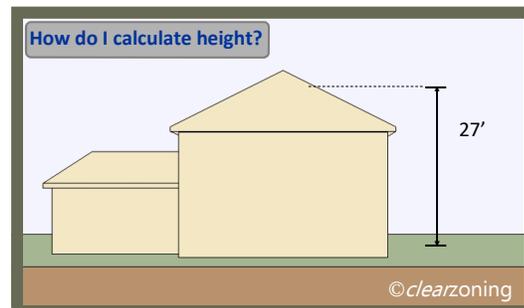
Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**

*or the shortest actual distance of the building from any side lot line multiplied by 0.9, whichever is less



P = property line C = right-of-way centerline ROW = right-of-way



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One-Family Residential (17,500 sq. ft.)

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A. Purpose & Intent

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. One-family detached dwellings
2. Family day-care homes
3. State-licensed residential facilities
4. **Home occupations** §4.1
5. Accessory uses, buildings[☐], and accessory structures customarily incidental to a one-family dwelling

C. Special Land Uses

1. **Places of worship** §4.2
2. Public recreation[☐]
3. Municipal uses[☐]
4. Off-street parking facilities for the above uses
5. **Domestic service dwellings** §4.3
6. **Group day-care homes** §4.4
7. **Use and cultivation of medical marihuana** [☐] §4.5
8. **Functional Equivalent Family** [☐] §4.9
9. Any other accessory uses customarily incidental to a one-family dwelling and not specifically permitted in subsection B. of this section



E. Development Standards

Lot Size

Minimum lot area[ⓘ]: 17,500 sq. ft.
 Minimum lot width[ⓘ]: 100 ft.

Lot Coverage[ⓘ]

Maximum lot coverage: 50%

Setbacks[ⓘ]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 15 ft

Building Height[ⓘ]

Maximum building height: 27 ft.*

Floor Area[ⓘ]

Minimum floor area: 1,600 sq. ft

- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13
- **Planned Residential Development** §3.15
- **Residential Design—Intent, Principles, and Guidelines** §3.16

4. Use Standards

- **Wireless Communication Facilities** [ⓘ] §4.7

5. Site Standards

- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10
- **Outside Storage** §5.11

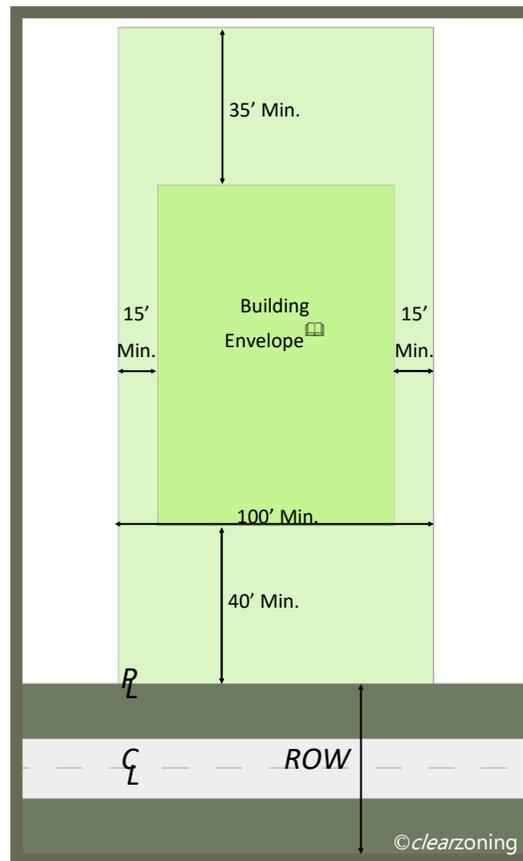
6. Development Procedures

- **Special Land Use** §6.2

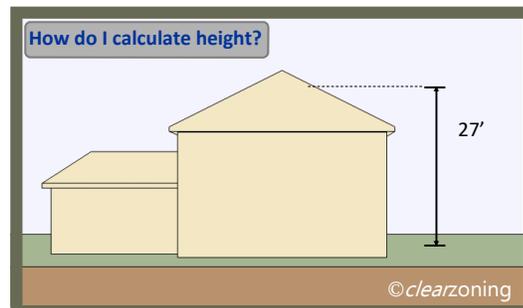
Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**

*or the shortest actual distance of the building from any side lot line multiplied by 0.9, whichever is less



P = property line C = right-of-way centerline ROW = right-of-way



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R-4

Clustered One-Family Residential (35,000 sq. ft. per cluster)

§ 3.5

1 Purpose & Intent

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Administration & Enforcement

A. Purpose & Intent

The intent of this district is to provide opportunities for residential dwellings developed in clusters that preserve open spaces and natural resources. This district is generally located adjacent to commercially developed areas, along major roadways and at village boundaries to provide a transition from traditionally developed single family residential areas.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. Cluster one-family detached dwellings
2. Family day-care homes
3. State-licensed residential facilities
4. **Home occupations** §4.1
5. Accessory uses, buildings[☒], and accessory structures customarily incidental to a one-family dwelling

C. Special Land Uses

1. **Places of worship** §4.2
2. Public recreation[☒]
3. Municipal uses[☒]
4. Off-street parking facilities for the above uses
5. **Domestic service dwellings** §4.3
6. **Group day-care homes** §4.4
7. **Use and cultivation of medical marihuana** [☒] §4.5
8. Any other accessory uses customarily incidental to a one-family dwelling and not specifically permitted in subsection B. of this section



E. Development Standards

Lot Size

Minimum lot area [☒] :	
Area per dwelling unit	17,500 sq. ft.
Area per cluster	35,000 sq. ft.
Minimum lot width [☒] :	100 ft.

Lot Coverage[☒]

Maximum lot coverage:	50%
-----------------------	-----

Setbacks[☒]

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	25 ft
Maximum between clusters:	50 ft.

Building Height[☒]

Maximum building height:	27 feet
--------------------------	---------

Dwelling Units Per Cluster

Minimum dwelling units:	2 per cluster
Maximum dwelling units:	4 per cluster

Floor Area[☒]

Minimum floor area:	1,600 sq. ft.
Maximum floor area:	2,500 sq. ft. + (lot area x 0.13)*

- Other maximum gross floor areas may be approved by the Design Review Board under Chapter 153 of this code
- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- General Regulations §3.13
- Residential Design—Intent, Principles, and Guidelines §3.16

4. Use Standards

- Wireless Communication Facilities[☒] §4.7

5. Site Standards

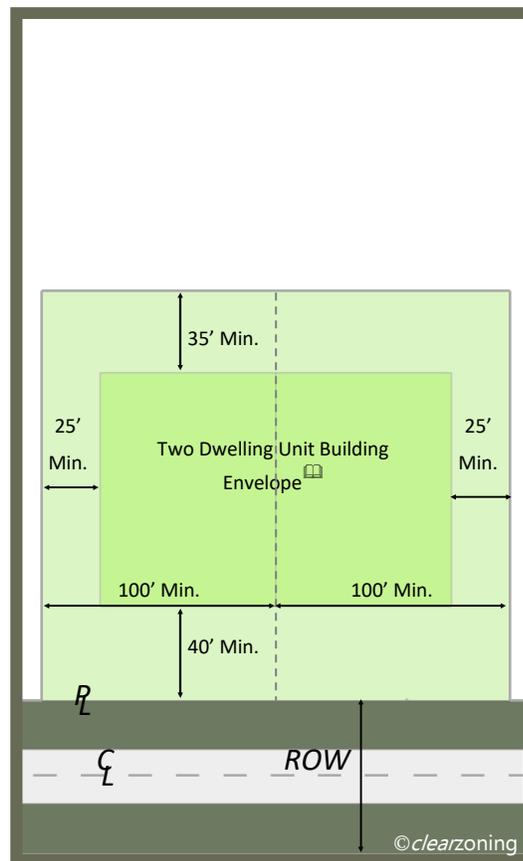
- Walls, Fences, and Gates §5.4
- Lighting General Standards §5.7
- Off-street Parking Facilities §5.8
- Accessory Structures §5.10
- Outside Storage §5.11

6. Development Procedures

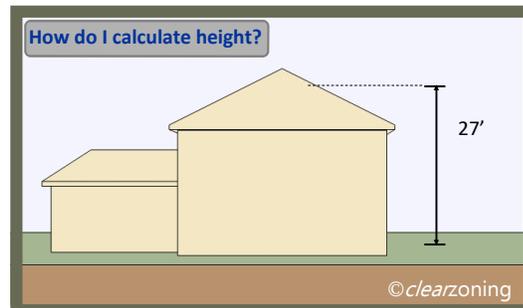
- Site Plan Review §6.1
- Special Land Use §6.2

Other Ordinances

- Land Divisions, Subdivisions, and Engineering Design
- Waterways



P = property line C = right-of-way centerline ROW = right-of-way



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R-5

Clustered One-Family Residential (20,000 sq. ft. per cluster)

§ 3.6

1 Purpose & Intent

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Administration & Enforcement

A. Purpose & Intent

The intent of this district is to provide opportunities for residential dwellings developed in clusters that preserve open spaces and natural resources. This district is generally located adjacent to commercially developed areas, along major roadways and at village boundaries to provide a transition from traditionally developed single family residential areas.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. Cluster one-family detached dwellings
2. Family day-care homes
3. State-licensed residential facilities
4. **Home occupations** §4.1
5. Accessory uses, buildings[☒], and accessory structures customarily incidental to a one-family dwelling

C. Special Land Uses

1. **Places of worship** §4.2
2. Public recreation[☒]
3. Municipal uses[☒]
4. Off-street parking facilities for the above uses
5. **Domestic service dwellings** §4.3
6. **Group day-care homes** §4.4
7. **Use and cultivation of medical marihuana** [☒] §4.5
8. Any other accessory uses customarily incidental to a one-family dwelling and not specifically permitted in subsection B. of this section



E. Development Standards

Lot Size

Minimum lot area [☒] :	
Area per dwelling unit	10,000 sq. ft.
Area per cluster	20,000 sq. ft.
Minimum lot width [☒] :	100 ft.

Lot Coverage[☒]

Maximum lot coverage:	50%
-----------------------	-----

Setbacks[☒]

Minimum front yard setback:	40 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	25 ft.
Maximum between clusters:	50 ft.

Building Height[☒]

Maximum building height:	27 feet
--------------------------	---------

Dwelling Units Per Cluster

Minimum dwelling units:	2 per cluster
Maximum dwelling units:	4 per cluster

Floor Area[☒]

Minimum floor area:	1,200 sq. ft.
Maximum floor area:	2,500 sq. ft. + (lot area x 0.13)*

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

- For additions to the above requirements, refer to [Section 3.12 Notes to District Standards](#)
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- [General Regulations](#) §3.13
- [Residential Design—Intent, Principles, and Guidelines](#) §3.16

4. Use Standards

- [Wireless Communication Facilities](#)[☒] §4.7

5. Site Standards

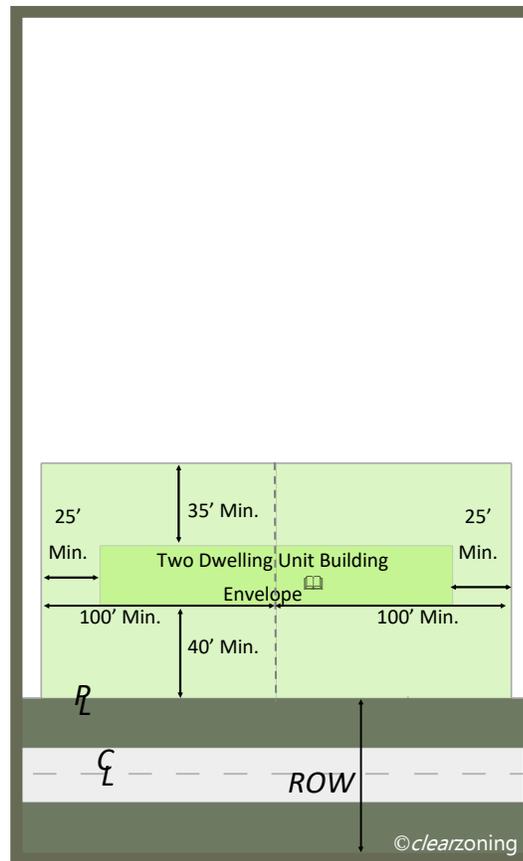
- [Walls, Fences, and Gates](#) §5.4
- [Lighting General Standards](#) §5.7
- [Off-street Parking Facilities](#) §5.8
- [Accessory Structures](#) §5.10
- [Outside Storage](#) §5.11

6. Development Procedures

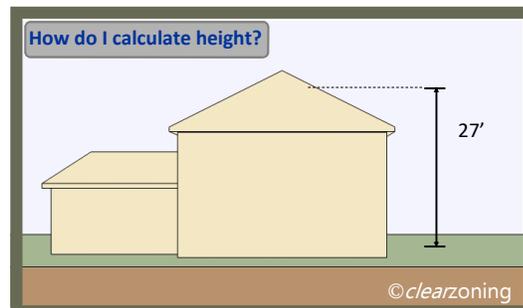
- [Site Plan Review](#) §6.1
- [Special Land Use](#) §6.2

Other Ordinances

- [Land Divisions, Subdivisions, and Engineering Design](#)
- [Waterways](#)



P = property line C = right-of-way centerline ROW = right-of-way



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PS

Professional Services

§ 3.7

A. Purpose & Intent

The intent of this district is to provide an area for office uses in the village, along the Telegraph Road corridor between 13 Mile and 14 Mile Roads. Development in this corridor is encouraged to be consistent with the existing low-profile office buildings that have been built in this area on spacious sites preserving a significant portion of their sites in green space.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

C. Special Land Uses

1. Offices for executive, administrative and professional occupations ¹
2. **Medical or dental centers and laboratories** §4.6

- I. Reserved



E. Development Standards

Lot Size

Minimum lot area [☒] :	N/A
Minimum lot width [☒] :	N/A

Open Space Ratio (OSR)[☒]

Minimum OSR:	60%
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Setbacks[☒]

Minimum front yard setback:	60 ft.
Minimum rear yard setback:	120 ft.
Abutting residential	120 ft.
Abutting non-residential:	60 ft.
Minimum side yard setback:	30 ft.
Abutting residential	120 ft.
Abutting non-residential:	30 ft.

Building Height[☒]

Maximum building height:	25 ft and 2 stories
--------------------------	---------------------

Floor Area Ratio (FAR)[☒]

Maximum FAR one floor:	12%
Maximum FAR total:	15%

- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13
- **Professional Service District Regulations** §3.17

4. Use Standards

- **Wireless Communication Facilities**[☒] §4.7

5. Site Standards

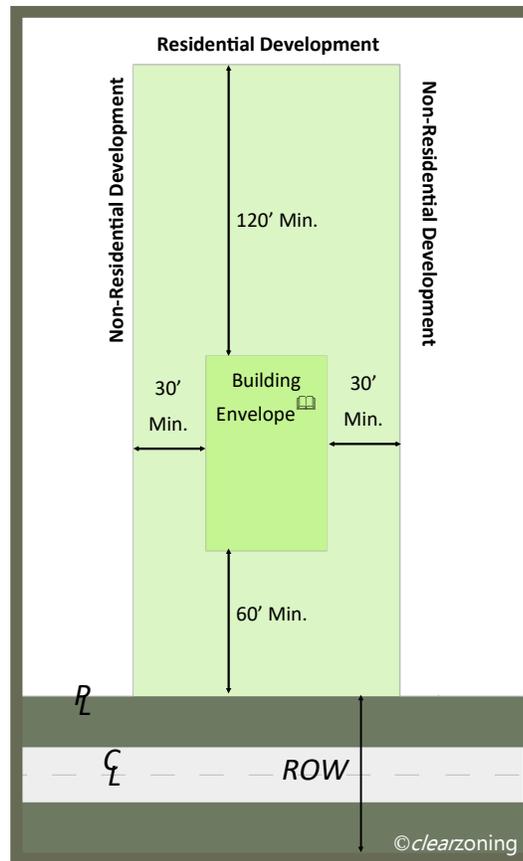
- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10

6. Development Procedures

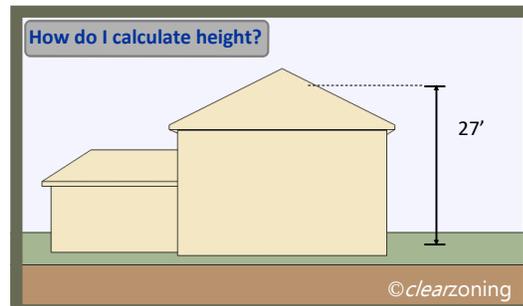
- **Site Plan Review** §6.1
- **Special Land Use** §6.2

Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**



P = property line C = right-of-way centerline ROW = right-of-way



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A. Purpose & Intent

The intent of this district is to provide an area for the most intense commercial and office development in the village, which occurs on Telegraph Road, south of 13 Mile Road. This district includes the Village's existing retail establishments, such as restaurants and bank branches, along with more intensive, full-service office buildings. Development should include landscaping that softens the significant hardscape surfaces that have been built over time.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

1. Offices for executive, administrative and professional occupations [ⓘ]
2. **Medical or dental centers and laboratories** §4.6
3. Municipal Uses
4. Libraries, Museums
5. **Places of Worship** §4.2

C. Special Land Uses

1. **Restaurants** §4.8

D. Accessory Uses

1. **Barber Shop** §3.18
2. **Beauty Shop** §3.18
3. **Copy/Reproduction Services** §3.18
4. **Travel Agency** §3.18
5. **Food Preparation Service** [ⓘ] §3.18
6. **Sundry Shop** §3.18



E. Development Standards

Lot Size

Minimum lot area [Ⓜ] :	10,000
Minimum lot width [Ⓜ] :	100'

Open Space Ratio (OSR)[Ⓜ]

Minimum OSR:	25%
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Setbacks[Ⓜ]

Minimum front yard setback:	60 ft.
Minimum rear yard setback:	60 ft.
Minimum side yard setback:	
Abutting residential	60 ft.
Abutting non-residential:	30 ft.

