

**Village of Beverly Hills  
Planning Commission Meeting  
Wednesday, December 16, 2020**

**Municipal Building  
18500 W. 13 Mile Rd.  
7:30 p.m.**

**Virtual Meeting Link:** <https://us02web.zoom.us/j/84550562220>  
**Meeting ID:** 845 5056 2220  
**Dial In:** 646 876 9923

### **AGENDA**

1. Roll Call.
2. Approve Agenda.
3. Review and consider approval of regular Planning Commission minutes of meeting held November 18, 2020.
4. Public comments on items not on the published agenda.
5. Public hearing on proposed amendments to Chapter 22, Section 22.28.020 Off-Street Parking Requirements and Chapter 22, Section 22.26 Single Family Residential Cluster Development.
6. Review and consider recommendation to Village Council on proposed amendments to Chapter 22, Section 22.28.020 Off-Street Parking Requirements.
7. Review and consider recommendation to Village Council on proposed amendments to Chapter 22, Section 22.26 Single Family Residential Cluster Development.
8. Discussion on Master Plan Action Items.
9. Public comments.
10. Liaison comments.
11. Administration comments.
12. Commissioners' comments.

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village Clerk by writing 18500 W. Thirteen Mile, Beverly Hills, MI 48025 or calling (248) 646-6404.

Present: Chairperson Drummond; Vice-Chairperson Stempien; Members: Copeland, Grinnan, Ostrowski, Ruprich, Westerlund, Wilensky, and Wright  
All commissioners participated remotely via Zoom from Beverly Hills, Michigan.

Absent: None

Also Present: Planning and Zoning Administrator, LaPere  
Village Clerk/Assistant Manager, Rutkowski  
Planning Consultant, Borden  
Council Liaison, Hrydziuszeko

Drummond called the regular Planning Commission meeting to order at 7:30 p.m. virtually via Zoom due to the ongoing COVID-19 pandemic.

### **APPROVE AGENDA**

Motion by Westerlund, second by Ruprich, to approve the agenda as published.

Roll call vote:  
Motion passed (9-0)

### **REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD OCTOBER 28, 2020**

Motion by Westerlund, second by Grinnan, to approve the minutes of a regular Planning Commission meeting held October 28, 2020.

Roll call vote:  
Motion passed (9-0)

### **PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

None

### **DISCUSSION ON MICHIGAN ASSOCIATION OF PLANNING ANNUAL CONFERENCE TOPICS**

LaPere provided an overview of the Michigan Association of Planning annual conference, which was held virtually October 7th through 9th. A number of the topics covered pandemic-focused themes on planning and zoning issues. In addition, social justice and the role of planning was another main theme. The keynote speaker was Richard Rothstein, author of Color of Law, who discussed the history of discriminatory housing and education policies at the local, state, and federal levels that have led to the current state of communities and discussion on how to implement positive changes.

There were a number of sessions on economic development, especially in response to the pandemic situation and resulting uncertainty. The law update covered a number of important legal rulings that have been issued this past year; including cases on signs, marijuana regulation, and zoning board of appeals decisions. Additionally, there are a number of pending legislative updates that may have implications for the Village, including potential state-wide allowance for short term rentals and additional marijuana regulations. A copy of the session list with brief descriptions was provided to the Commission for review and further discussion.

Westerlund commented on complete streets, bike lanes, and street diets.

Grinnan commented on the conference session regarding retail during the pandemic.

The Commission discussed the design of and speed limit on Southfield Road between 13 and 14 Mile Roads.

### **DISCUSSION ON REDEVELOPMENT READY COMMUNITIES PROGRAM – PROGRESS UPDATE**

LaPere provided an overview and background information on the Redevelopment Ready Communities Program. The Village Council passed a resolution to engage in the Redevelopment Ready Communities (RRC) program at the meeting held July 27, 2020. Since that time the Village has been working with the Michigan Economic Development Corporation (MEDC) to conduct the self-evaluation portion of the process towards certification. Next, the MEDC will conduct a review of the current processes, policies, and procedures to create a base-line report that will outline areas where the Village meets best practices and where the Village needs to make improvements. Upon receipt, the Village can then begin work towards achieving certification. Some of the modifications will be administrative-focused, for example updating internal processes or clarifying information on the Village website. Other areas for improvement may include updates to ordinances or other policy changes that will involve Planning Commission and Village Council.

One item that will require Planning Commission involvement is adoption of a Capital Improvements Plan. This is a six-year planning document that evaluates expenditures across departments to ensure a coordinated effort is undertaken when expending public dollars for capital projects. The Plan should be updated annually to ensure prioritization matches current fiscal conditions and community needs. Other areas that involve Planning Commission include updates to the Zoning Ordinance, as well as improvements to public engagement processes, training and engagement for appointed officials, joint meeting and annual reporting, and any updates to the Master Plan or Village Center Plan.

LaPere outlined some of the benefits of participating in the program such as: streamlining processes and procedures internally; receiving an outside review of planning, zoning and development plans, processes and policies; certified RRC is required to be eligible for other community development incentives; technical assistance match funding available; and MEDC will promote up to 3 redevelopment sites upon certification, including assistance in the development of site marketing materials and bringing those materials to conferences and events both in Michigan and across the country. Certification is a three-step process that takes place over a period of time, typical range is 1 to 3 years from engagement to certification. A copy of the best practices document was provided to the Commission.

Westerlund stated that the Village should take advantage of these opportunities.

### **DISCUSSION ON MASTER PLAN ACTION ITEMS – UPDATE**

LaPere provided an update regarding the Village Master Plan, which was adopted in March 2016. An Action Plan table was created to help guide implementation efforts towards realizing the goals outlined in the Plan. A copy of the chart was provided to the Commission. Since adoption, a number of the tasks have been completed including amendments to the ordinance to add standards

for rezoning and conditional rezoning requests, update use tables, and priority updates to other areas of the Zoning Ordinance.

Planning Commission and Council held the annual joint meeting in February 2020 and discussed further amendments to the Zoning Ordinance, including updates to the sign and parking regulations as well as completion of the PUD ordinance. Unfortunately, the COVID-19 pandemic has upended some of the planned work for 2020 and delayed adoption of ordinance language that was drafted earlier in the year. Currently, we have amendments for PUD and parking regulations drafted and ready for public hearing and consideration by Council.

In addition to concerns raised regarding conformance with the Supreme Court ruling on content neutrality, this year has seen the courts rule on other aspects of sign ordinances that may impact the Village. Administration is working with the Planning Consultant and Village Attorney to review those rulings and make recommendations for changes to the sign ordinance accordingly. We have also drafted language to update the Zoning Board of Appeals section of the Zoning Ordinance to clarify standards in conformance with the Michigan Zoning Enabling Act requirements.

As part of our participation in the RRC program, the Village will be working on a number of Action Items, including Z3 – Site Plan Review, P2 – Village Center (marketing efforts), and P5 – CIP. As a recommending body, the Planning Commission works under the direction of the Village Council. Accordingly, a joint meeting with Council will be held in February to discuss the policy goals and project prioritization for the next year. Lastly, the Michigan Planning Enabling Act, Section 125.3845 requires the Planning Commission review the Master Plan at least every five years upon adoption. Therefore, the Commission must conduct that review next year and make a determination as to the status of the current Master Plan.

The Commission discussed their previous work on the Parking and PUD Ordinances earlier this year and having the public hearings on these items take place at the next meeting.

Ostrowski suggested aligning the Redevelopment Ready Communities Program priorities with the Master Plan priorities.

Drummond noted that the Commission will set priorities at the January meeting to prepare for the February joint meeting with the Village Council.

#### **PUBLIC COMMENTS**

None.