Building Height[Ⓜ]

Maximum building height:	30 ft and 2 1/2 stories
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Floor Area Ratio (FAR)[Ⓜ]

Maximum FAR :	50%
---------------	-----

- For additions to the above requirements, refer to [Section 3.12 Notes to District Standards](#)
- See *Additional Requirements* below for applicability

*For a cluster development, the minimum lot size is 0.75 ac.

F. Additional Requirements

3. Zoning Districts

- [General Regulations](#) §3.13
- [Commercial C-I District Regulations](#) §3.18

4. Use Standards

- [Wireless Communication Facilities](#)[Ⓜ] §4.7

5. Site Standards

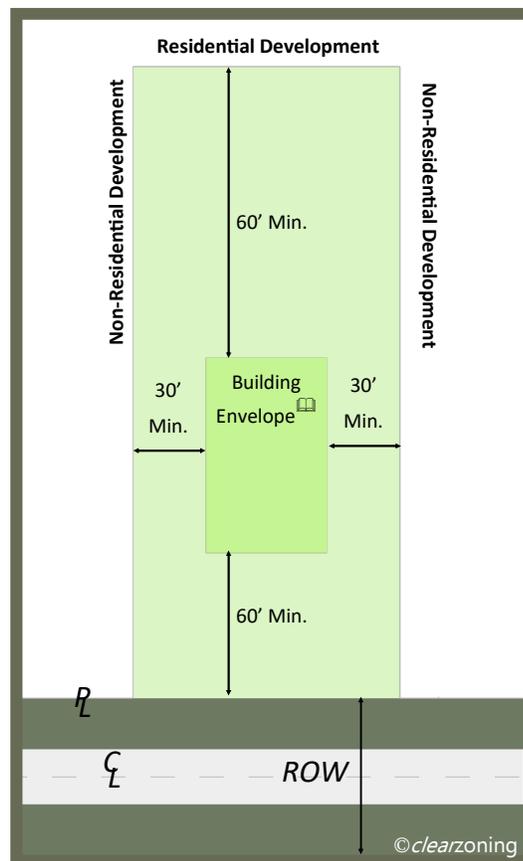
- [Walls, Fences, and Gates](#) §5.4
- [Lighting General Standards](#) §5.7
- [Off-street Parking Facilities](#) §5.8
- [Accessory Structures](#) §5.10

6. Development Procedures

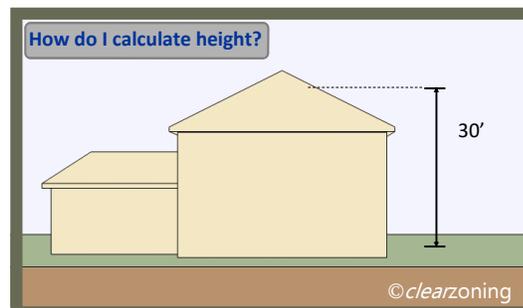
- [Site Plan Review](#) §6.1
- [Special Land Use](#) §6.2

Other Ordinances

- [Land Divisions, Subdivisions, and Engineering Design](#)
- [Waterways](#)



P = property line C = right-of-way centerline ROW = right-of-way



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Clearzoning

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3-17



Frontage Commercial Overlay

§ 3.9

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A. Purpose & Intent

The intent of the frontage commercial overlay district is to create a mixed- use commercial corridor that accommodates automobile access while building a sense of community. This district will provide a variety of retail and restaurant infill development to create a dynamic, flexible and sustainable commerce center that insures long term value for the community, property owners and businesses. High-quality design and materials for buildings and the spaces that surround them is important and should reflect the high-quality design and materials found elsewhere in the village. This district is an overlay to the C-I district, whose standards apply, except where otherwise specified below.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

C. Special Land Uses

1. Retail
2. **Restaurants** §4.8
3. Personal Service Uses^{mm}

- I. Reserved



E. Development Standards

Lot Size

Minimum lot area [Ⓜ] :	N/A
Minimum lot width [Ⓜ] :	N/A

Open Space Ratio (OSR)[Ⓜ]

Minimum OSR:	25%
--------------	-----

Setbacks[Ⓜ]

Minimum distance of nearest point of building:	
Front lot line or zoning district line:	80 ft.
Rear lot line or zoning district line:	20 ft.
Side lot line or zoning district line:	0 ft.
Minimum parking setback to front lot line:	20 ft.

Building Height

Maximum building height:	18 ft.
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- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability

F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13

4. Use Standards

- **Wireless Communication Facilities**[Ⓜ] §4.7

5. Site Standards

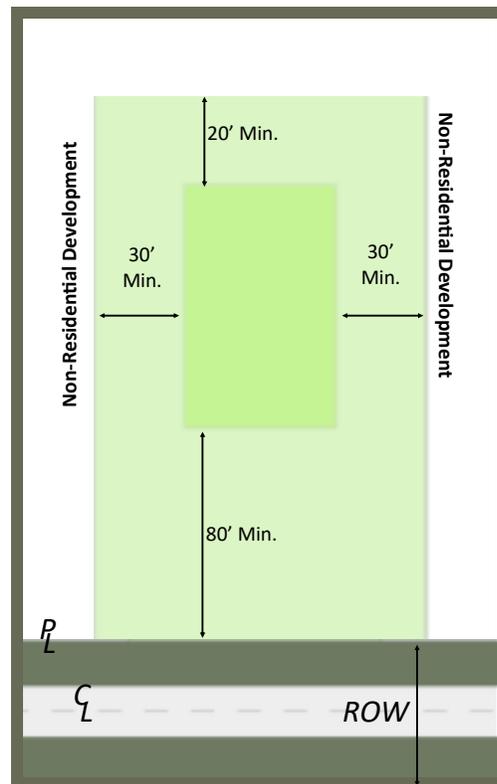
- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10

6. Development Procedures

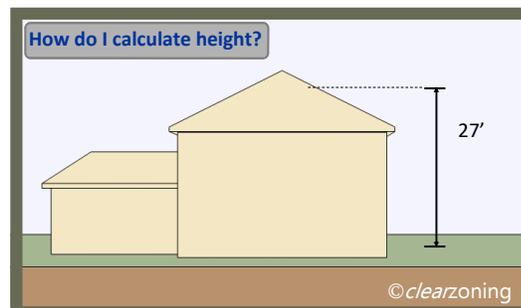
- **Site Plan Review** §6.1

Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**



P = property line C = right-of-way centerline ROW = right-of-way



Clearzoning



A. Purpose & Intent

The intent of the residential overlay district is to create opportunities for infill development that provide needed housing alternatives for Bingham Farms residents. High-quality design and materials for buildings and the spaces that surround them is important and should reflect the high-quality design and materials found elsewhere in the village. This district is an overlay to the C-I district, whose standards apply, except where otherwise specified below.

User Note: Click on **bold blue** for use-specific standards.

B. Principal Permitted Uses

- I. Attached one-family residential dwellings in the form of townhomes or stacked flats.

C. Special Land Uses

- I. Reserved

D. Accessory Uses

- I. **Home Occupations** §4.1



E. Development Standards

Lot Size

Minimum lot area [☒] :	N/A
Minimum lot depth [☒] :	160 ft.
Minimum lot width [☒] :	N/A

Open Space Ratio (OSR)[☒]

Minimum OSR:	25%
--------------	-----

Setbacks[☒]

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	45 ft.
Minimum side yard setback:	15 ft.
Minimum to rear lot line:	45 ft., including 25 ft. access drive adjacent to rear lot line

Unit Specifications

Maximum number of attached units:	5
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F. Additional Requirements

3. Zoning Districts

- **General Regulations** §3.13
- **Residential Design—Intent, Principles, and Guidelines** §3.16

4. Use Standards

- **Wireless Communication Facilities**[☒] §4.7

5. Site Standards

- **Walls, Fences, and Gates** §5.4
- **Lighting General Standards** §5.7
- **Off-street Parking Facilities** §5.8
- **Accessory Structures** §5.10

6. Development Procedures

- **Site Plan Review** §6.1

Other Ordinances

- **Land Divisions, Subdivisions, and Engineering Design**
- **Waterways**

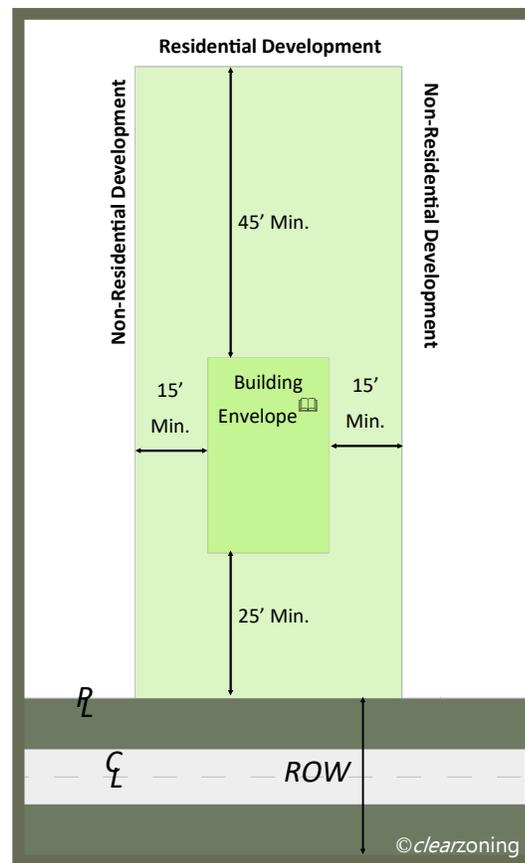
Distance Between Buildings[☒]

Minimum Distance:	25 ft., including a min. 5 ft. pedestrian walkway
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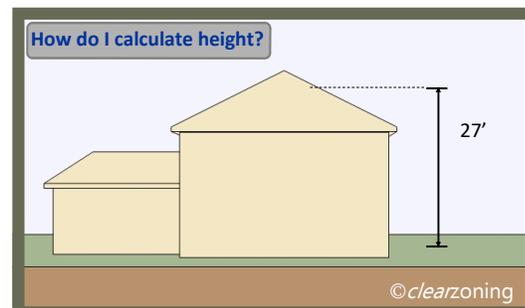
Building Height[☒]

Maximum building height:	35 ft.
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- For additions to the above requirements, refer to **Section 3.12 Notes to District Standards**
- See *Additional Requirements* below for applicability



P = property line C = right-of-way centerline ROW = right-of-way



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3.11 Zoning Map

The boundaries of village zoning districts, shown upon the map marked and designated Zoning Map of the Village of Bingham Farms which is kept on file and available for public inspection in the office of the Village Clerk, are made a part of this chapter by reference as if set forth fully herein.

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 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.

3.13 General Regulations

If the described or required condition or activity is not permitted or more specifically regulated by another provision of this chapter. In case of conflict, the more restrictive regulation shall apply.

- A. Yard encroachments. Except for live landscape or lawn plants or vegetation, ornamental landscape features approved under § 5.5 projections of unenclosed porches, cornices, eaves and gutters of up to 14 inches, approved driveways or as otherwise permitted in this section, every part of any required yard shall be open, unoccupied and unobstructed from the ground upward, with accessory buildings and structures to only be located in rear yards and subject to zoning district setback requirements. No part of a required yard on one lot may be used or included as part of a required yard on another lot.
- B. Movable or used structures. No automobile trailer or used or temporary building or structure in whole or in part shall be moved within or into this village to be lived in as a residence or used for any business purpose on any land in the village.
- C. Essential services. Essential services shall be permitted as authorized and regulated by law and ordinances of the village, it being the intention hereof to exempt such essential services from the application of this chapter, except as specifically provided otherwise herein.

3.14 R-4 and R-5 Residential

- A. Cluster Development Lot Reductions. The minimum lot area of 17,500 square feet for each dwelling unit in an R-4 Zone may be reduced to not less than 9,000 square feet and the minimum lot area of 10,000 square feet for each dwelling in an R-5 Zone may be reduced to not less than 5,000 square feet, provided:

Clearzoning

Village of Bingham Farms - Code Chapter 157



- 1. The equivalent land area resulting from such reduction is designated and permanently restricted for the purpose of open space for the common use of the residents in the development.
 - 2. The overall density of the development shall not result in less than 17,500 square feet of land per dwelling in an R-4 Zone, not less than 10,000 square feet of land per dwelling in an R-5 Zone, excluding street right- of-way.
 - 3. Provisions shall be made satisfactory to the village that such open space has been permanently set aside as open space and that its permanent care and maintenance is assured.
- B. Use of lands for clustered one-family dwellings shall be subject to the approval of the Village Council. Applications for such approval shall be accompanied by the following:
- 1. Letter identifying the owner and legal description and land area of property, summary description of proposed development and estimated timetable of construction and completion proposed type of tenure of dwelling units, such as fee simple deed, rental, or condominium, and maintenance of any common open space, private roads or other common land or facilities;
 - 2. All proposals for clustered one-family dwellings shall be subject to site plan review as described in § 6.1
 - 3. Architectural plans showing maximum and typical building heights, elevations and floor plans of dwelling units, which plans shall be prepared by a registered architect;
 - 4. The Village Council shall approve such application only upon determining that the proposed development will fulfill the purposes and objectives as set forth hereinbefore, that it will not adversely affect any adjoining properties and that the project will not adversely affect the health, welfare and safety of the residents of the village or of the general public.

3.15 Planned Residential Development (PRD)

A Planned Residential Development (PRD) may be permitted in an R1, R2 and R3 zoning districts, subject to the following:

- A. Purpose. The purposes and objectives of Planned Residential Development shall be as follows:
 - 1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;
 - 2. To encourage developers to use a creative approach in the development of residential areas;
 - 3. To encourage efficient, aesthetic and desirable use of land while facilitating a reduction in development costs of streets and utilities;
 - 4. To encourage the providing of open space within reasonable distance of dwellings and to encourage the providing of recreational facilities and areas.
- B. Minimum Land Area. Planned Residential Development may be applied only to areas of land sufficient in size to accommodate five or more dwelling units.

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Section 3.15.C - 3.16.A

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- C. Reduction in Minimum Lot Size. The land area for each dwelling unit as set forth in the underlying zoning district may be reduced by not in excess of 30% of the required area, provided that the total area referenced in the underlying zoning district requirements are reduced shall be set aside in common open space. Provision shall be made satisfactory to the village that such open space has been permanently set aside as open space and that its permanent care and maintenance is assured.
- D. Setbacks and Floor Area Requirements. The provisions of set forth in the underlying zoning district covering the front, side and rear setbacks and the minimum floor area requirements shall be met by a Planned Residential Development.
- E. Planned Residential Development Regulations:
 - 1. No reduction in the area of any dwelling site shall be permitted if the site is not located within 500 feet of common open space;
 - 2. Dwelling sites not adjoining common open space shall be furnished access thereto by means of streets or pedestrian walkways.
- F. Use of lands for Planned Residential Development. Land uses shall be subject to the approval of the Village Council. Applications for such approval shall be accompanied by the following:
 - 1. General information: letter identifying the owner and legal description and land area of property; summary description of proposed development and estimated timetable of construction and completion; proposed type of tenure of dwelling units, such as fee simple deed, condominium and the like; and proposals to assure improvements, preservation and maintenance of any common open space, private roads or other common land or facilities;
 - 2. All proposals for Planned Residential Development shall be subject to site plan review as described in § 6.1.
 - 3. The Village Council shall approve such application only upon determining that the proposed development will fulfill the purposes and objectives as hereinbefore set forth, that it will not adversely affect any adjoining properties and that the project will not adversely affect the health, welfare and safety of the residents of the village or of the general public.

3.16 Residential Design—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.



Section 3.16.A.1- 3.16.C.1.a

- I. 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.
- B. Guiding principles. These 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:
- I. 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.

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- 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.
 - h. The front yard setback of an infill house should be equivalent to the average front setback of homes within 200 feet on the same side of the street; this may 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.



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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. Porches 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.
 - i. Detached garages should be located in the rear yard when practical.
 - 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. Landscaping. Landscaping should be incorporated as an integral part of a project's design.

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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)

3.16.C.10



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)



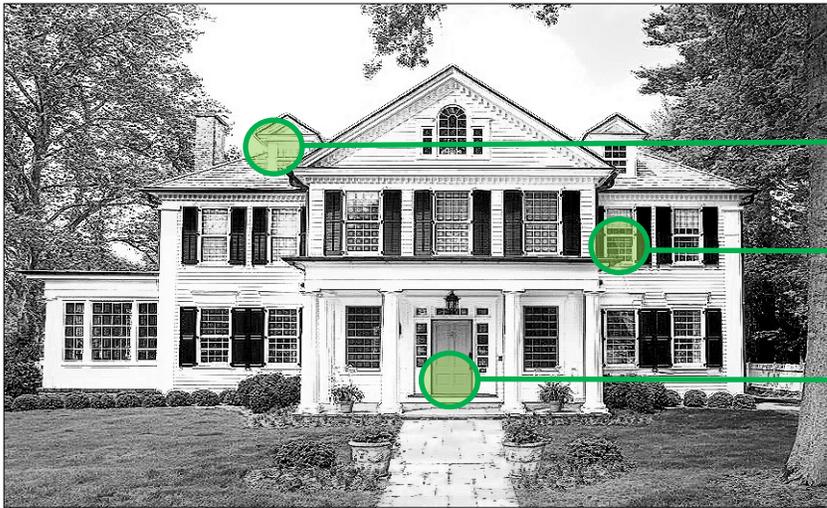
Shutters are sized appropriately and could cover the window. See

Side-facing garage. See 7(1)

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

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).

3.17 Professional Service District Regulations

- A. Yards.
 - 1. The 60 feet of the setback adjacent to the street right-of-way line shall be landscaped and provided a berm, except for required entrance and exit driveways;
 - 2. All rear and side yards abutting residentially zoned land are to have a landscaped berm approved by the Village Council at least 60 feet wide and at least six feet high;
 - 3. Side and rear yards for a minimum width of 30 feet abutting non-residentially zoned land shall be landscaped and not be used for parking or driveways.
- B. Depth-to-Width Ratio. No building may exceed in width along the principal street right-of-way line upon which it fronts greater than 40% of the depth of the lot on which located.
- C. All uses in the Professional Service district are subject to the following:
 - 1. There shall be no outdoor storage of goods or materials, irrespective of whether or not they are for sale.
 - 2. There shall be no warehousing or indoor storage of goods or materials beyond that normally incidental to permitted uses.
 - 3. Drive-through and other outdoor service facilities are prohibited.
 - 4. Accessory structures are prohibited.
- D. Building Materials and Appearance
 - 1. All building elevations. At least 90% of all exterior building shall be finished with a combination of two or more of the following: glass, brick, cut or cast stone, wood, cementitious board (e.g., Hardie Plank/Hardie Panel), integrally colored concrete units with brick proportions (e.g., half-high "C" brick), and textured stucco.
 - 2. Building bulk/massing. For every 150 feet of building length, buildings shall be separated by a minimum of 25 feet, which includes a minimum five-foot pedestrian walkway. The remaining space shall be landscaped and may include outdoor furnishings.
 - 3. Building facades. Architectural details such as texture, pattern, color, and building form used on the front facade shall be incorporated on all visible building facades. However, such requirements shall not apply to any facade(s) facing service courts or other areas generally not visible to the public. Visual breaks in the facade at least every 60 feet by two or more of the following elements shall be provided:
 - a. Vertical articulation in the plane of the facade by at least two feet/
 - b. A change in facade material, color, texture or pattern, when coordinated with vertical articulation, columns, or pilasters/
 - c. A change in the height of the facade by at least two feet; or columns or pilasters with a minimum four-inch horizontal depth from the plane of the façade/
 - d. For facades facing a public or private street, the above interval change shall be at least 30 feet

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3.18 C-1—Commercial District Regulations

- A. Required yards, except for driveways and parking areas which are allowed to encroach into a required yard up to 50% of the width of said yard, shall be landscaped, provided with a beret and maintained in lawn and shrubbery or trees.
- B. A solid masonry wall six feet high above the adjacent ground level and having a brick face on both sides approved by the Village Council and having a permanent stone cap shall be provided and maintained on the boundary of the property, abutting property zoned for residential use.
- C. Those accessory uses listed in this division (B) shall be permitted by the Village Council upon a determination of the Council that:
 - 1. The aggregate total gross floor area for all accessory uses in any one building does not exceed 5% of the rentable gross floor area of the building;
 - 2. The aggregate total gross floor area for any use specified in this division (C) does not exceed the gross floor area specified;
 - 3. The proposed use meets the following conditions:
 - a. It is primarily for the use and benefit of the occupants of a permitted office or professional building;
 - b. It is located within a building to which it is accessory and does not have a direct outside entrance for customers;
 - c. It does not generate vehicular traffic of such volume or frequency as to disrupt the normal traffic pattern of the primary use building nor create a demand for parking spaces disproportionate with normal office use unless additional parking spaces are provided;
 - d. It has business hours which generally coincide with the normal office hours of the building to which it is accessory;
 - e. It does not pose unusual noise, odor or refuse collection problems;
 - f. It does not require extraordinary police or fire protection services.
 - 4. The permitted accessory uses and the maximum floor area which may be devoted to such use in any single building are as follows:
 - 1. Barber Shop—Not exceeding 1,000 square feet in gross floor area
 - 2. Beauty Shop—Not exceeding 2,000 square feet in gross floor area
 - 3. Copy/reproductive Services—Not exceeding 1,000 square feet in gross floor area
 - 4. Travel Agency—Not exceeding 1,500 square feet in gross floor area
- D. The maximum area for specific uses set forth in subsection (2) may be increased by the Village Council upon its finding that such maximum area imposes practical difficulty upon the use of the building and that such a change will not adversely affect the public health, safety and welfare. In no event, however, shall the total floor area devoted to accessory uses exceed 5% of the rentable gross floor area of the building.



- E. Restaurants may be permitted in freestanding buildings, subject to the following specific standards:
 - a. Only dine-in style restaurants shall be permitted. This shall not prohibit outdoor seating areas for approved dine-in restaurants provided a proper relationship exists between the outdoor dining area and the indoor restaurant seating.
 - b. Shall be located on the site of an existing office building.
 - c. Shall not have its own, separate access to Telegraph or 13 Mile Roads.
 - d. Shall not exceed 10% of the floor area of the principal office building on the same site.
 - e. Shall not include a drive-through window or drive-through service. A carryout feature may be included, so long as the customer is served while inside the restaurant building.
 - f. All business signs shall be located only on the business building. The number of primary and secondary identification signs shall be determined by the Village Council, based on review of the site plan and a recommendation from the Planning Commission.
 - g. Sufficient off-street parking spaces shall be available on the office building site for the restaurant use.

3.19 Frontage Commercial Overlay District Regulations

- A. Building Materials
 - 1. All building elevations. At least 90% of all exterior building shall be finished with a combination of two or more of the following: glass, brick, cut or cast stone, wood, cementitious board (e.g., Hardie Plank/Hardie Panel), integrally colored concrete units with brick proportions (e.g., half-high "C" brick), and textured stucco.
 - 2. Building bulk/massing. For every 150 feet of building length, buildings shall be separated by a minimum of 25 feet, which includes a minimum five-foot pedestrian walkway. The remaining space shall be landscaped and may include outdoor furnishings.
 - 3. Building facades. Architectural details such as texture, pattern, color, and building form used on the front facade shall be incorporated on all visible building facades. However, such requirements shall not apply to any facade(s) facing service courts or other areas generally not visible to the public. Visual breaks in the facade at least every 60 feet by two or more of the following elements shall be provided:
 - a. Vertical articulation in the plane of the facade by at least two feet
 - b. A change in facade material, color, texture or pattern, when coordinated with vertical articulation, columns, or pilasters
 - c. A change in the height of the facade by at least two feet; or columns or pilasters with a minimum four-inch horizontal depth from the plane of the façade
 - d. For facades facing a public or private street, the above interval change shall be at least 30 feet.

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- d. For facades facing a public or private street, the above interval change shall be at least 30 feet.
- B. Functional Elements
1. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of buildings and landscaping.
 2. Areas for truck parking, trash collection and/or compaction, loading and other such uses shall not be visible from public or private rights-of-way and shall be located at least 20 feet from all streets and sidewalks.
- C. Outdoor dining areas are encouraged, provided the following standards are met:
1. Outdoor dining areas are encouraged to be designed as an integral portion of the building wherever possible.
 2. Outdoor dining areas shall be bordered on at least three sides with decorative railings, decorative panels, or landscaping. The intent of this border treatment is to provide an attractive, enclosed, "outdoor room" that enhances the user experience and creates higher quality open spaces that enhance the corridor.
 3. When adjacent to parking areas, vertical screening shall be installed to shield the outdoor dining space from vehicular traffic. Such screening may include decorative panels, landscaping, planters, and similar features, as permitted by the approving body. Varied screening height is acceptable to allow for views into and out of the seating area, and the minimum height of screening shall be 30 inches.
 4. Access to and within the outdoor dining area shall maintain at least one clear pedestrian path of at least four feet in width.
 5. Each outdoor dining area shall include a trash receptacle that is maintained on a regular basis. If table service is provided at the establishment, this requirement may be waived.

3.20 Residential Overlay District Regulations

- A. All building elevations. At least 90% of all exterior building shall be finished with a combination of two or more of the following: glass, brick, cut or cast stone, wood, cementitious board (e.g., Hardie Plank/Hardie Panel), integrally colored concrete units with brick proportions (e.g., half-high "C" brick), and textured stucco.
- B. Building facades. Principal buildings shall front towards the C-I district with parking behind. Architectural details such as texture, pattern, color, and building form used on the front facade shall be incorporated on all visible building facades. However, such requirements shall not apply to any facade(s) facing service courts or other areas generally not visible to the public.
1. Visual breaks in the facade at least every 60 feet by two or more of the following elements shall be provided:
 - a. Vertical articulation in the plane of the facade by at least two feet;
 - b. A change in facade material, color, texture or pattern, when coordinated with vertical articulation, columns, or pilasters;
 - c. A change in the height of the facade by at least two feet; or columns or pilasters with a minimum four-inch horizontal depth from the plane of the facade.



- 2. For facades facing a public or private street, the above interval change shall be at least 25 feet.
 - 3. Garages, when provided, may be either attached or detached and shall be placed between the principal building and the rear lot line, adjacent to the access drive.
- C. Building massing.
- 1. Building length. Buildings shall be comprised of no more than five attached units and shall not exceed 120 feet in length.
 - 2. Roof types. Flat roofs shall be prohibited, except for an approved modern architectural style, as described in §3.15(c).
- D. Landscaping.
- 1. All front yard areas shall include a masonry screen wall between two- and-a-half and four feet in height and a minimum five foot landscape bed.
 - 2. Any area not used for resident parking in the rear shall be landscaped.

3.21 Planned Unit Development (PUD)

- A. 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.
- B. 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.

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- C. 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).
 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.



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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).
- D. Design Review Board Actions. There shall be compliance with all requirements of review by the Design Review Board for all aspects of the PUD as set forth in Chapter 153 of this code. The Design Review Board shall provide the Planning Commission with findings and recommendations regarding the PUD's compliance, prior to the Planning Commission's consideration of the PUD.
- E. The Village Council may, after recommendation from the Planning Commission, modify building height limits, lot coverage maximums, residential densities, minimum floor areas, and mix of land uses to be permitted in a PUD. The modifications shall be based upon finding that the building and site design, open space and landscaping, and parking areas and screening will satisfy all of the following standards:
 1. Bear an appropriate relationship to adjoining properties;
 2. Provide a high quality of architectural design and building materials;
 3. Are compatible with the intent of the village master plan;
 4. Are appropriate to the orderly development of this area of the village;
 5. Provide a transitional use between high traffic arterial streets and single-family neighborhoods.
- F. 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.
- G. 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:
 1. 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;
 2. 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;
 3. 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;

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4. 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
 5. Other public benefits as demonstrated by the applicant.
- H. 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.
- I. 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:
1. Dimensional standards shall be based on sound planning and design principles in accordance with the considerations of the underlying zoning district.
 2. 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.
 3. Non-residential buildings shall be located at least 50 feet from any residential buildings.
- J. Building appearance standards. Buildings in a PUD shall reflect and demonstrate quality of architectural design and exterior building materials. Building materials such as brick and stone are strongly encouraged.
- K. 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.



Section 3.21.D.8 - 3.21.D.8.h

- L. 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. If accepted by the Village Council, the open space may be conveyed to the village for the use of the general public.
- M. 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.

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- N. 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.
- O. 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 (I) 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.



Section 3.21.E.14 - 3.21.F.2.g

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. 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.

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- 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. 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.



Section 3.21.G.1 - 3.21.G.9.b

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.

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- R. 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. 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.



Section 3.21.I.3 - 3.21.K.2.e

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

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

3.22 Reserved



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4.1 Home Occupations

Home occupations shall be a principal permitted use, subject to the following.

A. General conditions.

1. No person other than members of the family permanently residing on the premises shall in any respect be engaged in any aspect of a home occupation on such premises.
2. The home occupation activity shall be conducted entirely within the confines of the dwelling unit, and the use of the dwelling unit for home occupation purposes shall be clearly incidental and subordinate to its use for residential purposes. Not more than 10% of the usable floor area of the dwelling shall be exclusively used for and/or in connection with the home occupation, and any activity outside of such exclusive use area shall be restricted to ingress and egress between the exterior door of the premises and the home occupation area.
3. There shall be no change in the outside appearance of the residence and/or premises, and there shall be no visible evidence of the conduct of such home occupation. There shall be no sign or signs advertising or identifying the home occupation. There shall be no parking of vehicles with business identification on the premises in a location visible from any adjoining property and/or from the adjoining street or road.
4. No home occupation shall be conducted in any structure or building outside of the principal residence.
5. There shall be no on-site product sales to the public in connection with a home occupation.
6. No traffic shall be generated by any home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation shall be met off the street and other than in a front yard area.
7. No equipment or process shall be used in a home occupation which creates noise, vibration, light, glare, fumes or odors detectable to the normal senses beyond the property line of the premises if the home occupation is conducted in a detached single-family residence or outside the dwelling unit if the home occupation is conducted in an attached dwelling unit.
8. No equipment, process or activity utilized in connection with the home occupation shall create any electrical, electronic or communication interference off the premises, including, without limitation, interference with sending and/or receiving devices and/or fluctuations in line voltage.

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9. No home occupation, in whole or part, shall include an activity deemed by the village to be hazardous or harmful to the health, safety and/or welfare, provided, however, if a home occupation, or any portion of a home occupation, shall not be permitted or shall be required to cease based upon this provision, the specific reasons for such action shall be specified by the village. In the event all or a portion of a home occupation is directed to be discontinued by an administrative official of the village pursuant to this provision, the owner of the premises shall be entitled to appeal such decision to the Village Council by submitting a letter or other written request for appeal to the Village Clerk within 28 days following the date of a notice of discontinuance from the village.
- B. Lack of vested rights. Taking into consideration that home occupation use represents a departure from the intent to preserve residential area, and such use may only be permitted if not harmful or incompatible, the property owner shall not acquire vested rights to a home occupation if the activity of a home occupation becomes harmful or incompatible with the lawful use of adjoining residential property, including cases where the home occupation becomes harmful or incompatible as a result of the change of use or activity on adjoining property, provided that such use or activity constitutes lawful residential use.
- C. Application and review.
 1. A person proposing to use a residence for a home occupation shall submit a plan, drawn to scale, or substantially to scale, showing the basic floor plan of the residence and all portions of the property to be utilized in any manner in connection with the home occupation. The plan shall include location and detail with regard to all fixtures and equipment to be utilized in the home occupation and the location of all vehicular and pedestrian ingress and egress to the property and within the residence. The plan shall be accompanied by a detailed description of the home occupation proposed, including, without limitation, a statement of both the activities to be conducted inside the residence and any anticipated vehicular use outside the residence.
 2. The application shall be reviewed by the Village Administrator under the general conditions set forth in this chapter for approval of special land uses.
 3. At the conclusion of consideration by the Village Administrator, a determination shall be made to approve, deny or approve with conditions the proposed home occupation.
 4. An applicant may appeal an administrative decision to the Village Zoning Board of Appeals.