#### **LIAISON COMMENTS**

Hrydziuszko provided an update on the election results, stating the millage renewal passed and two new people would be joining the Village Council. She is interested in a Safe Routes to School grant opportunity.

#### **ADMINISTRATION COMMENTS**

LaPere gave an update on the Electronic Meetings rules that Council recently passed, which also apply to the Commission.

**COMMISSIONERS' COMMENTS**

The Commissioners wished one another a Happy Thanksgiving.

Stempien congratulated Allie Ruprich on a win against Florida.

Westerlund stated the flood light on a sign on 14 Mile Road is very bright for drivers.

Drummond asked about the status of the proposed day care on Lahser. He asked the Commissioners to review the Master Plan. He thanked Hrydziuszko for her work as the Council liaison to the Planning Commission.

**ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.

**Andrew Drummond**  
**Chairperson**

**Kristin Rutkowski**  
**Village Clerk**



To: Chairperson Drummond; Planning Commissioners

From: Erin LaPere, Planning & Zoning Administrator

Date: December 9, 2020

Re: Public hearing and recommendation on proposed amendments to Offstreet Parking Regulations and Cluster Development to replace with Planned Unit Development.

At the regular Planning Commission meeting held February 26, 2020 administration was directed to schedule a public hearing for the April 2020 meeting to receive public input on draft language adding PUD and updated parking regulations to the Zoning Ordinance. Subsequently, the COVID-19 pandemic caused disruption of regularly scheduled meetings. Given the varying restrictions on in-person gatherings and unpredictable nature of the spread of the virus, the Village chose to withhold public hearings barring those necessary to maintain municipal operations. This decision was made with the hope that the situation would be controlled quickly and normal operations would be possible this year. Unfortunately, that has not come to pass therefore we are proceeding with work that has been on-hold during this time. Accordingly, at the meeting held November 18, 2020 the Planning Commission directed administration to proceed with scheduling a public hearing for both matters.

Procedurally, upon conducting the public hearing, Planning Commission may make a recommendation to Village Council on approval of the proposed language. Village Council will also be required to hold a public hearing along with a first and second reading of the proposed amendments before approval.

### **Parking Regulations**

In 2019, the Village adopted revisions to the allowable uses in all the Zone Districts. Subsequently, the Planning Commission, administration, and planning consultant prepared updates to the parking regulations. The rationale for the updates was two-fold. First, the revised uses introduced previously unspecified uses in the various districts. This will bring the parking standards in alignment with the current use regulations to ensure there are clear, specific parking regulations for each use. Secondly, the parking regulations were last updated in 2010 and recommendations for parking standards have changed in the past decade. These revised standards modernize Village ordinance standards with current recommendations and are consistent with similar communities.

In the interim, the proposed changes were modified to reflect consistent numbering throughout the chart and a clean version is attached for the Planning Commission's review and consideration. Also attached is the memo, and red-lined and clean versions of the proposed language from February.

### **PUD language**

In 2019, the Village Council directed Planning Commission and administration to draft Planned Unit Development (PUD) language. Over the course of the year, the existing cluster development language was reviewed and PUD language was drafted to replace the outdated section. The rationale for replacement is outlined in detail in the attached memo dated February 19, 2020; in summary the current cluster language, which was adopted in 1992, does not provide regulations that will achieve the goals of the PUD option to encourage development that will also preserve and protect open space. Additionally, the PUD Agreement as required under these regulations will provide both parties binding terms that are transferrable and provide a clear understanding of the negotiated terms of development.

Administration and the planning consultant reviewed the draft language that was presented in February and made a few modifications outlined in the attached red-lined and clean versions of the document. Those changes were incorporated into the draft amendment for the Planning Commission's review and consideration. Also attached is the memo and supplemental documents provided to the Commission in February.

### **Resolutions for consideration**

Village Planning Commission recommends Village Council review and consider approval of proposed amendments to the Village Municipal Code, Chapter 22, Section 22.28.020 Offstreet Parking Regulations, to update parking requirements for consistency with allowable uses and modern parking regulations.

Village Planning Commission recommends Village Council review and consider approval of proposed amendments to the Village Municipal Code, Chapter 22, Section 22.26 Single Family Residential Cluster Option to replace existing language with Planned Unit Development (PUD) regulations.

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attachments

22.28.020 OFF-STREET PARKING REQUIREMENTS. The minimum number of off-street parking spaces by use shall be determined in accordance with the following schedule:

Land Use Category	Standard
<b>Recreational</b>	
Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar	One per three seats or six feet of benches in the main unit of seating  If no fixed seating: one space for each three persons allowed within the maximum occupancy load as established by building code
Public or nonprofit indoor recreation areas such as community recreation centers, swimming pools, and similar	Swimming pools: one space per each three persons of capacity authorized by the building code  Other indoor recreation centers: one space per 200 square feet of gross floor area
Nonprofit or public outdoor recreation areas, playgrounds or ballfields, and similar uses including	Ballfields or facilities with fixed seating: one space per three seats or six feet of bleachers.  If no fixed seating: one space for each three persons allowed within the maximum occupancy load as established by building code
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome)	Bowling Alley: five spaces per lane plus 25% of the required parking for any restaurant or lounge  Other (skating, dance, arcades, etc): one space per three persons allowed within the maximum occupancy load as established by the Building Code or one space per 200 sq ft of useable floor area, whichever is greater
Outdoor commercial recreation, recreation centers including amusement parks, batting cages, or go-cart tracks	Two spaces per batting cage, archery range, miniature golf hole, or similar activity
Indoor health clubs, fitness centers, gyms and aerobic clubs	One space for each 200 square feet of useable floor area
Theaters and auditoriums, fully enclosed	One per each three seats, plus one additional for each two employees
Public arenas or stadiums, enclosed or open air	One space per three seats or six feet of bleachers
<b>Civic</b>	

Municipal and other governmental offices, not including publicly owned and operated warehouses, garages or storage yards	One space per 250 sq ft of usable floor area
Art galleries/studios, photography studios, public or private libraries or museums, or similar uses	One space for each 350 sq ft of gross floor area
Churches, temples, and similar places of worship with fixed seating	One per three seats or six feet of benches in the main area of worship
<b>Health Care and Medical</b>	
Medical offices or clinics	One space for each 200 square feet of gross floor area
Urgent care facilities or clinics over 15,000 square feet of gross floor area	Two spaces per exam or outpatient procedure/operating room plus one space for each two rooms for employee parking
Nursing home and convalescent centers	One space for each three beds or two rooms, whichever is less plus one space for each employee during the peak shift
Hospitals	Two spaces per inpatient bed plus one space per each 200 sq ft of office or outpatient area
Veterinary clinics or hospitals and related offices, animal shelters and animal day care facilities, and similar uses	One space per 400 sq ft of useable floor area plus two spaces per employee
<b>Office Uses</b>	
Business and service offices, e.g. advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use	One space per each 250 sq ft of useable floor area
Banks and similar financial institutions, with or without drive-up service or teller machines	One space for each 200 square feet of gross floor space, plus two spaces for each ATM. Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window
<b>Child Care Uses</b>	
Child care center, Preschool, Daycare	Two spaces plus one additional space for each eight children of licensed authorized capacity
Family day care home and group day care home	One space per four clients plus one space per each employee
<b>Residential</b>	
Single-family detached dwellings	Two per dwelling unit
Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar	One and a half spaces per efficiency or one bedroom dwelling unit, plus two spaces per unit with two or more bedrooms
<b>Education</b>	
Non-profit schools, private or parochial	One space per each teacher, employee, or administrator in addition to the requirement

	for auditorium or stadium, whichever seats more, plus one space per ten students for high schools
Vocational and technical training facilities including commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	One space per each teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more, plus one space per ten students
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	One space per each teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more, plus one space per ten students
<b>Retail</b>	
Retail uses up to 25,000 square feet of gross floor area	One space for each 250 square feet of gross floor space
Retail uses over 25,000 square feet of gross floor area	One space per 250 sq ft of useable retail floor area for the first 25,000 sq ft, plus one space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area, plus one space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area  Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements
Drive-thru windows accessory to a retail use not otherwise listed	Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window in addition to requirements for retail use
<b>Service</b>	
Dry cleaning drop-off	One space per 500 sq ft of useable floor area
Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	One space per 300 sq ft of useable floor area or two and a half spaces per barber or beautician chair/station, whichever is greater, plus one per 800 sq ft where a showroom or workshop or office is on site
Laundromats	One for each two machines
Funeral home and mortuary establishments	One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area, plus one space per each funeral vehicle stored on premise
Open air business such as nurseries, home improvement supplies, and similar outdoor displays and retail sales	One space per 500 sq ft of land area being used for display
Hotel/motel	One space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms

Indoor mini-storage and self-storage facilities	<p>Business service storage: one space per each 50 storage units, plus one space per employee</p> <p>Self-storage: four spaces adjacent to the business office, plus one space per 200 storage cubicles</p>
<b>Restaurants</b>	
Restaurants and coffee shops without drive-thru or drive-in	<p>Sit down, no liquor license: one space for each 100 square feet of gross floor area or one for each two seats, whichever is greater.</p> <p>Sit down, liquor license: one space for each 70 square feet of gross floor area or one per two seats, whichever is greater</p>
Restaurants and coffee shops with drive-thru or drive-in service	<p>Drive-in only: one space per employee, plus one space per drive in station</p> <p>Drive-thru: one space per 70 sq ft of useable floor area or one-half space per seat, whichever is greater, plus three designated drive-thru short term waiting spaces, plus ten stacking spaces for drive-thru service which do not conflict with use of required spaces</p>
Restaurants with carry-out service only	One per 80 sq ft of usable floor area or ten spaces, whichever is greater
Restaurants, bars, and microbreweries serving alcoholic beverages.	One space per each 60 sq ft of useable floor area or one space per two seats, whichever is greater.
The portion of a larger facility utilized for a lounge shall be computed at this rate.	
Banquet halls	One space per three persons of capacity authorized by the Building Code or one space per 100 sq ft of useable floor area, whichever is greater, plus parking required for other uses.
<b>Auto Service</b>	
Auto and gasoline filling stations	Two for each service bay and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces
Automobile repair establishments including accessory retail of new auto parts. Salvage yards and tire stores are not included	Two spaces per service bay, plus one space per employee, plus one space per tow truck
Automobile, motorcycle, boat, and recreational vehicle sales, new and used	One space per 200 sq ft, plus three spaces per each auto service bay

<p>Automobile wash, automatic or self-serve</p>	<p>Automatic: Two spaces, plus one space per employee, plus 12 stacking spaces per bay for free-standing washes. Six stacking spaces when accessory to a gas station plus any required parking for other uses</p> <p>Self-service: Three stacking spaces per wash bay, plus two spaces per bay for drying/vacuuming, plus any required parking for other uses</p>
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To: Chairperson Drummond; Planning Commissioners

From: Erin LaPere, Planning & Zoning Administrator

Date: February 19, 2020

Re: Draft Parking Requirements

Pursuant to Council direction in 2019, the Planning Commission subcommittee has been working with Administration and Village Planning Consultant to draft language, attached, to update the off-street parking requirements of Section 22.28.020 to be consistent with the newly adopted use tables and updates to the parking minimums where needed. The last time this subsection was updated was in 2000.

The remainder of the parking regulations were not updated as that is beyond the scope of this assignment. Administration suggests that updates to the section as a whole be part of the larger Ordinance overhaul goals. Some future discussions may also include whether to allow different parking within the VCOD, and whether Council is in support of the use of public parking facilities to help incentivize development in the overlay district.

Procedurally, a public hearing and recommendation must be made by Planning Commission. Afterwards, Village Council must hold a public hearing, and first and second reading of the proposed language before adoption. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper.

The first date Planning Commission can hold a public hearing in accordance with notification deadlines will be the March 25<sup>th</sup> meeting.

**Suggested Motion**

Planning Commission directs administration to schedule a public hearing for proposed language updating Chapter 22, Section 22.28.020 Off-Street Parking Requirements.

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Land Use Category	Current Standard	Community A	Community B	ITE Parking Manual Standard	Proposed Revision
<b>Recreational</b>					
Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar	<p>*churches, temples, community centers, places of public assembly with fixed seating</p> <p>One (1) per three (3) seats or six (6) feet of benches in the main unit of seating</p>	1 space per 3 seats or 6 ft of benches/pews	1 space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes		<p>One (1) per three (3) seats or six (6) feet of benches in the main unit of seating</p> <p>If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code</p>
Public or nonprofit indoor recreation areas such as community recreation centers, swimming pools, and similar	One per each three patrons based on maximum occupancy as established by local, county, or state fire, building or health codes, whichever is greater, plus one space per employee at peak shift; plus such space as required for affiliated uses such as but not limited to restaurants, bars, pro shops, satellite therapy services, and the like	1 space per 200 sq ft of usable floor area	<p>Community center: 1 space per 100 square feet of gross floor area</p> <p>Public recreation centers: 1 space per 200 square feet of gross floor area</p>		<p>Swimming pools: 1 space per each 3 persons of capacity authorized by the building code</p> <p>Other indoor recreation centers: 1 space per 200 square feet of gross floor area</p>
Nonprofit or public outdoor recreation areas, playgrounds or	One per each potential patron plus				Ballfields or facilities with fixed seating: 1

<p>ballfields, and similar uses including</p>	<p>one per peak shift employee; plus such spaces as may be required for affiliated uses such as but not limited to restaurants, bars, pro shops, satellite therapy services, and the like</p>				<p>space per 3 seats or 6 feet of bleachers.</p> <p>If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code</p>
<p>Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome)</p>	<p>Bowling alley only in current* Five per alley plus such additional spaces as are required for restaurants, bars, assembly rooms, and affiliated facilities</p>	<p>Indoor recreation (athletic, bowling, swimming, etc): 1 space per 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space per 200 sq ft of useable floor are, whichever is greater</p> <p>Bowling Alley: 5 spaces per lane plus 25% of the required parking for any restaurant or lounge</p>	<p>Skating rinks: 1 space per 165 sq ft of gross floor area</p> <p>Swimming pools: 1 space per each 3 persons of capacity authorized by the building code</p> <p>Tennis courts: 1 space per 1,000 sq ft gross floor area or 6 spaces per court, whichever is greater</p> <p>Arcades: 1 space per 50 sq ft gross leasable floor area, with a minimum of 6 spaces required</p> <p>Bowling center: 5 spaces per lane plus 25% of the required parking for any lounge</p>		<p>Bowling Alley: 5 spaces per lane plus 25% of the required parking for any restaurant or lounge</p> <p>Other (skating, dance, arcades, etc): 1 space per 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space per 200 sq ft of useable floor are, whichever is greater</p>