4.2 Places of Worship

For places of worship, the Zoning Board of Appeals may modify the height limitations of this chapter.

4.3 Domestic Service Dwellings

Domestic service dwellings shall be permitted as a special land use, subject to the following:

- A. The dwelling shall be for the use and occupancy of not more than two persons. At least one of whom has as a principal, full time (a minimum of 40 hours per week) occupation, the performance of domestic services for the principal dwelling on the property and/or the occupants of such property, for example, care of persons in the principal residence and/or maintenance of the property in question and who otherwise do not pay rent for such dwelling.
- B. Any such dwelling shall conform to all accessory building requirements for the zone in which located.

4.4 Group Day-Care Homes

Group day-care homes shall be permitted as a special land use, provided the following conditions are satisfied:

- A. Such homes shall not be located closer than 1,500 feet to any of the following facilities:
 - 1. Another state-licensed adult or child group day-care home.
 - 2. Another state-licensed adult foster care small group home or large group home.
 - 3. A facility offering substance abuse treatment and rehabilitation services to seven or more people.
 - 4. A community correction center, resident home, halfway house or other similar facility.

For purposes of determining the 1,500 foot minimum, the distance shall be determined by measuring along roads, streets or places maintained by a public agency and generally open to the public as a matter of right for the purpose of vehicular travel.

- B. Maintaining the property consistent with the visible characteristics of the neighborhood.

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- C. Not exceeding 16 hours of operation during a 24-hour period.
- D. Providing no more than two identifiable off-street parking spaces for employees.
- E. Compliance with all requirements set forth by the state for the issuance of a day-care license, including but not limited to, the enclosure of any play areas with a four foot high fence.

4.5 Use and Cultivation of Medical Marihuana

Standards for medical marihuana dispensary cultivation in residential districts. It is the intent of this section to exercise control over the permitted locations for the cultivation of medical marihuana and establish a basic set of standards for such cultivation to meet the medical needs of a medical marihuana patient in a residential dwelling. To the extent that it is otherwise lawful, the cultivation of medical marihuana by not more than one medical marihuana caregiver or not more than one medical marihuana patient may be permitted in any one residential dwelling located on a property in a residential zoned district, subject to the standards set forth in this section, and compliance with the Michigan Medical Marihuana Act and General Rules of the Michigan Department of Licensing and Regulatory Affairs, as amended from time to time. This section shall in no way be interpreted to allow any licensee as created by the Medical Marihuana Licensing and Facilities Act to operate within the village.

- A. In the R-1, R-2, R-3, R-4, R-5, or clustered one-family dwellings, only two registered patients are permitted per single-family household, subject to the following criteria:
 - 1. Restrictions on medical marihuana patient. A medical marihuana patient may cultivate no more than 12 marihuana plants in compliance with the Michigan Medical Marihuana Act in all residential zoned districts and residences deemed such according to a planned unit development. The medical marihuana patient shall cultivate the marihuana plants on the residential zoned property where that medical marihuana patient resides.
 - 2. Restrictions for medical marihuana caregiver. A medical marihuana caregiver may only cultivate medical marihuana for one medical marihuana patient at either the residentially zoned property where that medical marihuana patient resides or the residentially zoned property where that medical marihuana caregiver resides. A medical marihuana caregiver may not cultivate for more than one medical marihuana patient in any residential zoned district or in any dwelling zoned residential in the village.
 - 3. Registration of patient and caregiver.
 - a. Every registered patient shall register his or her name and address with the Police Department. The Police Department shall maintain a confidential list of the persons registered pursuant to this section. Individual names and other identifying information such as the address are confidential and exempt from disclosure pursuant to the intent of the Michigan Medical Marihuana Act, initiated Law I of 2008, M.C.L. § 333.26426 sec. 6(b)(2).



4.5.A.3.b - 4.6

- b. Registration. It shall be unlawful in the village for any person, company, corporation or other legal entity to engage in medical marihuana usage, unless registration shall first have been completed with the village.
4. General standards for medical marihuana use at a residentially zoned property. Any use or possession of marihuana shall be done in strict compliance with the MMMA.
5. General standards for medical marihuana cultivated or manufactured at a residentially zoned property.
 - a. Required documentation. Any medical marihuana caregiver growing medical marihuana at a property for a medical marihuana patient, who is lawfully connected to the medical marihuana caregiver, must provide or otherwise make available proof of the caregiver's and patient's valid, unexpired registry identification cards.
 - b. Secondary use. Any activity or use related to medical marihuana use under the Michigan Medical Marihuana Act and this section must be clearly incidental and a secondary use of a residential dwelling unit and shall not alter the exterior of the property or affect the residential character of the neighborhood. Interior alterations to a residential dwelling unit shall comply with all building, electrical, plumbing, mechanical and fire codes, and shall not alter the residential character of the residential dwelling unit. Any residence in which medical marihuana is grown or used must be owned or rented by the medical marihuana caregiver or the medical marihuana patient.
 - c. Permits. In accordance with the building code, all necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure altered for cultivation, growing, or harvesting of marihuana, including changes to electrical wiring, lighting, plumbing, heating, cooling, ventilation or watering devices.
 - d. Cultivating marihuana. All cultivating and manufacturing of marihuana must take place indoors in either the primary residence or a secondary structure that meets the requirements of an enclosed, locked facility. If the area in the primary residence or secondary structure used for the cultivating or manufacturing of marihuana has windows, no light may spill out and cause a distraction for adjacent residential properties during the hours of 8:00 p.m. to 7:00 a.m.

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4.7 Telecommunications Antennae and Wireless Communication Facilities

The purpose of this subchapter is to regulate the installation and placement of telecommunications antennae in all zone districts. The regulation of such antennae is intended to enhance the physical appearance of the village, preserve scenic and natural beauty and make the village a more enjoyable and pleasing community.

- A. Telecommunications antennae. Telecommunications antennae that are excluded from the definition of wireless communication facilities may be permitted in all zone districts subject to the Permit and Planning Commission approval requirements set forth in [§7.5](#).
- B. Wireless Communication Facilities. It is the further general purpose and intent of the village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.
- C. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
 1. Facilitate adequate and efficient provision of sites for wireless communication facilities;
 2. Establish predetermined districts or zones of the number, shape and in the location considered best for the establishment of wireless communication facilities, subject to applicable village standards and conditions;
 3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities;
 4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings;
 5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs;
 6. Promote the public health, safety and welfare;
 7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities;
 8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner;



Section 4.7.C.9 - 4.7.D.3

9. Minimize the negative visual impact of wireless communication facilities on the village and its neighborhoods by providing for as few structures as reasonably feasible and the use of structures which are designed for compatibility and requiring the use of existing structures and the avoidance of lattice structures that are unnecessary;
 10. Minimize the adverse impact from the presence of tower structures in or abutting residential areas or having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would decrease the attractiveness and destroy the character and integrity of the community and would result in a material impediment to the maintenance and promotion of property values, recognizing that this economic component is an important part of the public health, safety and welfare.
- D. Uses. All telecommunications antennae which are constructed, placed or established and are not contained within a building shall be considered structures subject to the provisions and terms of this chapter, and a permit for such installation shall be obtained from the Building Official after approval by the Village Council or Planning Commission as provided in this subchapter.
1. Wireless communication facilities as permitted uses. Subject to the standards and conditions set forth in **§4.7(E)**, wireless communication facilities shall be permitted uses in the following circumstances.
 - i. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Building Official, proposed to be either materially altered or materially changed in appearance.
 - ii. A proposed co-location upon an attached wireless communication facility which had been preapproved for such co-location as part of an earlier approval by the village.
 - iii. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Building Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 2. Wireless communication facilities as special land uses. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under division 1 of this section, then, subject to the standards and conditions set forth in **§4.7(E)**, wireless communication facilities may be authorized as special land uses within the C-I District only.
 3. Wireless communication facilities as special land uses in nonpermitted districts. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under division (E) of this section, or as a special land use under division **(E)(13)(i)**, a wireless communication facility may be permitted elsewhere in the village as a special land use, subject to all the criteria and standards of **§ 4.7**.

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E. General Regulations.

- I. Standards and conditions applicable to all wireless communication facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Village Council in its discretion.
 - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be harmonious with the surrounding areas.
 - c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - e. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure).
 - f. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 - g. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure and accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 - h. There shall be unobstructed access to the support structure for operation, maintenance, repair and inspection purposes which may be provided through or over an easement. This access shall have a width and location determined by such factors as the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
 - i. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.



Section 4.7.E.1.j - 4.7.E.3

- j. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be visually and architecturally compatible with the principal building. The equipment enclosure may also be located within the principal building.
 - k. The design and appearance of the support structure and equipment enclosure shall minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - l. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.
 - m. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
2. Standards and conditions applicable to special land use wireless communication facilities. Applications for wireless communication facilities which may be approved as special land uses under **§4.7(D)(2)** shall be reviewed and, if approved, constructed and maintained in accordance with the standards and conditions in division (A) of this section and the following additional standards:
- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - 1. Proximity to an interstate or major thoroughfare;
 - 2. Areas of population concentration;
 - 3. Concentration of commercial, industrial and/or other business centers;
 - 4. Areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions;
 - 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate;
 - 6. Other specifically identified reason(s) creating facility need;
 - b. The proposal shall be reviewed in conformity with the co-location requirements of this subchapter.
3. Standards and conditions applicable to special land use wireless communication facilities in non-permitted districts. For facilities which are not permitted uses under **§4.7(D)(1)** and proposed to be located outside of a district identified in **§4.7(D)(2)**, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in division (D)(1) and (D)(2) of this section.

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- a. At the time of the submittal, the applicant shall demonstrate that a location within the district cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the village.
 - c. In single-family residential neighborhoods or zoning districts, site locations may only be permitted on the following sites, subject to application of all other standards contained in this section:
 - i. Municipally owned site;
 - ii. Other governmentally owned site;
 - iii. A vacant site or location if none of the above is available and the applicant demonstrates that village refusal to approve would unreasonably discriminate among providers of functionally equivalent wireless communication services or would have the effect of prohibiting the provision of personal wireless communication services.
- F. Application Requirements.
- 1. A site plan prepared in accordance with §6.1 of this chapter shall be submitted showing the location, size, screening and design of all buildings and structures, including fences and the location and size of outdoor equipment and the location, number and species of proposed landscaping.
 - 2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base and equipment enclosure.
 - 3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question in determining the appropriate setback to be required for the structure and other facilities.
 - 4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in division (H) of this section. In this regard, the security shall, at the election of the applicant, be in the form of:
 - a. Cash;
 - b. Letter of credit; or
 - c. An agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, to be held by the village and recorded if needed, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the community in securing removal.



4.7.f.5-4.7.H.1

5. The application shall include a map showing existing and known proposed wireless communication facilities within the village and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the village in the location and in the area which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the village, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. (M.C.L.A. § 15.243(1)(g)) This subchapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the village.
 6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. Written notices of any changes in this information shall be provided to the village immediately. This application information shall also be confirmed in writing on an annual basis.
- G. Public Hearing and Decisions.
1. The Planning Commission shall establish a date for a public hearing on the application and shall cause a notice of the hearing to be sent to the owners of property located within 300 feet of the lot or parcel upon which installation is proposed.
 2. The Planning Commission, after the public hearing where interested property owners shall have the opportunity to be heard, shall forward its recommendation on the application and site plan to the Village Council for final decision in accordance with the standards, conditions and requirements of this subchapter and **§6.1** as applicable.
- H. Co-location of Wireless Communication Facilities.
1. Statement of policy. It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the village and encourage the use of existing structures for attached wireless communication facility purposes consistent with the statement of purpose and intent set forth in **§4.7(B)**. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the village that all users should co-locate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above and in **§4.7(B)**. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the village. The provisions of this division are designed to carry out and encourage conformity with the policy of the village.

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2. Feasibility of co-location. Co-location shall be deemed to be feasible for purposes of this section where all of the following are met:
 - i. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location;
 - ii. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support;
 - iii. The co-location being considered is technologically reasonable; for example, the co-location will not result in unreasonable interference given appropriate physical and other adjustment in relation to the structure, antennas and the like;
 - iv. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the village, taking into consideration the several standards contained in this section.
3. Requirements for co-location.
 - i. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 - ii. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
 - iii. The policy of the village is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co- location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.
 - iv. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the village, and, consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new wireless communication support structure within the village for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.



Section 4.7.H.4 - 4.7.J.2

4. Incentive. Review of an application for co-location and review of an application for a permit for use of a facility permitted under **§4.7(D)** shall be expedited by the village.
- I. Removal of Wireless Communication Facilities.
 1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - i. When the facility has not been used for 80 days or more. For purposes of this section, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use;
 - ii. Six months after new technology is available at reasonable cost. Six months after new technology is available at reasonable cost as determined by the Village Council, which permits the operation of the communication system without the requirement of the support structure or with a support structure which is lower and/or more compatible with the area.
 2. The situations in which removal of a facility is required, as set forth in division **Section 4.7(C)(8)** of this section, may be applied and limited to portions of a facility.
 3. Upon the occurrence of one or more of the events requiring removal specified in division **Section 4.7(C)(8)** of this section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.
 4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline and after at least 30-days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- J. Telecommunication Antennae in Residential Zones. Telecommunications antennae that are excluded from the definition of wireless communication facilities may be approved by the Planning Commission in Residential Zones as provided in and subject to the procedures and provisions of **§ 4.7(L)** and the following standards.
 1. They shall not be installed within any front yard or any side yard setback or if such installation would exceed yard coverage limitations established for building upon the lot.
 2. They shall be completely screened or obscured from the view of surrounding properties.

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3. The provisions of this chapter shall not apply to a regularly configured household television antenna or to a single satellite dish antenna not to exceed seven square feet in size and mounted upon the roof of a residential building so long as such antenna is not visible from the front of said building.
- K. Telecommunication Antennae in Professional Services and Commercial Zone District. Telecommunications antennae that are excluded from the definition of wireless communication facilities may be approved by the Planning Commission in the PS and C-I Zoning Districts as provided in and subject to the procedures and provisions of [§4.7\(L\)](#) and the following standards.
1. They shall not be installed upon the ground.
 2. They shall be completely screened or obscured from the view of surrounding properties.
 3. They shall be properly and securely anchored.
- L.. Review and Decision. The following procedures and standards shall apply in the review and approval of telecommunications antennae that are not included within the definition of wireless communication facilities.
1. The Planning Commission shall establish a date for a public hearing on the application and shall cause a notice of said hearing to be sent to the owners of property located within 300 feet of the lot or parcel upon which installation is proposed.
 2. The Planning Commission, after a public hearing where interested property owners shall have the opportunity to be heard, shall approve, deny or conditionally approve an application based on the requirements of this chapter. In instances where the Commission determines that there has been substantial compliance with the terms of this chapter to the extent reasonably possible and that there shall be no unreasonable adverse effect upon neighboring properties, the Commission may approve or conditionally approve such application. A petitioner may appeal a denial or approval condition by the Planning Commission to the Village Council. Upon approval of the application and satisfaction of any conditions of approval and non- zoning ordinance requirements, the Building Official shall issue a permit for such installation.

4.8 Restaurants

A restaurant may include an accessory carry-out element only where the customer is served while inside the restaurant building. For specific standards pertaining to Restaurants in the C-I District, see [Section 3.18\(E\)](#)

4.9 Functional Equivalent Family

1. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged upon a demonstration by the applicant of all of the following:
 - a. There are adequate provisions on the property for off-street parking;



Section 4.9.I.b - 4.9.I.e

- b. The extent of increase or enlargement of the limit upon the number of persons shall not be considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities and/or schools;
- c. There shall be a minimum of 265 square feet of usable floor space per person on the premises;
- d. Where any question exists as to the adequacy of sanitary sewage and water facilities, the approval of the Oakland County Health Department of the proposed usage of the premises may be required.
- e. If the Council grants an application under this provision, the determination shall include the specific number of persons authorized to reside on the property and any minimum parking requirements to be maintained.

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5.1 Vision Clearance

No trees or shrubbery shall be erected, maintained or planted on any lot which shall obstruct or interfere with traffic visibility on any street or on a curve of any street or at the intersection of any street.

5.2 Waste and Rubbish

No garbage, sewerage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates or other offensive or obnoxious matter, shall be kept in open containers or piled, placed or stored on the open ground. The occupant or occupants of every building shall provide proper receptacles for said waste and keep receptacles clean and not exposed on the grounds outside of the building except for a reasonable time prior to the regular village collection.

5.3 Sewerage

No outside toilets shall be erected. All sewerage, toilets and waste water shall be connected to the village sanitary sewerage system.

5.4 Walls, Fences and Gates.

Walls fences and gates, as defined in [Article 2](#) are hereby prohibited except for invisible fences, and those surrounding pools and dog runs.

- A. Invisible fences.
 - 1. Authorization.
 - a. An invisible fence shall be permitted to be constructed and installed within the village on an improved single-family residential lot .
 - b. The utilization of an invisible fence for the purpose of confining one or more animal(s) shall be permissible only when one or more of the occupants of the property, or an agent of the occupant, is on the premises or in the immediate neighborhood of the premises (not more than 500 feet from the premises).
 - 2. Location.
 - a. An invisible fence shall be permitted in the rear yard of residential lots, provided no part of the invisible fence shall be situated outside of the overall backyard area having the following boundaries: four feet from each of the two side lot lines; four feet from the rear lot line; and a straight line substantially parallel to the rear lot line which touches that portion of the home which is closest to the rear lot line.
 - b. An invisible fence shall also be permitted in the side or front yard of a lot, provided an application be made to and approval has been granted by the Village Council, taking into consideration the following:



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- i. The overall size of the property and corresponding relationship of the proposed invisible fence location with the property boundaries;
 - ii. The proximity of the proposed invisible fence to adjoining homes;
 - iii. Other features which would impact upon compatibility with adjoining properties and uses;
 - iv. With regard to proposed invisible fences in a front yard, in addition to the standards in subsections (a) and (b)2. and 3. above, the invisible fence shall not be closer than 40 feet from the front property line, nor closer than 40 feet from any portion of a walkway or designated path to the front entrance of the home.
 - c. All invisible fence(s) shall be set back a minimum of four feet from any adjoining property line from and any public right-of-way.
3. Back-up power; confinement of animals. All invisible fences must have a direct current voltage back-up system sufficient to maintain the maximum field strength for the invisible fence for a minimum period of 12 hours in the event of a power failure or other accident which might cause a loss of voltage supply to the invisible fence. Upon receipt of reasonable notice of any loss of power to the invisible fence, all animals confined within the field of the invisible fence shall be immediately brought within the residence or otherwise confined.
4. Application for approval.
 - a. Prior to commencing construction or installation of any invisible fence, an application must be filed with the Village Clerk. The application shall be accompanied by a sketch detailing the dimensions and placement of the proposed invisible fence and a detailed description of the animals to be confined.
 - b. The application shall be reviewed and, if in conformance with this section, shall be authorized following review and confirmation by the Animal Control Officer that all animals intended to be confined will, in fact, be capable of being confined within the field of the invisible fence.
5. Sign providing notice. Prior to utilization of the invisible fence, a sign, not less than six inches by six inches, shall be pasted on the mailbox of the residence on the property in question, stating that the property contains a concealed or underground fence or barrier designed for the confinement of animals. The sign shall not be an advertisement for the company installing the fence.
6. Maintenance and operation. Any animal sought to be confined within the field of an invisible fence must at all times be fitted with and wear a collar or other device designed and required to achieve the confinement intended, and such device shall at all times be fitted and maintained to insure the continuous restraining function of the invisible fence. Written records with regard to the date of the battery changes and other ongoing maintenance required for continuous operation shall be maintained by the occupant of the property and shall be available for inspection by the village upon request.



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7. Application of this section. Property owners who have installed invisible fences prior to the enactment of this section shall be permitted to continue use of the invisible fence without making new application with regard only to the location of the invisible fencing installed prior to the effective date of this section. Upon replacement of existing invisible fencing, replacement shall be subject to this section. In all other respects, all invisible fences and the use of invisible fences shall be subject to the terms and provisions of this section.
 8. Violations. It is the intent of the Village Council that the penalty provisions contained in § 32.03 shall apply to the invisible fence requirement set forth in this division.
- B. Dog runs, enclosures intended for the containment of no more than two domestic animals are allowed provided none violates the required setbacks for the district nor property line, does not exceed 250 square feet in area and is not more than four feet in height from grade. 🐾



- C. Maintenance, Abandonment and Removal of Walls, Fences and Gates
1. Maintenance. All existing, non-conforming walls, fences and gates in the village must be maintained in standard condition at the expense of the property owner. Walls, fences and gates not kept in standard condition shall constitute a nuisance, and the village may, in addition to the penalties set forth in § 10.99 of this code, take any action and/or commence any proceeding for the abatement and/or elimination of such nuisance.
 2. Abandonment. An existing, non-conforming wall, fence or gate that is degraded or destroyed and not replaced, left in disrepair or not maintained in standard condition for a period of six months or longer, or otherwise pursuant to Michigan law, shall be deemed abandoned and constitute relinquishment of all approvals under applicable law and this section, and shall be removed.
 3. Required removal of abandoned or non-standard walls, fences and gates. An abandoned or non-standard wall, fence or gate shall be removed in its entirety within 30 days, at the property owner's expense, upon written notice by the village.
 4. Voluntary removal. Property owners with existing nonconforming walls, fences or gates are encouraged to remove them when no longer required.

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5. Deferment of dangerous removal. If an abandoned or non-standard wall, fence or gate cannot reasonably be safely removed within the 30 days stated in the notice from the village, an extension may be granted by the Village Council for a specific period of time.

5.5 Ornamental Landscape Features.

Ornamental landscape features may be permitted in a front yard, subject to approval by the Planning Commission, based upon compliance with the following standards:

- A. The project design is consistent with the neighborhood character and design guidelines set forth in the Village of Bingham Farms Master Plan.
- B. Design of the ornamental landscape feature will result in improvements that are visually and functionally appropriate to the site conditions and consistent with the neighborhood surroundings, including natural landforms and vegetation.
- C. The ornamental landscape feature is consistent in scale and form with existing development and character of the neighborhood.
- D. The ornamental landscape feature will not create a visual detriment to the site or the neighborhood.
- E. The proposed ornamental landscape feature will not be detrimental to the public health, safety, convenience and welfare of persons in the area and would not adversely impact property values, public improvements, or potential future development in the area.

5.6 Backup Electric Generators

All permanently installed backup electric generators in all zoning districts shall be placed so as to minimize negative noise levels and visual impacts on adjacent properties. Placement of such generators may be in a side or rear yard only. Backup electric generators shall be positioned adjacent to the principal building. Periodic cycling, testing or maintenance of backup electric generators shall be permitted only between 9:00 a.m. and 5:00 p.m., Monday through Saturday. Permanent generators that are installed and connected to the electrical system of a building shall obtain the appropriate permits and shall comply with all requirements of the village building and electrical codes.

5.7 Lighting General Standards

Outside lighting facilities shall be of a character, size and nature consistent with and supplemental to the use and nature of the structure and uses accessory to the structure; provided, however, that no lights or lighting facilities shall be maintained which do or may interfere in any way with the vision of persons driving on or using any public roads in the village or which may create an undue spread of illumination on surrounding properties.



5.8 Off-Street Parking Facilities

Off-street parking facilities for the storage or parking of self-propelled passenger vehicles for the use of occupants, employees, patrons or users of buildings shall be provided in amounts not less than hereinafter specified and subsequently shall not be reduced below the requirements of this chapter.

- A. For the purposes of this chapter, a parking space shall mean an area of not less than 180 sq. ft., exclusively of drives or aisles giving access thereto, accessible from streets or from private driveways or aisles leading to streets and to be useable for the storage or parking of self-propelled passenger automobiles.
- B. Required Facilities. The amount of off-street parking facilities required shall be determined in accordance with the following:

Table 5.8.A	
Areas	Amount of Spaces
Dwellings	One Space for each dwelling unit
Places of Worship & Auditoriums	One space for each 5 seats
Assembly Halls, Exhibit halls and other similar buildings where permitted without fixed seats	One parking space for each 75 square feet of floor area
Banks, business offices, professional offices of engineers, land surveyors, planners, architects, attorneys and accountants, real estate, insurance, executive, administrative, clerical, stenographic, drafting and sales offices	One parking space per each 300 square feet of gross floor area
Offices of Doctors and Dentists	One parking space for each 200 square feet of gross floor area
Other uses	As determined by the Village Council, guided by the criteria that annual peak demand for parking generated by the use shall be accommodated by off street parking

- C. Location of Facilities. The off-street parking facilities required for dwellings shall be on the same lot as the building they are intended to serve. For all other uses, the off-street parking facilities required shall be within 200 feet of the building they are intended to serve measured between the nearest point of the off-street parking facilities and the nearest point of the building.
- D. Unspecified and Mixed Uses. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately in accordance with §5.8, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use.

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- E. Change in Building or Use. Whenever the use of any land or structure thereon is changed or whenever any structure or any land is changed in any manner so that as changed the parking facilities required as determined under §5.8 would be higher than 15% than the amount that would apply before the change, the parking facilities as computed for the change shall be supplied.
- F. Off-Street Parking Lot Layout, Construction and Maintenance.
 - 1. Prior to the construction of an off-street parking lot, a zoning compliance permit shall be obtained.
 - 2. Adequate ingress and egress shall be provided by means of clearly limited and defined drives. Layout and specifications of the parking area and access to any highway shall be subject to approval by the Village Council.
- G. Residential Auxiliary Parking Areas
 - 1. Auxiliary parking areas may not be constructed without first obtaining and complying with the requirements for a zoning compliance permit under §7.2.
 - 2. Only one auxiliary parking area, limited to no more than three parking spaces and no more than 600 square feet in size, is allowed on a single lot or parcel.
 - 3. Auxiliary parking areas shall not be located closer to a rear or side property line than the minimum distances for accessory structures, or closer to a front lot line than the minimum distance for dwellings under this chapter.
 - 4. Auxiliary parking areas shall be screened by perimeter landscaping, consisting of ground cover and a wall, fence, hedge (densely planted shrubs), or combination thereof, such that parked vehicles are not visible from the street or adjoining properties. Auxiliary parking areas are not allowed if a garage on the lot or parcel is within 75 feet of the front or an exterior side lot line where the intersection of the street and driveway occurs. In addition, an auxiliary parking area and a semi-circular driveway on the same lot or parcel shall be prohibited.

Auxiliary Parking Screen



- H. Parking lot lighting shall be provided by light fixtures not over four feet in height, except that higher lights with proper shielding may be permitted by the Village Council upon finding that increasing the height will not cause either a hazard or a nuisance. Lights shall also conform to all other appropriate sections of this zoning chapter. The parking area shall be drained to eliminate standing water and shall be constructed of a durable all weather surfacing material. Following construction, the owner of the building for which the required parking is being furnished shall so maintain the markings, drainage, lighting and surface of the lot in the same condition as when first built, reasonable wear and tear excepted.

5.9 Removal of Soil

The commercial removal of soil, sand or gravel from any land in the village is prohibited.

5.10 Accessory Buildings and Structures

- A. In the R-1, R-2, and R-3 districts, all accessory structures must adhere to the following regulations:
 - 1. Structures shall not exceed a building height of 14 feet.
 - 2. Structures must adhere to the following setback requirements:

Table 5.10.A.2 Accessory Structure Minimum Required Setbacks				
Type of Setback	Type of Structure	District		
		R-1	R-2	R-3
Rear lot line abutting side lot line of adjoining lot	Buildings	25	15	15
	Structures	25	15	15
Rear lot line abutting rear lot line of adjoining lot	Buildings	5	5	5
	Structures	5	5	5
	Swimming Pools	15	15	10
Side lot line abutting side lot line of adjacent lot	Buildings	25	15	15
	Structures	25	15	15
	Swimming Pools	15	15	10
Side lot line abutting an adjoining rear yard	Buildings	5	5	5
	Structures	5	5	5
	Swimming Pools	15	15	10

- 3. Maximum area of accessory structures.
 - a. The combined square footage of all accessory buildings and structures, excluding swimming pools, shall occupy a maximum of 25% of a required rear yard (as defined by minimum setbacks).
 - b. The cumulative square footage of all attached and detached accessory buildings on a residential lot shall not exceed 50% of the square footage of the residential floor area of the ground floor of the principal building.
 - c. On lots over two acres in size, the maximum area of all accessory buildings shall not exceed the square footage of the residential floor area of the ground floor of the principal building.

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B. In the R-4, and R-5 districts, all accessory structures must adhere to the following setback requirements:

Table 5.10.B Accessory Structure Minimum Required Setbacks			
Type of Setback	Type of Structure	District	
		R-4	R-5
Rear lot line abutting side lot line of adjoining lot	Buildings	25	25
	Structures	25	25
Rear lot line abutting rear lot line of adjoining lot	Buildings	5	5
	Structures	5	5
	Swimming Pools	15	15
Side lot line, structures and buildings	Buildings	25	25
	Structures	25	25
	Swimming Pools	15	15
Side lot line abutting an adjoining rear yard	Buildings	5	5
	Structures	5	5
	Swimming Pools	15	15

C. Accessory uses buildings or structures customarily incidental to and subordinate to a one-family dwelling shall be a principal permitted use, provided:

1. Private garages shall only house passenger cars, gardening equipment, boats, trailers and other similar equipment intended for use only by the occupants of the principal building;
2. Structures shall be clearly subordinate to and of a character, size, material, design and nature consistent with the use and nature of the one-family dwelling to which it is accessory, such as a barn, stable, toolhouse, swimming pool, tennis court, child's playhouse and similar structures.
3. Outside lighting facilities shall be of a character, size and nature consistent with and supplemental to the use and nature of the one-family dwelling and the structures and uses accessory to the dwelling, provided, however, that no lights or lighting facilities shall be more than 12 feet above grade or shall be maintained which do or may interfere in any way with the vision of persons driving on or using any public roads in the village. Lights shall be shielded to eliminate glare to adjacent residentially zoned properties.

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5.11 Outside Storage

- A. No motor homes, travel trailers or similar recreational vehicles shall remain outside a garage or other storage building for in excess of 48 hours.
- B. No commercial vehicles, boats, trailers, mobile homes or unlicensed motor vehicles shall remain outside a garage or other storage building for in excess of 12 hours.
- C. Temporary outside storage unit.
 - 1. No more than one such container may be used per property at any given time.
 - 2. Such containers must be placed on a paved driveway surface of an occupied lot and shall not be located in an easement or right-of-way. They may not be placed in a front yard setback.
 - 3. A permit must be obtained. The maximum duration for use of such containers shall be 14 days within any six consecutive months. A property owner may seek approval from the village administration for a longer duration.
 - 4. If a longer duration is sought, the village may require safeguards related to setbacks and screening. The village may require site plan approval and a performance bond as condition for approval.
 - 5. Construction dumpsters are exempt from this regulation.

5.12 Floodplain

- A. Purpose. The purpose of this subchapter is to regulate the use of land in those areas of the village which are subject to predictable flooding by preserving the capacity of flood plains to store and convey flood flows which can reasonably be expected to occur in order to protect the public health and reduce financial burdens imposed on the community and the general public from floods in overflow lands. It is further the purpose of this subchapter to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968 and subsequent enactments in rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Volume 41, Number 207, Tuesday, October 26, 1976, and redesignated at 44 FR 31177, May 31, 1979.