Outdoor commercial recreation, recreation centers including amusement parks, batting cages, or go-cart tracks		2 spaces per batting cage, archery range, miniature golf hole, or similar activity	2 spaces for each batting cage, archery range, or similar activity		2 spaces per batting cage, archery range, miniature golf hole, or similar activity
Indoor health clubs, fitness centers, gyms and aerobic clubs	*all indoor recreation combined in current  One per each three patrons based on maximum occupancy as established by local, county, or state fire, building or health codes, whichever is greater, plus one space per employee at peak shift; plus such space as required for affiliated uses such as but not limited to restaurants, bars, pro shops, satellite therapy services, and the like	1 space per 200 sq ft of useable floor area	1 space for each 200 square feet of useable floor area		1 space for each 200 square feet of useable floor area
Theaters and auditoriums, fully enclosed	One (1) per each three (3) seats, plus one (1) additional for each two (2) employees	1 space per 3 seats plus 1 space per 2 employees	1 space per 3 seats plus 1 space for each employee		One (1) per each three (3) seats, plus one (1) additional for each two (2) employees
Public arenas or stadiums, enclosed or open air			1 space per 3 seats or 6 feet of bleachers		1 space per 3 seats or 6 feet of bleachers
<b>Civic</b>					

Municipal and other governmental offices, not including publicly owned and operated warehouses, garages or storage yards		1 space per 250 sq ft of usable floor area	1 space per 250 sq ft gross floor area		1 space per 250 sq ft of usable floor area
Art galleries/studios, photography studios, public or private libraries or museums, or similar uses		*library 1 space per 350 sq ft of usable floor area	*library 1 space for each 350 sq ft of gross floor area		1 space for each 350 sq ft of gross floor area
Churches, temples, and similar places of worship with fixed seating	One (1) per three (3) seats or six (6) feet of benches in the main unit of seating	1 space per 3 seats or 6 ft of benches/pews	1 space for each 3 seats or 6 ft of pews in the main unit of worship		One (1) per three (3) seats or six (6) feet of benches in the main area of worship
<b>Health Care and Medical</b>					
Medical offices or clinics	One for each 125 sq ft of gross floor area (8 per 1,000 sq ft GFA)	1 space per 250 sq ft of usable floor area	Offices: 1 space for each 200 square feet of gross floor area	1 space per 250 sq ft of gross floor area	1 space for each 200 square feet of gross floor area
Urgent care facilities or clinics over 15,000 square feet of gross floor area	One for each 125 sq ft of gross floor area (8 per 1,000 sq ft GFA)	1 space per 250 sq ft of usable floor area	Clinics/etc: 2 spaces per exam or outpatient procedure/operating room plus 1 space for each 2 rooms for employee parking		2 spaces per exam or outpatient procedure/operating room plus 1 space for each 2 rooms for employee parking
Nursing home and convalescent centers	One for each four beds plus one for each employee	1 space per 2 rooms or 3 beds, whichever is less plus 1 space per employee	1 space for each three beds or two rooms, whichever is less plus 1 space for each employee during the peak shift		1 space for each three beds or two rooms, whichever is less plus 1 space for each employee during the peak shift
Hospitals	Two for each bed plus one per peak hour employee	2 spaces per inpatient bed plus 1 space per each 200 sq ft of office	2 spaces per inpatient bed plus 1 space per each 200 square feet of office or outpatient area		2 spaces per inpatient bed plus 1 space per each 200 sq ft of office or outpatient area

		or outpatient area			
Veterinary clinics or hospitals and related offices, animal shelters and animal day care facilities, and similar uses		1 space per 400 sq ft of useable floor area plus 2 spaces per employee			1 space per 400 sq ft of useable floor area plus 2 spaces per employee
<b>Office Uses</b>					
Business and service offices, e.g. advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use	Professional “general tenant” planners, engineers, etc.: One for each 250 sq ft of Gross Leasable Area (4 per 1,000 sq ft GLA).  AND Service offices, realtor, etc: One for each 200 sq ft of gross floor area (5 per 1,000 sq ft GFA).	Business and service offices: 1 space per each 250 sq ft of useable floor area	*business office except medical: 1 space for each 300 feet of gross floor area		1 space per each 250 sq ft of useable floor area
Banks and similar financial institutions, with or without drive-up service or teller machines	One for each 200 sq ft of gross floor area plus six stacking spaces for each drive-in transaction window	1 space per 200 sq ft of useable floor area plus 2 spaces per “walk up” ATM Drive-up windows shall be provided 4 stacking spaces per window	1 space for each 200 square feet of gross floor space, plus 2 spaces for each ATM. Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window		1 space for each 200 square feet of gross floor space, plus 2 spaces for each ATM. Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window
<b>Child Care Uses</b>					

Child care center, Preschool, Daycare	<p>One space for each 20 students at the facility's full capacity plus one space per each employee</p> <p>Additional spaces will be required for facility owned vehicles at one space per vehicle</p> <p>At least three spaces must be designated as temporary drop off area and designed for safe access to the building</p>	2 spaces plus 1 additional space per 8 children of licensed authorized capacity	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity	<p><b>Supply</b>  <b>1 space per 4 students</b>  <b>1.5 employee</b>  <b>3.5 per 1,000 sq ft GFA</b></p> <p><b>Peak period</b>  <b>1 space per 4 students</b></p> <p><b>3.16 per 1,000 sq ft</b></p> <p><b>1.35 employee</b></p>	<p>2 spaces plus 1 additional space for each 8 children of licensed authorized capacity</p> <p><b>***REVIEW EXAMPLE SITE OPERATIONS***</b></p>
Family day care home and group day care home		Adult day care, foster care, family day care home, foster family home, group day care: 1 space per 4 clients plus 1 space per employee	Group day care and foster care home: 1 space per 4 clients plus 1 space per each employee		Group day care and foster care home: 1 space per 4 clients plus 1 space per each employee
<b>Residential</b>					
Single-family detached dwellings	Two (2) per dwelling unit	2 spaces per dwelling unit	2 for each dwelling unit		Two (2) per dwelling unit
Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar	<p>One (1) per efficiency</p> <p>Two (2) per one or two bedroom dwelling units</p> <p>Two and a half (2 ½) per three</p>	1.5 spaces per efficiency or one bedroom dwelling unit plus 2 spaces per unit with 2 or more bedrooms	1.5 spaces per each efficiency or one bedroom dwelling unit, 2.0 spaces per each unit with 2 or more bedrooms	<p>Supply 1.5 per unit</p> <p>Peak Demand 1.2 per unit</p>	1.5 spaces per efficiency or one bedroom dwelling unit plus 2 spaces per unit with 2 or more bedrooms

	<p>bedroom dwelling unit</p> <p>Three (3) per four or greater bedroom dwelling unit</p>				
<b>Education</b>					
<p>Non-profit schools, private or parochial</p>	<p>One space per classroom and other activity rooms used by students plus one space for every four students of driving age</p>	<p>1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students for high schools</p>	<p>Through junior high: 1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more</p> <p>High school: 1 for each teacher, employee, or administrator, and 1 for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more</p>		<p>1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students for high schools</p>
<p>Vocational and technical training facilities including commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar</p>		<p>1 space per 1 teacher, employee, or administrator plus 1 space per 10 students in addition to the requirement of the auditorium or stadium, whichever seats more</p>	<p>1 for each teacher, employee, or administrator, and 1 for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more</p>		<p>1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students</p>
<p>Commercial schools and studios for teaching photography, art, music,</p>		<p>1 space per 1 teacher, employee, or</p>	<p>1 for each teacher, employee, or</p>		<p>1 space per 1 teacher, employee, or administrator in</p>