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- B. Floodplain Overlay Zone. Floodplain areas within the village are designated and described in the report of the Federal Emergency Management Agency (FEMA), entitled “Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas” and dated September 29, 2006. The floodplain constitutes all land lying within a line delineating and designated as the 100-year flood, which is all of the land designated within a flood hazard area or special flood hazard area contained in the Flood Insurance Rate Maps (FIRMS), panel numbers of 26125C0518F and 26125C0519F, and dated September 29, 2006, which are an integral part of the above-named “Flood Insurance Study”. The Flood Insurance Study and corresponding Flood Insurance Rate Maps are adopted by reference and declared to be part of this subchapter.
- C. Development Regulations.
 - 1. There shall be no new construction of buildings, alterations or additions to existing buildings, or changes in existing topographical features within the regulatory floodway and associated floodplain, as shown in the Flood Insurance Study adopted in this subchapter, except as provided by the State Construction Code.
 - 2. Dredging and filling and/or dumping or backfilling with any material in any manner within the regulatory floodway and associated floodplain is prohibited, except as provided by the State Construction Code.
- D. Lot Area Requirements. When a residentially zoned building site lies partially within the floodplain, the portion lying within the floodplain may be used in computing the lot’s area requirements and the permitted density of dwelling unit requirements set forth in this chapter.
- E. Use permits. [See § 7.4.](#)



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6.1 Site Plan Review

Site plan review shall be required for all attached and detached single-family developments, including site condominium developments, planned residential developments, planned unit development proposals, all special land uses in residential zones and all land uses in the PS and C-1 zoned districts. The procedure and standards for review outlined below shall also apply to all accessory buildings, structures and other site features. §6.1 is intended to provide a frame of reference for the applicant in the development of the site and building plans, as well as a method of review for the Planning Commission and Village Council in their determination that the proposal is in compliance with the Comprehensive Development Plan and village ordinances and that it will not adversely affect the health, welfare and safety of the residents of the village or the general public.

- A. Application for site plan review.
 - 1. An application form may be secured from the Village Office.
 - 2. The following information must be included on the application:
 - a. Location of property and Sidwell Number;
 - b. Current zoning classification of property;
 - c. Property owner's name, address and telephone number;
 - d. Applicant's name, address and telephone number, if applicant is other than the property owner;
 - e. An acknowledgment that any consultant review fees incurred over the amount set as a deposit in the site plan review section of the administrative fee schedule are the responsibility of the applicant;
 - f. Signatures of applicant and property owner if applicant is not the property owner.
- B. Site Plan Information, Maps and Plans Required
 - 1. Title Block, w/name/location of development/date, including dates of latest revisions.
 - 2. The plans shall be submitted on sheets no larger than 24 inches by 36 inches. Show proprietor's and property owner's name, address and telephone.
 - 3. Topography on-site, plus 100 feet beyond site/U.S. G.S. datum/ two- foot contours w/off-site lot numbers and ownership/structures/adjacent sites/F.F. elevations/bench mark w/in 1000 feet.
 - 4. All elevations including existing and proposed buildings shall be U.S. G.S. datum.
 - 5. Zoning of site and adjacent sites.
 - 6. Minimum scale 1-inch equals 50 feet; north arrows; legend (engineer's scale only).
 - 7. Existing topography two feet minimum contour interval existing natural features; indication of natural features to remain and to be removed.

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8. Location map one-inch equals 2,000 feet with roads, drainage basin, zoning of site/abutting parcels with boundary lines.
9. Name, address, telephone of Design Engineer/Surveyor/Architect/Planner, each sheet sealed.
10. Boundary survey/legal description with acreage, lots numbered/property lines dimensioned.
11. Existing drainage courses, stream/lake/pond/floodplain/wetlands, all legal water elevations M.D.N.R./dated.
12. An accompanying letter of intent should address the concept and describe the proposed development; supporting utilities; roadways and other pertinent facilities which should overlay the base map of existing conditions.
13. Proposed development - structure use(s)/number of units/size/density calculations with model floor plan/setback/yard dimensions.
14. Front, side, rear yards, building/structure dimensions/location/first floor elevation designations/total usable floor areas, gross/net acreage figures.
15. Building architectural elevations/front, side, rear/indicating proposed construction materials, including color and design/all information necessary to comply with Chapter 153, Design Review Board.
16. Ties to major/local thoroughfares with ROW widths/existing and proposed ROW lines with width/streets named/easements with width/uses identified/section corners.
17. Proposed streets - with access/ROW/sidewalks/drives/ parking/type of surfacing, number/size parking and loading spaces, including designation of handicapped parking, traffic patterns/fire lanes.
18. Traffic patterns - with ingress/egress, acceleration/deceleration lanes w/widths and composition/parking general/restricted load/unload zones/driveways/fire lanes/entrance details/existing driveways or curb cuts within 100 feet of subject parcel. Note that a turning radius of 50 feet measured from the mid-point of the driveway must be maintained around any office building and parking lot for fire trucks.
19. Indicate whether roads and/or utilities are to be dedicated/show easements w/ widths/uses.
20. Sidewalks interior w/handicapped gradient/ramps.
21. Extend all ROW improvements/utilities to property lines for future extensions.
22. General location - existing sanitary sewer/building leads, water mains/service, storm sewers/retention areas, private utilities w/easements/uses and elevations (top cast and inverts for sewers).
23. Drainage collection/disposal, from buildings/streets/parking lots - provide run-off retention calculations w/plan.
24. Areas of intended cut and fill; location and approximate size and outline of storm water retention ponds, if any.
25. Proposed storm sewers - site grading/drainage/retention basin(s) w/sizes/ calculations/off-site disposal.



26. Sewage collection/connection locations.
 27. Proposed sanitary sewers - building leads w/sizes/off-site disposal.
 28. Proposed water mains/hydrants/building services with sizes and finish grade elevations.
 29. Distribution plans for: electrical/telephone/TV communications/natural gas/water mains w/services/hydrants/valves/manholes. Include descriptions of easements existing and proposed.
 30. Landscape plan showing all underground utilities/parking islands/planting plan, including plant species, sizes/caliber spacing/location of any tree three-inches caliber or greater to be removed/method by which landscaping is to be completed and maintained/type of ground surfacing (for example, sod, paving, natural state) pedestrian walks, malls, open areas for parks or recreation.
 31. Community buildings, recreational space, swimming pools or architectural pools, if any.
 32. Berm/obscuring wall w/cross sections/fences where required. All dimensions and materials should be noted. (Requires Village Council approval.)
 33. Exterior parking lot lighting plan/shielding.
 34. Location/method of shielding: roof-top mechanicals/transformer pads.
 35. Signage proposed. For office buildings, see Chapter 98 and Chapter 153 of this code. For residential projects, see Chapter 98 and Chapter 153 of this code as well as providing any entranceway detail.
 36. Trash storage. The village code requires indoor trash storage.
 37. Detail any other pertinent facilities.
 38. Such other information as may be required by the village to assist in the consideration of the proposed development.
- C. Submission Information and Technical Review
1. A minimum of 30 days before a scheduled Planning Commission meeting, submit one copy of the completed application and ten copies of the site plan. Fees and deposits as determined by resolution of the Village Council must be submitted concurrently.
 2. The Village Clerk will verify that all fees are paid and will authorize the plans to be reviewed by the village's consultants. The applicant will be given three copies of the approved application. The applicant shall then forward three sets of plans and one copy of the approved application to the village's consulting engineer and planner and to the Chief of the Fire Department serving the Village of Bingham Farms. One copy of the plan shall be kept by the Village Clerk.
 3. After their review, the consultants shall each recommend approval, conditional approval or disapproval of the plan. Conditional approval implies that the concept of the plan appears feasible, but that additional data is required. If conditionally approved or disapproved, the consultant shall cite the reasons in his or her review letter addressed to the Village Clerk which, with the reviewed plans, shall be distributed as follows:

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4. One copy for the office of the Village Clerk;
5. One copy in Engineer/Planner/Fire Department file;
6. One copy to applicant/developer, who shall have a reasonable time to provide the additional information requested.
7. If revised plans are to be resubmitted to the consultants, an additional fee of one-half of the original site plan review administrative fee and one-half of the original deposit amount is required to be submitted prior to submission of revised plans to the consultants. After any additional fees are paid, revised plans should be distributed in the same manner as in division (B) of this section.
8. After a determination by the village consultants, the Village Clerk shall so notify the applicant/developer who shall submit to the Clerk 11 copies of the current site plan a minimum of seven days prior to the next scheduled Planning Commission meeting. The Clerk shall file two copies and forward nine copies of the plan to the Planning Commission with the recommendation letters from the village consultants.

D. Planning Commission Review

1. The Planning Commission shall review the plan and verify that it is in substantial compliance with the village's Comprehensive Development Plan and all applicable village ordinances. It shall consider its recommendation on the plan in light of the standards set forth in **§6.1.**
2. Following its review, the Planning Commission shall advise the Village Clerk, by a copy of its minutes, that the plan is to be transmitted to the Village Council with a recommendation.
3. The Planning Commission may recommend approval, conditional approval or rejection of the plan. Reasons for rejection or the need for additional information to be provided shall be detailed and included in the minutes of the Planning Commission, a copy of which shall be transmitted with the plan to the Clerk, to the applicant/developer and to one or more of the village consultants. Revised plans (plans containing substantial changes) shall follow the requirements set forth in **§6.1.**

E. Council Review

1. Nine copies of the final site plan must be delivered to the Village Office no later than one week prior to the Council meeting.
2. Council shall review the plan and recommendations of the Planning Commission.
3. Council may approve, approve with conditions 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.

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.



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6.2 Special Land Uses

A use specified in and complying with the applicable standards in subsection (4) and the general standards in subsection (3) may be permitted as a special land use in the C-1 District as provided in this division.

- A. Application requirements. A complete application, related fees and deposits as set by resolution of the Village Council must be submitted for special land use approval and shall be filed with the Village Clerk for initial review by the Planning Commission at the first regular meeting that is at least 30 days after all of the following application submittals have been received by the Village Clerk:
 1. A site plan application including all forms, plans, maps, information and fees as provided in **§6.1(A)** through **§6.1(C)**
 2. A statement addressing all general approval standards contained in subsection C and containing all data and information required to ascertain whether the proposed use would be allowed under the specific standards in **Section 6.2.A.2** and the proposed use would be allowed under the specific standards for the district in which the proposed use is located. A statement of the precise use proposed for the property, including but not limited to all accessory uses and the number of persons intended to occupy and/or use the premises.
 3. A statement of governmental facilities and/or services to be required by/or for the use.
 4. A statement of conditions and restrictions that the property owner(s) and applicant, if different, would agree to in the development agreement described in subsection B if the special land use is approved.

- B. Review and approval procedure, conditions and requirements. Applications for special land use approval may be approved, denied or approved with conditions by the Village Council after receiving a recommendation from the Planning Commission and shall be reviewed and processed in the same manner as site plans under **§6.1(D)** through **§6.1(G)**, and as provided in this subsection.
 1. At its initial meeting on a proposed special land use, the Planning Commission shall review the application, may request or recommend changes to the applicant and shall establish the date and time or requirements, for a public hearing to be scheduled before the Planning Commission on the special land use application. Notice of a public hearing before the Planning Commission shall be given as provided in **§7.10**.
 2. After holding a properly noticed public hearing, at the same or subsequent meeting, the Planning Commission shall make a recommendation to the Village Council on approving, denying or conditionally approving the special land use application, with the recommendation to be based on the review and approval standards in subsection (3).
 3. After receiving the Planning Commission’s recommendation, the Village Council may request additional information and/or hold an additional public hearing before making a decision to approve, deny or conditionally approve a special land use application. The Village Council’s decision shall be based on the review and approval standards in subsection (3) and shall be incorporated in a written statement of findings and conclusions to be approved by the Village Council at the time of the decision or at its next regular meeting.



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6.2 Special Land Uses

A use specified in and complying with the applicable standards in subsection (4) and the general standards in subsection (3) may be permitted as a special land use in the C-1 District as provided in this division.

- A. Application requirements. A complete application, related fees and deposits as set by resolution of the Village Council must be submitted for special land use approval and shall be filed with the Village Clerk for initial review by the Planning Commission at the first regular meeting that is at least 30 days after all of the following application submittals have been received by the Village Clerk:
 - 1. A site plan application including all forms, plans, maps, information and fees as provided in **§6.1(A)** through **§6.1(G)**
 - 2. A statement addressing all general approval standards contained in subsection (3) and containing all data and information required to ascertain whether the proposed use would be allowed under the specific standards in subsection (4).
 - 3. A statement of the precise use proposed for the property, including but not limited to all accessory uses and the number of persons intended to occupy and/or use the premises.
 - 4. A statement of governmental facilities and/or services to be required by/or for the use.
 - 5. A statement of conditions and restrictions that the property owner(s) and applicant, if different, would agree to in the development agreement described in subsection (2) if the special land use is approved.

- B. Review and approval procedure, conditions and requirements. Applications for special land use approval may be approved, denied or approved with conditions by the Village Council after receiving a recommendation from the Planning Commission and shall be reviewed and processed in the same manner as site plans under **§6.1(C)** through **§6.1(E)**, and as provided in this subsection.
 - 1. At its initial meeting on a proposed special land use, the Planning Commission shall review the application, may request or recommend changes to the applicant and shall establish the date and time or requirements, for a public hearing to be scheduled before the Planning Commission on the special land use application. Notice of a public hearing before the Planning Commission shall be given as provided in **§7.10**.
 - 2. After holding a properly noticed public hearing, at the same or subsequent meeting, the Planning Commission shall make a recommendation to the Village Council on approving, denying or conditionally approving the special land use application, with the recommendation to be based on the review and approval standards in subsection (3).
 - 3. After receiving the Planning Commission’s recommendation, the Village Council may request additional information and/or hold an additional public hearing before making a decision to approve, deny or conditionally approve a special land use application. The Village Council’s decision shall be based on the review and approval standards in subsection (3) and shall be incorporated in a written statement of findings and conclusions to be approved by the Village Council at the time of the decision or at its next regular meeting.



Section 6.2.B.4 - 6.2.C.3

4. All special land use approvals shall be conditioned on a development agreement as described in subsection 5 below being provided. In addition, the Village Council may impose other reasonable conditions to ensure that public services and facilities affected by the approved use will be capable of accommodating increased service and facility loads caused by the use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.
 5. All special land uses permitted in the C-I Commercial District shall require the submission of a development agreement signed by all property owners and the applicant in a form acceptable for recording with the Register of Deeds and enforceable by the Village Council. The development agreement shall include site operational standards such as, but not limited to: hours of operation; number, placement, maximum area, and method of illumination for all business signs; agreements for site access; maintenance of parking lots, driveways, and landscaping; placement and intensity of outdoor lighting; and other provisions or conditions required by the Village Council's approval.
 6. An approval or conditional approval of a special land use shall not be effective until all approval conditions have been satisfied or provided for and any required changes to the related site plan have been made. Regardless of when a special land use is effective, it shall only be valid for a period of one year from the date of the decision, within which time construction shall be lawfully commenced with all required village and other governmental permits and approvals. The one- year period of validity may be extended by the Village Council.
- C. Review and approval standards. Recommendations by the Planning Commission and decisions by the Village Council on special land use applications shall be based on the standards in this subsection, which are intended to assure compatibility with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the use and consistency with the public health, safety and welfare of the village.
1. Taking into consideration the size, location and character of the proposed land use viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or the orderly development of the surrounding neighborhood or vicinity;
 2. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District;
 3. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing;

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4. The proposed use shall not unreasonably impact upon surrounding property in terms of appearance, noise, dust, fumes, smoke, air, water, odor, light and/or vibration. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use;
 5. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value;
 6. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses;
 7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected;
 8. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein;
 9. The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
- D. Conditions. If approved, the special land use shall be subject to conditions, restrictions and safeguards as are authorized by law and deemed to be necessary by the Village Council.
- E. Application deadline. Application for a building permit for new construction or a certificate of occupancy for a use permitted on appeal by the Village Council in accordance with this section must be made not later than 120 days following the date upon which the Village Council granted approval. Failure to make application within such 120-day period shall result in such approval being null and void; provided, however, the Village Council may grant an extension of the 120-day period for good cause shown and under such terms and conditions as the Village Council shall determine to be necessary and appropriate.

6.3 Violations

Any violation of such approved plan shall be grounds for a Village Building Official to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided. Violations of any plan approved under this subchapter, or failure to comply with any requirements of this subchapter, including any agreements and conditions attached to any approved plan, shall be considered a violation of this subchapter as provided in [§7.11](#).

6.4 Site Condominium Development Regulations

The purpose of this subchapter is to regulate the development of site condominium projects in the Village of Bingham Farms. The regulation will ensure that the objectives of the village’s Comprehensive Development Plan for orderly development and all village ordinances and standards are met with respect to site condominium projects.



Section 6.4.A - 6.4.B.2.a

- A. The following regulations and standards for physical design of a site condominium development shall apply:
1. A site condominium development must meet all requirements for the zoning district in which it is located:
 - a. All references to “lot” in the zoning district requirements shall be understood to mean “building site” as defined in this subchapter in the site condominium development. The building site dimensions shall conform with the minimum lot size requirement in the district in which the site condominium development is to be located;
 - b. All reference to “building” (meaning principal building) or “structure” (meaning principal structure) shall mean and refer to “building envelope” as defined under this subchapter;
 - c. For the purposes of measuring setbacks, the line of the building envelope facing the street shall be designated as the front setback line. In the case of either a corner or a double-frontage building envelope, the front line shall be the line separating said building envelope from that street which is designated as the front street in the request for a building permit;
 - d. In the review of plans it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to developments proposed under, for example, the Subdivision Control Act. However, the review of plans submitted under this subchapter shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act (aside from procedure).
 2. All building sites which do not abut a public road shall abut a private road which shall be constructed in accordance with the village engineering design standards and Oakland County Road Commission standards for full depth asphalt roads or equivalent concrete roads and shall be located on perpetual easements not less than 60 feet wide for roadway and public utility purposes. Private easement roads for developments with building sites exceeding 1½ acres and having a minimum frontage of 200 feet may be constructed with open ditch drainage.
 3. There shall be compliance with all other provisions of this chapter, Chapter 153, Design Review, and all other village codes and ordinances.
 4. All site condominium developments shall be subject to site plan review and the conditions of §6.1.
- B. Requirements for Approval or Preliminary Plan for a Site condominium Development
1. Application requirements. A developer shall submit to the Village Clerk 18 copies of an application and preliminary plan not less than 30 days prior to the regularly scheduled Planning Commission meeting. Fees and deposits as set by resolution of the Village Council must be submitted concurrently.
 2. Application content. Application may be made by letter form and shall contain the following information:
 - a. Name, address and telephone number of the property owner. If the applicant is not the property owner, a notarized affidavit is required from the property owner attesting to his or her concurrence with this submittal;

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Section 6.4.B.2.b - 6.4.B.5.a

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- b. Name, address and telephone number of the developer;
 - c. Legal description of the land involved;
 - d. Statement of purpose of the proposed development, including general indication of expected schedule of development, approximate sales prices of units and any recreational or aesthetic amenities to be included.
3. Preliminary plan content.
 - a. A recent map of the site reflecting area size and boundary line dimensions, as well as all properties and existing structures within 300 feet.
 - b. A computation as to allowable building sites in accordance with zoning district requirements.
 - c. The plan shall be drawn to a scale of not more than 50 feet to one inch for projects less than 20 acres and to a scale of not more than 100 feet to one inch for projects 20 acres or more.
 - d. The plan shall contain proper identification of the parcel of land to be developed and the name of the project.
 - e. The plan shall contain the proposed layout of the individual building sites, streets, roads and any common areas.
 - f. A preliminary utility plan showing all sanitary sewer, water, storm sewer lines and easements to be granted to the village for repair and maintenance of all public utilities.
 - g. A preliminary storm drainage plan.
 - h. Existing and proposed topographical information at a contour interval of at least two feet. Locate any existing or proposed floodway, floodway fringe areas, bodies of water, wetlands or other unbuildable areas. Locate large tree stands and woodland areas.
 - i. Any additional information as requested by the village.
 - j. The plan shall contain the name and address of the developer as well as the name, address and seal of the registered professionals who prepared the plan(s).
 4. Copies of plans. Upon receipt of the application, plans and requisite fees, the Village Clerk shall forward copies to the village's engineering and planning consultants as well as to the Chief of the Fire Department serving the village for their review.
 5. Review of plan. Following review and recommendations by the appropriate parties, the preliminary plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances.
 - a. The Planning Commission shall also ascertain whether it appears, based upon the initial information presented, the preliminary plan will conform with the requirements for site plan review.



Section 6.4.B.5.b - 6.4.E.1

- b. If the preliminary plan conforms in all respects, the Planning Commission may recommend to the Council that the preliminary plan be approved. If the preliminary plan fails to conform, the Planning Commission may either recommend denial of the application or request a revised plan. If the latter occurs, the plan returns to the stage described in **§7.6(D)** and any additional review fees are to be borne by the developer/applicant.
 - c. After recommendation by the Planning Commission, the preliminary plan will be reviewed by the Council.
 - i. If the Council approves the plan, such preliminary plan approval shall confer upon the developer a commitment of approval for a period of one year with regard to the size, shape and layout of building sites and street layout. Such preliminary plan approval may be extended by the Council if applied for by the developer within the effective period.
 - ii. If the plan fails to conform to village requirements, the Council may deny the plan or request a resubmission.
- D. Site Plan Review of Site Condominium Developments.
- 1. Following approval by the Council of the preliminary plan, the applicant/developer may submit for site plan review of the site condominium development.
 - 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. §§ 559.101 through 559.272, as amended.
 - 3. Full engineering plans should be prepared and will be reviewed during the site plan review process.
 - 4. Nine copies of the proposed master deed, by-laws and any additional documentation to be recorded with the Register of Deeds must be submitted as part of the site plan review process. The master deed will be reviewed by the Planning Commission, with the advice of village consultants as deemed appropriate, with respect to all matters subject to regulation by the village, including without limitation, ongoing preservation and maintenance of drainage, retention, wetland and other natural areas and common areas and maintenance of landscaping in common areas.
 - 5. Review of the site plan will be conducted in accordance with the procedures and standards set forth in (E). Council approval of the site plan shall be effective for a period of one year. Such approval may be extended by the Council if applied for by the developer within the effective period.
- E. Preparation and Approval of Final Engineering Plans
- 1. Subsequent to site plan approval, and prior to application for building permits, complete final engineering plans and specifications for construction of storm sewers and drains, sanitary sewers, water mains, roads and any other improvements shall be submitted for approval to the village's consultants, Building Official and any county and state agencies when required.

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2. Prior to construction of any improvements, deposits as set by the village to cover inspection costs must be paid to the village and a permit issued to begin construction of the necessary improvements.

F. Construction of Building Sites

1. Prior to the issuance of building permits for units, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, drainage, water supply and sewage disposal.
2. Prior to the issuance of building permits, all improvements for the development must be constructed. However, the Council may determine that certain improvements need not be completed prior to the issuance of building permits for units on building sites on the condition that all improvements will be completed prior to issuance of a certificate of occupancy. To ensure completion of these improvements, the developer must furnish a cash deposit, certified check or irrevocable bank letter of credit with a bank satisfactory to the village to be deposited with the Village Clerk in an amount determined by the Village Council to be reasonably necessary to complete the work.
 - a. In fixing the amount, the Village Council shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the developer, estimated expenses including legal fees to compel developer to comply by court decree and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all acts and circumstances surrounding each application.
 - b. The performance guarantee shall be deposited at the time of issuance of the permit authorizing construction of the first unit. The Village Council may not require the deposit of the performance guarantee before the date on which the Village Building Official is prepared to issue the permit.
 - c. The Village Council shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as the work progresses.
3. Prior to issuance of a permit for construction of a particular building envelope, all requirements of the Design Review Board ordinance set forth in Chapter 153 for single-family residential dwellings must be met.
4. Requirements for certificate of occupancy for each building site:
 - a. Prior to the issuance of the first certificate of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction, and the Building Official or his or her designee shall determine that all site condominium development improvements have been completed in accordance with the approved plans and that all



Section 6.4.F.4.a.i - 6.4.G.6

- i. If the Building Official determines that a temporary certificate of occupancy may be issued prior to full completion, such temporary certificate of occupancy may be granted for a specified period of time on the condition that a suitable cash deposit or irrevocable letter of credit issued by a bank approved by the village in a form and amount approved by the Building Official following advice of village consultants is made with the village;
 - ii. The deposit shall be in an amount equal to 1½ times the cost of the improvement based upon either a contract executed for completion of the improvement or estimate of the cost by the village consulting engineer as determined appropriate by the Building Official;
 - b. Prior to issuance of the initial certificate of occupancy for the development, monuments as described in **§7.6(H)** shall be in place;
 - c. Prior to issuance of a certificate of occupancy for an individual building envelope, the following requirements must be met:
 - i. Two copies of an “as-built” survey must be submitted to and approved by the village consulting engineer;
 - ii. All final inspections must be completed by the City of Southfield Building Department and a letter to that effect forwarded to the village office;
 - iii. All fees associated with the construction of that particular building envelope must have been paid or a deposit provided therefor.
- G. Additional Regulations Applicable to Site Condominium Developments
1. Monuments required. All condominium projects which consist in whole or in part of condominium units which are building sites or recreational sites shall be marked with monuments as provided for in this section.
 2. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 3. All monuments used shall be made of solid iron or steel bars at least ½ inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 4. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 5. If the required location of monument is an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 6. If a point required to be monumented is on a bedrock outcropping, a steel rod at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

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a depth of at least eight inches.

7. All required monuments shall be placed flush with the ground where practicable.
8. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch in diameter or other approved markers.
9. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village Clerk a certified check or cash in an amount not less than \$100 per monument and not less than one \$1,000 in total. Such deposit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
10. Copies of as-built plans. Two copies of “as-built” plans for all constructed improvements are required upon the completion of those improvements.
11. Copy of master deed; amendment to master deed.
 - a. One copy of the recorded master deed and any restrictive covenants must be supplied to the village office.
 - b. Any proposed amendment of the master deed which would involve any subject matter reviewed or reviewable under this subchapter shall be reviewed by the Planning Commission and approved by the Council prior to recordation.
12. Expansion of development. Any expansion or conversion of, or change to, an approved site condominium development requires that the new or revised proposal undergo the same procedures as described above for the initial submission.



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7.1 Zoning Board of Appeals

The Village Council shall act as a Board of Appeals upon all questions arising under this chapter and may fix rules and regulations to govern its procedure sitting as such Board of Appeals.

- A. Compensation. The members of the Board of Appeals shall serve without compensation.
- B. Officers of the Board. The Board shall annually elect from among its members a Chairperson, Vice-Chairperson, Secretary and such other officers as it may determine, each of whom shall hold office for one year and until his or her successor is duly elected.
- C. Powers and Duties. The authority, powers and duties of the Board shall be as follows.
 - 1. Except as otherwise specifically provided herein, the Board shall have all of the powers and duties of a Zoning Board of Appeals as set forth or authorized by the provisions of Public Act 110 of 2006, being M.C.L. §§125.3101–125.3702, as amended.
 - 2. The Board shall also have all of the authority, powers and duties given to such Board under the provisions of this chapter, including the authority to act on all matters which by such provisions require the action or approval of the Board.
 - 3. Reversal or Affirmation.
 - a. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom an appeal is taken.
 - b. Except as provided for herein below, an affirmative vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this chapter, or to effect any permitted non-use variation of the requirements of this chapter.
 - 4. Power to Grant Variance.
 - a. Where in particular instances there would be practical difficulties or unnecessary hardship in complying with the strict letter of this chapter, such Board shall have the power upon appeal to allow a variance in those instances from any of the rules, regulations or provisions of this chapter, provided that the spirit, purposes and provisions of this chapter shall be observed to the maximum extent possible, public safety secured and substantial justice done.
 - b. Such instances may include, but not be limited to, variances for a new use or structure as may be necessary to obtain an improvement of a parcel of land which has such size, shape or dimension or which has such peculiar or exceptional geographical or topographical conditions that it cannot be improved without such variance and a physical change of a nonconforming structure which does not aggravate the nonconformity.

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5. A variance may only be granted by the Board when all of the following conditions are established:
 - a. Except for use regulations, upon a finding that practical difficulty exists which requires a demonstration by the applicant of all of the following:
 - i. Strict compliance will be unnecessarily burdensome or unreasonably prevents the owner from using the property for a permitted purpose;
 - ii. The variance will do substantial justice to the applicant and other property owners;
 - iii. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners;
 - iv. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district;
 - v. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors;
 - b. For a use regulation, upon a finding by the concurring vote of two-thirds of the members of the Board that unnecessary hardship exists, which requires a demonstration by the applicant of all of the following:
 - i. That the property cannot be reasonably used for a purpose permitted in the zoning district;
 - ii. The variance will not alter the essential character of the area;
 - iii. The spirit of the ordinance will be observed, public safety secured and substantial justice done if the variance is approved;
 - iv. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district;
 - v. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors;
 - c. The appellant must establish that the proposed variance will not alter the essential character of the surrounding property and locality;
 - d. In the case of a use variance, a finding of unnecessary hardship must be made; or
 - e. In the case of a non-use variance, practical difficulty must be established by the applicant.
6. An appeal shall be made in writing and in accordance with any rules adopted by the Board, and shall be filed with the Village Clerk who shall forthwith transmit it to the Board with all pertinent papers and records. The Board shall fix a reasonable time for a hearing on the appeal and give notice thereof as required by **§7.10**. Upon the hearing, any party may appear in person or by agent or attorney. For specified reasons, the Board may adjourn a hearing to a specific date and time without the need for new notices, with the decision of the Board to be made within a reasonable time after conclusion of the hearing.



Section 7.1.C.7 - 7.1.C.9

7. In all of its deliberations and decisions, the Board shall give careful consideration to avoid wherever possible:
 - a. Adversely affecting the purposes or objectives of this chapter;
 - b. Impairing the adequate supply of light and air to adjacent property;
 - c. Increasing the hazard from fire, flood and other damages;
 - d. Diminishing the marketable value of adjacent lands and buildings;
 - e. Increasing the congestion in the public streets;
 - f. Otherwise impairing the public health, safety, comfort and general welfare.
8. Conditions
 - a. The Board may impose reasonable conditions in connection with an affirmative decision. The conditions may include requirements necessary to ensure that public services and facilities affected by a proposed planned use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements
 - i. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - iii. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 - b. Conditions imposed with respect to the approval of a variance shall be recorded as part of the Board minutes, and shall remain unchanged except upon the mutual consent of the Board and the landowner following notice and hearing as required in a new case. Moreover, to ensure adequate notice of the decision and conditions imposed, the Board may require as a condition to the effectiveness of relief granted that the property owner record with the Oakland County Register of Deeds, in a form acceptable to the Board, an affidavit detailing the relief granted and conditions imposed.
9. A decision by the Board shall be considered as final as of the date of the meeting at which it is made. Unless the Board is requested to and specifies otherwise in its decision, relief granted by the Board shall be valid for a period of one year from the date of the decision, within which time on-site improvement of the property in accordance with the relief granted and all other required village and other governmental permits, approvals and conditions must be commenced and substantial progress made towards completion of the improvement or the relief granted shall be deemed void.

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7.2 Zoning Compliance Permit

- A. It shall be unlawful to commence the excavation of any building or other structure, including an accessory building or structure, or commence the moving or alteration of any structure, including accessory building, costing more than \$100 or exceeding 100 square feet in floor area until the Building Official has issued for such work a zoning compliance permit, including a certification of his or her opinion that building and site plans, specifications and intended use of such structure do in all respects conform to the provisions of this chapter.
- B. It shall be unlawful to change the type of use of land or change the type of use or occupancy of any building or to extend any use on any lot on which there is a nonconforming use until the Building Official has issued for such intended use a zoning compliance permit. In all cases where a building permit is required, application for a zoning compliance permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be in writing to the Building Official on forms provided for that purpose. A record of all such applications shall be kept on file by the Building Official. Any zoning compliance permit issued under the provisions of this chapter shall be valid for a period of six months following the date of issuance thereof. When the Building Official receives an application for a zoning compliance permit which requires the Board of Zoning Appeals approval, he or she shall so inform the applicant. Before a zoning compliance permit shall be issued, an inspection fee shall be paid in the amount fixed by schedule established by resolution of the Village Council.
- C. A condition of every zoning compliance permit for buildings and structures with a foundation is that the engineer/surveyor certification required by **§7.3(C)** be provided to the village and the construction code enforcing agency at the time and as a condition of the foundation inspection under the construction code, or if no construction code permit is required, prior to the issuance of any certificate of occupancy. No building or structure or use for which a zoning compliance permit has been issued shall be used or occupied until the Building Official has, after final inspection, issued a certificate of occupancy indicating his or her opinion that all the provisions of this chapter are being complied with. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this chapter.
- D. The issuance of a temporary certificate of occupancy for a portion of a building or structure which is in the process of completion may be issued, subject to the following requirements:
1. Such portion or portions of the building or structure may be occupied safely, and without endangering life or public welfare, based upon the current level of completion of the building or structure.
 2. The temporary certificate shall not be effective for a period of time in excess of six months. The six-month period of time may be extended if requested by the property owner and on the condition that work is progressing toward completion of the building or structure.
 3. The portion of the building or structure to be occupied shall be in conformity with the provisions of applicable codes and ordinances.