theater, dance, martial arts, ballet, or similar		administrator plus 1 space per 10 students in addition to the requirement of the auditorium or stadium, whichever seats more	administrator, and 1 for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more		addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students
<b>Retail</b>					
Retail uses up to 25,000 square feet of gross floor area	15,000 is current threshold* One for each 200 sq ft of gross floor area (5 per 1,000 sq ft GFA)	Retail up to 60k sq ft: 1 space per 250 sq ft of useable floor space	Retail, unspecified of any size: 1 space for each 250 square feet of gross floor space		1 space for each 250 square feet of gross floor space
Retail uses over 25,000 square feet of gross floor area	15,000 is current threshold* One for each 250 sq ft of gross leasable area, but not less than 75 total spaces  4.0 spaces per 1,000 sq ft GLA	Retail over 60,000 sq ft: 1 space per 250 sq ft of useable retail floor area for the first 50,000 sq ft plus 1 space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area plus 1 space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area	Multitenant shopping centers: 1 space for each 250 square feet of gross retail floor area for the first 50,000 square feet. One for each 275 square feet for the next 50,000 to 450,000 square feet of gross retail floor area. One for each 300 square feet for that area in excess of 450,000 square feet of gross retail floor area. Non-retail uses such as restaurants, bars, and theaters shall be calculated		1 space per 250 sq ft of useable retail floor area for the first 25,000 sq ft plus 1 space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area plus 1 space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area  Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements

			separately based upon their respective requirements		
Drive-thru windows accessory to a retail use not otherwise listed					Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window in addition to requirements for retail use
<b>Service</b>					
Dry cleaning drop-off		1 space per 500 sq ft of useable floor area	1 space per 500 square feet of useable floor area		1 space per 500 sq ft of useable floor area
Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	One for each employee and/or service operator, plus two for each service chair and one additional for every two stationary hair dryers	1 space per 300 sq ft of useable floor area or 2.5 spaces per barber or beautician chair/station, whichever is greater	2.5 spaces per each barber or beautician chair/station		1 space per 300 sq ft of useable floor area or 2.5 spaces per barber or beautician chair/station, whichever is greater plus 1 per 800 sq ft where a showroom or workshop or office is on site
Laundromats	One for each two machines	1 space per 2 washing machines	1 space for each 2 washing machines		One for each two machines
Funeral home and mortuary establishments	One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area, plus 1 space per each funeral vehicle stored on premise	Funeral: 1 space per 50 sq ft of service parlors, chapels & reception area plus 1 space per each funeral vehicle stored on premise  Mortuary: 1 space per 50	1 space per 50 sq ft of service parlors, chapels and reception area, plus 1 space per each funeral vehicle stored on premise		One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area, plus 1 space per each funeral vehicle stored on premise

		sq ft of usable floor area			
Open air business such as nurseries, home improvement supplies, and similar outdoor displays and retail sales		1 space per 500 sq ft of land area being used for display	Outdoor commercial display and sales: 1 space for each 800 square feet of land area being used for display	Not in manual	1 space per 500 sq ft of land area being used for display
Hotel/motel		1 space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms	With Conference: 1 space per guest room plus 1 space per 100 sq ft of lounge, restaurant, conference or banquet rooms or exhibit space With restaurant: 1 space per guest room plus 12 spaces per 1,000 sq ft of restaurant/lounge space  Bed/breakfast: 1 space per guest room plus 2 spaces		1 space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms
Indoor mini-storage and self-storage facilities	*wholesale, storage and warehousing establishments  Five plus one for each employee in the peak working shift or one for each 1700 sq ft of usable floor area, whichever is greater. Any retail or	Business service storage: 1 space per each 50 storage units plus 1 space per employee  Self storage: 4 spaces adjacent to the business office plus 1 space per 200 storage cubicles	???? minimum of 6 spaces		Business service storage: 1 space per each 50 storage units plus 1 space per employee  Self storage: 4 spaces adjacent to the business office plus 1 space per 200 storage cubicles

	service area shall be addressed separately				
<b>Restaurants</b>					
Restaurants and coffee shops without drive-thru or drive-in	<p>*Current lists dining and fast food separately</p> <p>Dining: One per 65 sq ft of usable floor area</p> <p>Fast food: one per 30 sq ft of usable floor area</p>	<p>Sit down, no liquor license: : 1 space for each 100 square feet of gross floor area or one for each two seats, whichever is greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks</p> <p>Sit down, liquor license: 1 space for each 70 square feet of gross floor area or one for each two seats, whichever is greater</p>	<p>Sit down, no liquor license: 1 space for each 100 square feet of gross floor area or one for each two seats, whichever is greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks</p> <p>Sit down, liquor license: 1 space for each 70 square feet of gross floor area or one for each two seats, whichever is greater</p> <p>Coffee: 1 space per 70 sq ft gross leasable floor area</p>		<p>Sit down, no liquor license: : 1 space for each 100 square feet of gross floor area or one for each two seats, whichever is greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks</p> <p>Sit down, liquor license: 1 space for each 70 square feet of gross floor area or one for each two seats, whichever is greater</p>
Restaurants and coffee shops with drive-thru or drive-in service	One per 30 sq ft of usable floor area plus ten stacking spaces for each drive-in or drive-thru transactions station	<p>Drive-in only: 1 space per employee plus 1 space per drive in station</p> <p>Drive-thru: 1 space per 70 sq ft of useable floor area or 0.5 spaces per seat, whichever is</p>	<p>Drive-in: 1 space for each employee in addition to spaces for customers at service stations, plus any parking required for indoor seating</p> <p>Drive-thru:1 space per 70 sq ft</p>		<p>Drive-in only: 1 space per employee plus 1 space per drive in station</p> <p>Drive-thru: 1 space per 70 sq ft of useable floor area or 0.5 spaces per seat, whichever is greater plus 3 designated drive-thru short term waiting spaces plus 10 stacking</p>

		greater plus 3 designated drive-thru short term waiting spaces plus 10 stacking spaces for drive-thru service which do not conflict with use of required spaces plus at least 2 longer spaces designated for recreational vehicles or semi-trucks	of gross leasable floor area or 0.5 spaces per seat, whichever is great, plus 3 designated drive-thru short term waiting spaces plus 10 stacking spaces for drive-thru service which do not conflict with use of required spaces plus at least 2 longer spaces designated for recreational vehicles and semi-trucks		spaces for drive-thru service which do not conflict with use of required spaces
Restaurants with carry-out service only	*carry out only in current One per 80 sq ft of usable floor area or ten spaces, whichever is greater	Carryout only: 4 spaces or 1 space per employee plus 1 per 60 sq ft of useable floor area, whichever is greater	Carry-out (>6 tables): 6 spaces per service or counter station, plus 1 space for each employee  Open front, eg fruit stand: 10 spaces plus 1 space per employee		One per 80 sq ft of usable floor area or ten spaces, whichever is greater
Restaurants, bars, and microbreweries serving alcoholic beverages.  The portion of a larger facility utilized for a lounge shall be computed at this rate.	*current listing of lounge One per 50 sq ft of usable floor area. That portion of a larger dining facility utilized for lounge shall be computed at this rate	1 space per each 60 sq ft of useable floor area or 1 space per 2 seats, whichever is greater	1 space per each 60 square feet of useable floor area or 1 per two seats, whichever is greater		1 space per each 60 sq ft of useable floor area or 1 space per 2 seats, whichever is greater.
Banquet halls	One (1) per each three (3) persons	1 space per 3 persons of capacity	Conference rooms/etc: 1 space per every		1 space per 3 persons of capacity authorized by the Building Code or

	allowed within a maximum occupancy as established by fire, building, or health code	authorized by the Building Code or 1 space per 100 sq ft of useable floor area, whichever is greater plus any required parking for other uses, such as restaurants, gift shops, etc	two persons of capacity authorized by the Uniform Building Code or 1 space per 100 sq ft gross floor area whichever is greater plus the requirements of each individual use (i.e. hotels...)		1 space per 100 sq ft of useable floor area, whichever is greater, plus parking required for other uses.
<b>Auto Service</b>					
Auto and gasoline filling stations	Service and filling combined in current* Two for each service bay, and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces	2 spaces per service bay plus 2 spaces per employee plus 1 space per tow truck plus 1 space per 500 sq ft devoted to sales of automotive goods or convenience items	2 space per each service bay, plus 2 spaces per employee, plus 1 space per each tow truck, plus 1 space for each 500 square feet devoted to sales of automotive goods or convenience items		Two for each service bay, and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces
Automobile repair establishments including accessory retail of new auto parts. Salvage yards and tire stores are not included	Service and filling combined in current* Two for each service bay, and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces	2 spaces per service bay plus 1 space per employee plus 1 space per tow truck	Repair: 2 spaces per each service bay, plus 1 space per employee, plus 1 space per each tow truck  Oil Change: 2 stacking spaces for each service stall, rack or pit plus 1 space for each employee		2 spaces per service bay plus 1 space per employee plus 1 space per tow truck