- 4. A temporary certificate of occupancy shall not be issued or approved for issuance unless a performance guarantee in the amount and form required by §7.9 and the engineer/surveyor certification required by §7.3.C, are provided.
- E. Any violation of this section may be punished as a municipal civil infraction pursuant to § 32.03, but the fines imposed upon a finding of responsibility shall be as follows: for the first offense, \$500, and for each repeat offense, \$1,000.

7.3 Grading Plans

- A. Every application for a zoning compliance permit shall be accompanied by a grading plan.
- B. The grading plan shall:
 - 1. Provide a sloping grade which will cause the flow of surface water to run away from the walls of every building;
 - 2. Identify finished floor elevations of the basement floor and grade story floor and invert elevations of sewers;
 - 3. Identify on and within 50 feet of the lot:
 - a. Flood plains;
 - b. Existing and proposed grading at maximum of two-foot contour intervals;
 - c. Existing and proposed buildings and structures, including streets and driveways;
 - d. Plans for all drainage provisions, retaining walls, cribbing, planting and erosion control measures;
 - e. Other information or data as may be required by the village, such as but not limited to, soil investigations or civil engineering report on runoff as reasonably necessary to evaluate the applicant's compliance with this chapter;
 - 4. Not create a hazard or nuisance on adjacent properties;
 - 5. Be in conformance with:
 - a. Any applicable grading plan for a subdivision plat or site plan that has been approved by the village or a grading plan for a geographical section of the village adopted by the Village Planning Commission pursuant to the Municipal Planning Commission Act, Public Act 285 of 1931, § 8, being M.C.L.A. §§ 125.31 through 125.45;
 - b. Any permit issued pursuant to the soil erosion and sedimentation control requirements of Public Act 451 of 1994, as amended or replaced, being M.C.L.A. §§ 324.9101 et seq.;

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- 6. The grading plan may be incorporated as part of other documents such as architectural site plans or soil erosion control plans so long as the information required herein is clearly provided. The Building Official may in writing waive in part or in entirety the submission requirements of this section for minor work which in his or her judgment would in no significant way affect adjacent property or the public health, safety and welfare. Such waiver shall not, however, waive compliance with the standards hereof;
 - 7. The Building Official shall refer the grading plan to the Village Engineer for review and recommendation except in such cases as the Building Official in his or her judgment finds such engineering review unnecessary. Any fees involved in this review shall be paid by the applicant.
- C. All construction, excavation, grading and other work or activities shall be conducted in conformity and compliance with the approved grading plan and no temporary or permanent certificates of occupancy for a structure disclosed on the grading plan and covered by the zoning compliance permit shall be issued or approved for issuance until the Village has received a certification by a registered engineer or surveyor that the structure's "as-built" location and elevation (grade) conforms to the approved grading plan and requirements of the zoning compliance permit or otherwise complies with the requirements of this chapter.

7.4 Floodplain Use Permits

- A. Where it is determined that proposed new construction or substantial improvement will be located in a flood hazard area or special flood hazard area, as such are defined in the State Construction Code and shown on the applicable Flood Insurance Study and corresponding Rate Map, the Building Official shall implement the applicable provisions of the State Construction Code according to its terms.
- 1. Applications for floodplain use permits shall be referred by the Building Official to the Village Council for review and consideration, pursuant to and in accordance with § G104 of Appendix G to the Michigan Building Code, as to whether or not a resolution of approval should be adopted.
 - 2. The Village Council may request advisory recommendations from the Village Engineer, the cost of which shall be borne by the applicant.
 - 3. The Village's Zoning Board of Appeals shall hear and decide requests for variances pursuant to § G105 of Appendix G of the Michigan Building Code.
- B. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this subchapter.
- C. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations must be designed to insure flood-carrying capacity will be maintained.



- D. There shall be no mobile homes, mobile home parks or subdivisions permitted within the floodplain or the floodway areas of the village.
- E. The degree of the protection required by this subchapter is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this subchapter shall not be considered a guarantee or warranty of safety from flood damage. This subchapter does not imply that areas outside of the flood hazard area will be free from flood damage. This subchapter does not create liability on the part of the Village of Bingham Farms or any officer or employees thereof for any flood damage that results from reliance upon this subchapter or any administrative decisions lawfully made thereunder.

(O.C. § 5.97) (Am. Ord. 201, passed 8-8-06)

7.5 Building Permit

- A. For any approved site plan, a building permit must be obtained within 12 months of the date of site plan approval or else the site plan approval shall be deemed null and void without any further action by the village, unless an extension is requested by the petitioner in writing prior to the expiration date of the site plan approval.
- B. An extension request may be granted by the Village Council for up to an additional six months, after a recommendation from the Planning Commission. The request for extension shall be reviewed in relationship to any change in ordinance requirements, development or surrounding land uses and adjacent properties and the expansion or provision of public facilities and utilities (roads, sewers and the like).

7.6 Nonconforming Uses, Buildings and Structures

- A. Nonconformance Regulated. Any lawful use of the land or buildings existing at the time of adoption of this chapter or amendments hereto, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use and not in violation of this chapter or amendments thereto; provided, however, that a nonconforming use shall be subject to, and the owner comply with, the regulations in this subchapter.
- B. Nonconforming uses of land. Where at the time of adoption of this chapter or amendments hereto lawful use of land exists, which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a state equalized valuation exceeding \$500, the use may be continued so long as it remains otherwise lawful, provided:
 - I. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of adoption or amendment of this chapter;

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2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;
 3. No structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.
- C. Nonconforming uses of structures. If lawful use involving individual structures with a state equalized valuation of \$500 or more, or of structure and premises in combination, exists at the time of adoption this chapter or amendments hereto that would not be allowed in the district under the terms of this chapter, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located;
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;
 3. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status.
- D. Nonconforming structures. Where a lawful structure exists at the date of adoption of this chapter or amendments hereto that could not be built under the terms of this chapter by reasons of restriction on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
 2. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- E. Repairs and maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the current state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zone in which it is located.



- F. Reconstruction of damaged nonconforming buildings and structures.
 - 1. Nothing in this chapter shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, Acts of God or acts of public enemy subsequent to the effective date of this chapter wherein the estimated expense of such reconstruction does not exceed 100% of the current state equalized valuation of the entire building or structure at the time such damage occurred. Such estimated expense shall be subject to the concurrence of the Building Official, whose decision shall be subject to the Zoning Board of Appeals. Such restoration and resumption shall take place within six months of the time of such damage and shall be completed within one year from the time of such damage, and provided further, that said use shall be identical with the nonconforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Official may grant a time extension, provided that the property owner submits a certification from the insurance company attesting to the delay.
 - 2. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access by the public who may be attracted to the premises.
- G. Forfeiture of right to continue nonconforming use.
 - 1. If such nonconforming use of land ceases for any reason for a period of more than 30 days or a nonconforming use which is seasonal in nature is discontinued or does not open for business during a 12-month period, any subsequent use of such land shall conform to the regulations specified by this subchapter for the district in which such land is located.
 - 2. When a nonconforming use of an existing building is discontinued through vacancy, lack of operation or other similar condition for a period of six months or more, any subsequent use of such building shall conform to the regulations specified in this subchapter for the district in which such building is located.
 - 3. No conforming use of land or of a building, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

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- H. Change of tenancy or ownership. There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.
- I. Certificate of occupancy.
 - 1. At any time after the adoption or amendment of this chapter should the village become aware of a nonconforming use, the owner of the nonconforming use shall be notified by the Village Clerk of the provisions of this section and that his or her property constitutes a nonconforming use. Within 30 days after receipt of the notice, the owner may apply for and may be issued a certificate of occupancy by the Building Official for the nonconforming use. The application for such certificate shall designate the location, nature and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy.
 - 2. Within six months after the adoption of this chapter or any amendments hereto, the Building Official shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures existing at the time of this chapter or amendments hereto. The record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land and the nature and extent of use. The list shall be available in the office of the Village Clerk.
 - 3. Notwithstanding the above, in the event that the Building Official or the Village Clerk do not notify the owner(s) of a nonconforming use and make a record of same, such omission shall not cause the use to become conforming, nor grant to the owner(s) any greater status for said use or property than would be the case had such a notification and record occurred.

7.7 Zoning Amendments

- A. Authority. This chapter may be amended from time to time pursuant to the provisions of Public Act 110 of 2006, being M.C.L. §§ 125.3101–125.3702, as amended.
- B. Application.
 - 1. An amendment to the text of the zoning ordinance shall be submitted for consideration by the Planning Commission and Village Council, in accordance with Public Act 110 of 2006, being M.C.L. §§ 125.3101–125.3702, as amended. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request, shall be included in the petition.
 - 2. An amendment to the zoning map shall be submitted in writing for consideration by the Planning Commission and Village Council, in accordance with Public Act 110 of 2006, being M.C.L. §§ 125.3101–125.3207, as amended. A description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request, shall be included in the petition.



- C. Standards for approval. When reviewing an amendment request, the village may consider, but shall not be limited to: future land use recommendation in the Village Master Plan; goals and objectives in the Village Master Plan; the availability and capacity of utilities; ability of the property to be used as zoned; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.
- D. Notice. Notice of an amendment to the zoning ordinance shall be given in accordance with the process set forth in §7.10.
- E. Protest. If a protest to an amendment be presented duly signed by the owners of at least 20% of the area of land included in the proposed change, or by the owners of at least 20% of the land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, excluding any publicly owned land, the amendment shall not be passed except by a three-fourths vote of the Council.

7.8 As-Built Plans

A condition of every building/zoning compliance permit and grading plan approval and requirement for a final certificate of occupancy under §7.2, §7.3, and §7.5, is the delivery to the Village Clerk of "as-built" plans, certified to the village by a registered engineer or surveyor and showing that all structures and other site improvements have been located and constructed in conformity with the village approved plans or are otherwise in compliance with the requirements of this chapter.

7.9 Performance Guarantees

- A. To ensure compliance with this chapter and any permits, certificates, approvals or conditions imposed under it that identify and require certain site improvements to be completed as necessary to protect natural resources or the health, safety and welfare of the residents of the village and future users or inhabitants of a proposed project or project area, a performance guarantee may be required prior to issuance of any temporary certificate of occupancy. Performance guarantees shall be in the form of a cash deposit or irrevocable bank letter of credit in a form approved by the Village Attorney, be deposited with the Village Clerk and shall be in an amount determined as provided in division (C) for site improvements, including but not limited to streets, drives, parking lots, handicapped parking signs, dumpster pads and enclosures, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities and all other improvements as required by a village approved site, grading or other plan, zoning compliance permit or other village ordinance. The village will not require a performance guarantee under this section for improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

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- B. The site improvements to be completed and for which a performance guarantee will be required prior to issuance of a temporary certificate of occupancy shall be identified by the village entity or official at the time of plan approval or permit review and be listed on or attached to the zoning compliance permit. For each such item, prior to permit issuance the permit applicant shall provide the Village Clerk with a cost estimate or contract from a qualified contractor.
- C. An applicant for a temporary certificate of occupancy under **§7.2(D)** shall provide a performance guarantee in an amount determined as provided below for any required site improvements that have not been completed at that time. For each such improvement, the applicant shall provide the Village Clerk with a current cost estimate or contract from a qualified contractor for completion of the improvement within the next six months. The Village Clerk shall refer the applicant's cost estimates or contracts to the Village Engineering and/or Planning Consultants for review and written recommendation on the amount of the performance guarantee to be required, which at a minimum shall be the applicant's estimates or contracts plus a 10% contingency, and an administrative fee equal to 25% of that amount and which shall also take into account the size and scope of the overall project and incomplete site improvements, current and likely future costs to the village of actually completing the site improvements, cost of as-built drawings for the entire project, estimated enforcement and legal fees and expenses, and other relevant factors and conditions. Based on the written recommendation of the Village Engineering and/or Planning Consultants, the Village Clerk shall provide the recommendations and a written notice to the applicant of the required performance guarantee amount, and upon it being delivered, shall issue or approve the issuance of a temporary certificate of occupancy as provided in **§7.2(D)**.
- D. If required site improvements for which a performance guarantee is provided are not satisfactorily completed within the time allowed or required by the temporary certificate of occupancy or terms and conditions of the performance guarantee, the village shall have the authority to use the performance guarantee to have the site improvements completed and reimburse itself for all costs whatsoever for such work including administrative costs and attorney fees, consulting fees and similar costs.
- E. Cash performance guarantees shall be rebated by the village in reasonable proportion to the ratio of work that is satisfactorily completed on a site improvement. Rebates shall be made in response to a written application by the holder of the temporary certificate of occupancy. Upon receipt of an application, the Village Clerk shall request inspection and written certification by the Village Engineering and/or Planning Consultants of the portion of work performed and remaining. Upon receiving the Village Engineering/Planning Consultant certification(s) the village shall rebate an amount consistent with the certifications, provided that under no circumstance shall the rebate result in the remaining performance guarantee for a site improvement being less than the current cost to complete plus a 10% contingency. All required inspections for improvements for which the cash deposit is to be rebated shall have been made prior to any rebate being made.
- F. The provision of a performance guarantee only authorizes a temporary certificate of occupancy and no full or final certificates of occupancy will be issued or approved for issuance until all required site improvements have been satisfactorily completed.



7.10 Public Notice & Hearing Requirements

Public notice and hearing requirements. All applications for development approval, zoning ordinance text or map amendments, variances or other deliberations requiring a public hearing under the terms of this chapter shall comply with Public Act 110 of 2006, being M.C.L. §§ 125.3101–125.3702, as amended, and the provisions of this section with regard to public notification.

- A. When the provisions of Public Act 110 require that notice be published, the Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the village, and having it mailed or delivered as provided in this section.
- B. All published, mailed or personally delivered notices shall:
 - 1. Describe the nature of the request.
 - 2. Indicate the property that is the subject of the application.
 - a. The notice shall include a listing of all existing street addresses within the property.
 - b. If there are no street addresses, other means of identification may be used.
 - c. Street numbers are not required when 11 or more adjacent parcels are proposed for rezoning, or when the application is for an ordinance interpretation not involving a specific parcel of property.
 - 3. State when and where the request will be considered.
 - 4. Indicate when and where written comments will be received concerning the application.
 - 5. Be given not less than 15 days before date the request will be considered.
- C. If a hearing involves a request for a special land use, an interpretation of the zoning ordinance by the Zoning Board of Appeals, an appeal of an administrative decision, or consideration of a zoning map amendment, in addition to the published notice required above, notice shall also be sent by mail or personal delivery to the owner or owners of property for which an application has been submitted, or to the person who requested the interpretation or filed the appeal.
 - a. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the village.
 - b. For a variance request to the Zoning Board of Appeals, notice shall be sent to all persons to whom real property is assessed, and to the occupants of all structures, within 1,000 feet of the property, regardless of whether the property or occupant is located in the Village.

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7.II Penalties

- A. Any person who shall violate any provision of this chapter shall be deemed responsible for a municipal civil infraction and upon a determination of responsibility shall be punished pursuant to § 32.03. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the requirements of this chapter.
- B. In addition to any other power or penalty herein provided, the village will be entitled to remove any structure not permanently fixed to the land and any material, including any advertising material or paraphernalia on any land within the village whose use, storage or existence thereon is not in conformance with this chapter. If the same is not removed within five days after written notice is given in person or by mail either to the owner or to the occupant of the land to remove the same, the village will also be entitled to collect from either or both the owner or occupant of the land the cost of removing and storing same. If the cost is not satisfied and the property is not claimed within five days after written notice of its removal to either the owner or the occupant of the land, the same may be disposed of by the village by such means as it deems feasible and the proceeds, if any, used to satisfy such cost and any other penalty due under this chapter.
- C. A violation of this chapter or a regulation, condition or requirement imposed under this chapter is a nuisance per se which shall be ordered abated by the court and which the owner and/or agent in charge of the property shall be liable for maintaining. In addition to all other remedies, including the penalties provided in this section of this chapter, the village may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction to restrain or prevent any noncompliance with or violation of any provisions of this chapter or to correct, remedy or abate such noncompliance or violation.
- D. Any cost incurred by the village in bringing about compliance with this chapter is provided for in division (B) of this section in which the village has not been reimbursed may be made a lien against the lot involved by a resolution of the Council placing the amount of the unreimbursed cost on the village tax rolls in the same manner as though assessed against the lot as a special assessment.