Automobile, motorcycle, boat, and recreational vehicle sales, new and used		1 space per 200 sq ft plus 3 spaces per each auto service bay	1 space per 200 sq ft gross leasable floor area, plus 3 spaces per each auto service bay		1 space per 200 sq ft plus 3 spaces per each auto service bay
Automobile wash, automatic or self-serve	One for each employee. In addition, stacking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. "Maximum capacity" shall mean the greatest number possible of automobiles under-going some phase of washing at the same time, which shall be determined by dividing the length of each wash line by 20 feet.	Automatic: 2 spaces plus 1 space per employee plus 12 stacking spaces per bay for free-standing washes, 6 stacking spaces when accessory to a gas station plus any required parking for other uses  Self-service: 3 stacking spaces per wash bay plus 2 spaces per bay for drying/vacuuming plus any required parking for other uses	2 spaces plus 1 space per each employee on peak shift, plus 15 stacking spaces per bay for a semi or fully automatic car wash, 2 stacking spaces per bay for a self-serve car wash		Automatic: 2 spaces plus 1 space per employee plus 12 stacking spaces per bay for free-standing washes, 6 stacking spaces when accessory to a gas station plus any required parking for other uses  Self-service: 3 stacking spaces per wash bay plus 2 spaces per bay for drying/vacuuming plus any required parking for other uses

22.28.020 OFF-STREET PARKING REQUIREMENTS. The minimum number of off-street parking spaces by use shall be determined in accordance with the following schedule:

Land Use Category	Standard
<b>Recreational</b>	
Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar	One (1) per three (3) seats or six (6) feet of benches in the main unit of seating  If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code
Public or nonprofit indoor recreation areas such as community recreation centers, swimming pools, and similar	Swimming pools: 1 space per each 3 persons of capacity authorized by the building code  Other indoor recreation centers: 1 space per 200 square feet of gross floor area
Nonprofit or public outdoor recreation areas, playgrounds or ballfields, and similar uses including	Ballfields or facilities with fixed seating: 1 space per 3 seats or 6 feet of bleachers.  If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome)	Bowling Alley: 5 spaces per lane plus 25% of the required parking for any restaurant or lounge  Other (skating, dance, arcades, etc): 1 space per 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space per 200 sq ft of useable floor are, whichever is greater
Outdoor commercial recreation, recreation centers including amusement parks, batting cages, or go-cart tracks	2 spaces per batting cage, archery range, miniature golf hole, or similar activity
Indoor health clubs, fitness centers, gyms and aerobic clubs	1 space for each 200 square feet of useable floor area
Theaters and auditoriums, fully enclosed	One (1) per each three (3) seats, plus one (1) additional for each two (2) employees
Public arenas or stadiums, enclosed or open air	1 space per 3 seats or 6 feet of bleachers
<b>Civic</b>	
Municipal and other governmental offices, not including publicly owned and operated warehouses, garages or storage yards	1 space per 250 sq ft of usable floor area

Art galleries/studios, photography studios, public or private libraries or museums, or similar uses	1 space for each 350 sq ft of gross floor area
Churches, temples, and similar places of worship with fixed seating	One (1) per three (3) seats or six (6) feet of benches in the main area of worship
<b>Health Care and Medical</b>	
Medical offices or clinics	1 space for each 200 square feet of gross floor area
Urgent care facilities or clinics over 15,000 square feet of gross floor area	2 spaces per exam or outpatient procedure/operating room plus 1 space for each 2 rooms for employee parking
Nursing home and convalescent centers	1 space for each three beds or two rooms, whichever is less plus 1 space for each employee during the peak shift
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 sq ft of office or outpatient area
Veterinary clinics or hospitals and related offices, animal shelters and animal day care facilities, and similar uses	1 space per 400 sq ft of useable floor area plus 2 spaces per employee
<b>Office Uses</b>	
Business and service offices, e.g. advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use	1 space per each 250 sq ft of useable floor area
Banks and similar financial institutions, with or without drive-up service or teller machines	1 space for each 200 square feet of gross floor space, plus 2 spaces for each ATM. Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window
<b>Child Care Uses</b>	
Child care center, Preschool, Daycare	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity
Family day care home and group day care home	Group day care and foster care home: 1 space per 4 clients plus 1 space per each employee
<b>Residential</b>	
Single-family detached dwellings	Two (2) per dwelling unit
Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar	1.5 spaces per efficiency or one bedroom dwelling unit plus 2 spaces per unit with 2 or more bedrooms
<b>Education</b>	
Non-profit schools, private or parochial	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students for high schools

Vocational and technical training facilities including commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students
<b>Retail</b>	
Retail uses up to 25,000 square feet of gross floor area	1 space for each 250 square feet of gross floor space
Retail uses over 25,000 square feet of gross floor area	1 space per 250 sq ft of useable retail floor area for the first 25,000 sq ft plus 1 space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area plus 1 space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area  Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements
Drive-thru windows accessory to a retail use not otherwise listed	Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window in addition to requirements for retail use
<b>Service</b>	
Dry cleaning drop-off	1 space per 500 sq ft of useable floor area
Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	1 space per 300 sq ft of useable floor area or 2.5 spaces per barber or beautician chair/station, whichever is greater plus 1 per 800 sq ft where a showroom or workshop or office is on site
Laundromats	One for each two machines
Funeral home and mortuary establishments	One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area, plus 1 space per each funeral vehicle stored on premise
Open air business such as nurseries, home improvement supplies, and similar outdoor displays and retail sales	1 space per 500 sq ft of land area being used for display
Hotel/motel	1 space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms
Indoor mini-storage and self-storage facilities	Business service storage: 1 space per each 50 storage units plus 1 space per employee

	Self storage: 4 spaces adjacent to the business office plus 1 space per 200 storage cubicles
<b>Restaurants</b>	
Restaurants and coffee shops without drive-thru or drive-in	<p>Sit down, no liquor license: : 1 space for each 100 square feet of gross floor area or one for each two seats, whichever is greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks</p> <p>Sit down, liquor license: 1 space for each 70 square feet of gross floor area or one for each two seats, whichever is greater</p>
Restaurants and coffee shops with drive-thru or drive-in service	<p>Drive-in only: 1 space per employee plus 1 space per drive in station</p> <p>Drive-thru: 1 space per 70 sq ft of useable floor area or 0.5 spaces per seat, whichever is greater plus 3 designated drive-thru short term waiting spaces plus 10 stacking spaces for drive-thru service which do not conflict with use of required spaces</p>
Restaurants with carry-out service only	One per 80 sq ft of usable floor area or ten spaces, whichever is greater
Restaurants, bars, and microbreweries serving alcoholic beverages.  The portion of a larger facility utilized for a lounge shall be computed at this rate.	1 space per each 60 sq ft of useable floor area or 1 space per 2 seats, whichever is greater.
Banquet halls	1 space per 3 persons of capacity authorized by the Building Code or 1 space per 100 sq ft of useable floor area, whichever is greater, plus parking required for other uses.
<b>Auto Service</b>	
Auto and gasoline filling stations	Two for each service bay, and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces
Automobile repair establishments including accessory retail of new auto parts. Salvage yards and tire stores are not included	2 spaces per service bay plus 1 space per employee plus 1 space per tow truck
Automobile, motorcycle, boat, and recreational vehicle sales, new and used	1 space per 200 sq ft plus 3 spaces per each auto service bay
Automobile wash, automatic or self-serve	Automatic: 2 spaces plus 1 space per employee plus 12 stacking spaces per bay for

	<p>free-standing washes, 6 stacking spaces when accessory to a gas station plus any required parking for other uses</p> <p>Self-service: 3 stacking spaces per wash bay plus 2 spaces per bay for drying/vacuuming plus any required parking for other uses</p>
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22.28.020 OFF-STREET PARKING REQUIREMENTS. The minimum number of off-street parking spaces by use shall be determined in accordance with the following schedule:

<del>Land Use Category Standard</del>	<del>Standard</del>
<del>a. Residential</del>	<del>Number of Off-Street Parking Spaces Per Each Unit of Measure</del>
<del>1. Single family dwellings</del>	<del>Two (2) per dwelling unit.</del>
<del>2. Multiple Family</del>	<del>One (1) per efficiency apartments.</del>
	<del>Two (2) per one and two bedroom dwelling units.</del>
	<del>2 1/2 per three bedroom dwelling unit.</del>
	<del>Three (3) per dwelling unit with four or more bedrooms.</del>
<del>b. Institutional</del>	<del>-</del>
<del>1. Churches, temples, community centers and places of public assembly with fixed seating.</del>	<del>One (1) per three (3) seats or six feet (6') of benches in the main unit of seating.</del>
<del>2. Dance halls, assembly halls, mechanical amusement arcades and similar places of public assembly not having fixed seating.</del>	<del>One (1) per each three (3) persons allowed within a maximum occupancy as established by fire, building or health code.</del>
<del>3. Theaters and auditoriums.</del>	<del>One (1) per each three (3) seats, plus one (1) additional for each two (2) employees.</del>
<del>4. Child care centers, nursery schools</del>	<del>One space for each 20 students at the facility's full capacity plus one space for each employee.</del>
	<del>Additional spaces will be required for facility owned vehicles at one space per vehicle.</del>
	<del>At least three spaces must be designated as a temporary drop-off area and designed for safe access to the building.</del>
<del>5. Elementary and secondary schools</del>	<del>One space per classroom and other activity rooms used by students plus one space for every employee plus one space for every four students of driving age.</del>
<del>6. Nursing homes, convalescent care housing and similar institutional uses for care of the aged.</del>	<del>One for each four beds plus one for each employee.</del>
<del>7. Hospitals</del>	<del>Two for each bed plus one per peak hour employee.</del>

e. Office Uses

1. General tenant offices, professional offices of lawyers, architects, engineers, urban planners, and similar professions.

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One for each 250 sq. ft. of Gross Leasable Area (4 per 1,000 sq. ft. GLA)

2. Banks and similar financial institutions.

One for each 200 sq. ft. of gross floor area, plus six stacking spaces for each drive-in transaction window.

3. Professional offices of doctors, dentists and similar professions, and medical and dental clinics.

One for each 125 sq. ft. of gross floor area (8 per 1,000 sq. ft. GFA)

4. Service offices, such as those of a realtor, insurance service center, and similar uses.

One for each 200 sq. ft. of gross floor area (5 per 1,000 sq. ft. GFA)

d. Retail Sales or Services

1a. Retail stores of 15,000 sq. ft. GFA or less, except as otherwise specified herein.

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One for 200 sq. ft. of gross floor area. (5 per 1,000 sq. ft. GFA)

1b. Retail stores over 15,000 sq. ft. GFA, except as otherwise specified herein.

One space for each 250 sq. ft. gross leasable area, but not less than 75 total spaces.

1c. Freestanding discount store over 75,000 sq. ft.

4.0 spaces per 1,000 sq. ft. GLA

One space for each 227 sq. ft. of gross floor area

2. Planned commercial or retail shopping centers having more than four (4) establishments.

4.4 spaces per 1,000 sq. ft. GFA

One space for each 200 sq. ft. of gross leasable area.

3. Furniture or major appliances, household equipment, personal service shops (other than barber and beauty shops), repair shops, showroom of a plumber, decorator, electrician or a similar trade, shoe repair and other similar uses.

5.0 per 1,000 sq. ft. GLA

One for each 800 sq. ft. of usable floor area, exclusive of that floor area used for processing for which one additional space shall be provided for each two persons employed therein.

4. Laundromats and self-service dry-cleaning establishments.

One for each two machines.

5. Barber and beauty shops.

One for each employee and/or service operator, plus two for each service chair and one additional for every two stationary hair dryers.

6. Bowling Alleys.

Five per alley plus such additional spaces as are required for restaurants, bars, assembly rooms and affiliated facilities.

7. Automobile service and filling stations.

Two for each service bay, and one for each 200 sq. ft. of usable sales floor area; plus one for

	every two employees with a minimum of two spaces.
<del>8. Auto washes.</del>	<del>One for each employee. In addition, stacking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. "Maximum capacity" shall mean the greatest number possible of automobiles under going some phase of washing at the same time, which shall be determined by dividing the length of each wash line by 20 feet.</del>
<del>9. Mortuary establishments.</del>	<del>One for each 50 sq. ft. of assembly room, parlor and slumber room usable floor area.</del>
<del>10. Public/Private Indoor recreation facilities, athletic clubs, physical exercise establishments, court recreation, health studios, sauna baths and similar uses.</del>	<del>One per each three patrons based on maximum occupancy as established by local, county or state fire, building or health codes, whichever is greater, plus one space per employee at peak shift; plus such space as required for affiliated uses such as but not limited to restaurants, bars, pro shops, satellite therapy services, and the like.</del>
<del>11. Public/Private Outdoor recreation facilities such as athletic, swimming, tennis, or similar uses.</del>	<del>One per each potential patron plus one per peak shift employee; plus such spaces as may be required for affiliated uses such as but not limited to restaurants, bars, pro shops, satellite therapy services, and the like.</del>
<del>12. Restaurants:</del>	<del>-</del>
<del>12a. Dining room, including banquet areas.</del>	<del>One per 65 sq. ft. of usable floor area.</del>
<del>12b. Lounge.</del>	<del>One per 50 sq. ft. of usable floor area. That portion of a larger dining facility utilized for lounge shall be computed at this rate.</del>
<del>12c. Fast food restaurant.</del>	<del>One per 30 sq. ft. of usable floor area.</del>
<del>12d. Carry-out restaurant.</del>	<del>One per 80 sq. ft. of usable floor area or ten spaces, whichever is greater.</del>
<del>12e. Drive-in restaurant.</del>	<del>One per 30 sq. ft. of usable floor area plus ten stacking spaces for each drive-in or drive-thru transaction station.</del>
<del>13. Unspecified commercial.</del>	<del>One for each 50 sq. ft. of usable floor area, or such spaces as are required for the specified use which is most similar in nature, as determined by the Zoning Board of Appeals.</del>
<del>e. Wholesale and Warehouses</del>	<del>-</del>

~~1. Wholesale, storage and warehousing establishments.~~

~~Five plus one for each employee in the peak working shift or one for each 1700 sq. ft. of useable floor area, whichever is greater. Any retail or service area shall be addressed separately.~~

Land Use Category	Standard
<b>Recreational</b>	
Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar	<p>One (1) per three (3) seats or six (6) feet of benches in the main unit of seating</p> <p>If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code</p>
Public or nonprofit indoor recreation areas such as community recreation centers, swimming pools, and similar	<p>Swimming pools: 1 space per each 3 persons of capacity authorized by the building code</p> <p>Other indoor recreation centers: 1 space per 200 square feet of gross floor area</p>
Nonprofit or public outdoor recreation areas, playgrounds or ballfields, and similar uses including	<p>Ballfields or facilities with fixed seating: 1 space per 3 seats or 6 feet of bleachers.</p> <p>If no fixed seating: 1 space for each 3 persons allowed within the maximum occupancy load as established by building code</p>
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome)	<p>Bowling Alley: 5 spaces per lane plus 25% of the required parking for any restaurant or lounge</p> <p>Other (skating, dance, arcades, etc): 1 space per 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space per 200 sq ft of useable floor are, whichever is greater</p>
Outdoor commercial recreation, recreation centers including amusement parks, batting cages, or go-cart tracks	2 spaces per batting cage, archery range, miniature golf hole, or similar activity
Indoor health clubs, fitness centers, gyms and aerobic clubs	1 space for each 200 square feet of useable floor area

Theaters and auditoriums, fully enclosed	One (1) per each three (3) seats, plus one (1) additional for each two (2) employees
Public arenas or stadiums, enclosed or open air	1 space per 3 seats or 6 feet of bleachers
<b>Civic</b>	
Municipal and other governmental offices, not including publicly owned and operated warehouses, garages or storage yards	1 space per 250 sq ft of usable floor area
Art galleries/studios, photography studios, public or private libraries or museums, or similar uses	1 space for each 350 sq ft of gross floor area
Churches, temples, and similar places of worship with fixed seating	One (1) per three (3) seats or six (6) feet of benches in the main area of worship
<b>Health Care and Medical</b>	
Medical offices or clinics	1 space for each 200 square feet of gross floor area
Urgent care facilities or clinics over 15,000 square feet of gross floor area	2 spaces per exam or outpatient procedure/operating room plus 1 space for each 2 rooms for employee parking
Nursing home and convalescent centers	1 space for each three beds or two rooms, whichever is less plus 1 space for each employee during the peak shift
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 sq ft of office or outpatient area
Veterinary clinics or hospitals and related offices, animal shelters and animal day care facilities, and similar uses	1 space per 400 sq ft of useable floor area plus 2 spaces per employee
<b>Office Uses</b>	
Business and service offices, e.g. advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use	1 space per each 250 sq ft of useable floor area
Banks and similar financial institutions, with or without drive-up service or teller machines	1 space for each 200 square feet of gross floor space, plus 2 spaces for each ATM. Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window
<b>Child Care Uses</b>	
Child care center, Preschool, Daycare	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity
Family day care home and group day care home	Group day care and foster care home: 1 space per 4 clients plus 1 space per each employee
<b>Residential</b>	
Single-family detached dwellings	Two (2) per dwelling unit

Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar	1.5 spaces per efficiency or one bedroom dwelling unit plus 2 spaces per unit with 2 or more bedrooms
<b>Education</b>	
Non-profit schools, private or parochial	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students for high schools
Vocational and technical training facilities including commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	1 space per 1 teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more plus 1 space per 10 students
<b>Retail</b>	
Retail uses up to 25,000 square feet of gross floor area	1 space for each 250 square feet of gross floor space
Retail uses over 25,000 square feet of gross floor area	1 space per 250 sq ft of useable retail floor area for the first 25,000 sq ft plus 1 space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area plus 1 space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area  Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements
Drive-thru windows accessory to a retail use not otherwise listed	Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window in addition to requirements for retail use
<b>Service</b>	
Dry cleaning drop-off	1 space per 500 sq ft of useable floor area
Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	1 space per 300 sq ft of useable floor area or 2.5 spaces per barber or beautician chair/station, whichever is greater plus 1 per 800 sq ft where a showroom or workshop or office is on site
Laundromats	One for each two machines
Funeral home and mortuary establishments	One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area,

	plus 1 space per each funeral vehicle stored on premise
Open air business such as nurseries, home improvement supplies, and similar outdoor displays and retail sales	1 space per 500 sq ft of land area being used for display
Hotel/motel	1 space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms
Indoor mini-storage and self-storage facilities	Business service storage: 1 space per each 50 storage units plus 1 space per employee  Self storage: 4 spaces adjacent to the business office plus 1 space per 200 storage cubicles
<b>Restaurants</b>	
Restaurants and coffee shops without drive-thru or drive-in	Sit down, no liquor license: : 1 space for each 100 square feet of gross floor area or one for each two seats, whichever is greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks  Sit down, liquor license: 1 space for each 70 square feet of gross floor area or one for each two seats, whichever is greater
Restaurants and coffee shops with drive-thru or drive-in service	Drive-in only: 1 space per employee plus 1 space per drive in station  Drive-thru: 1 space per 70 sq ft of useable floor area or 0.5 spaces per seat, whichever is greater plus 3 designated drive-thru short term waiting spaces plus 10 stacking spaces for drive-thru service which do not conflict with use of required spaces
Restaurants with carry-out service only	One per 80 sq ft of usable floor area or ten spaces, whichever is greater
Restaurants, bars, and microbreweries serving alcoholic beverages.  The portion of a larger facility utilized for a lounge shall be computed at this rate.	1 space per each 60 sq ft of useable floor area or 1 space per 2 seats, whichever is greater.
Banquet halls	1 space per 3 persons of capacity authorized by the Building Code or 1 space per 100 sq ft of useable floor area, whichever is greater, plus parking required for other uses.
<b>Auto Service</b>	

Auto and gasoline filling stations	Two for each service bay, and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces
Automobile repair establishments including accessory retail of new auto parts. Salvage yards and tire stores are not included	2 spaces per service bay plus 1 space per employee plus 1 space per tow truck
Automobile, motorcycle, boat, and recreational vehicle sales, new and used	1 space per 200 sq ft plus 3 spaces per each auto service bay
Automobile wash, automatic or self-serve	<p>Automatic: 2 spaces plus 1 space per employee plus 12 stacking spaces per bay for free-standing washes, 6 stacking spaces when accessory to a gas station plus any required parking for other uses</p> <p>Self-service: 3 stacking spaces per wash bay plus 2 spaces per bay for drying/vacuuming plus any required parking for other uses</p>

## **22.26 Planned Unit Development**

### **22.26.010 Intent**

The intent of the Planned Unit Development (PUD) District is to permit flexibility in development regulations for a site containing unique natural features **that** the developer and Village desire to preserve. The procedures and regulations contained in this section are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance **nor** to avoid imposition of specific Zoning Ordinance standards or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

### **22.26.020 Eligibility**

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

### **22.26.030 Submittal and Review Process**

A PUD may be designated by the Village or may be requested by an applicant. If the Village initiated the PUD, and the site is already designated PUD on the Village Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 22.26.020 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for PUD review, the applicant may request a meeting with Village staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:
  1. A completed application form and the required review fees.
  2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  3. A complete and current legal description and size of property in acres.
  4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
  5. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase PUD is proposed, identification of the areas included in each phase.
  6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
  7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.) .
  8. A draft PUD Agreement that identifies any modifications from conventional zoning, obligations of the developer and subsequent owners, provisions for maintenance, allowable uses, project phasing, and similar information to clarify conditions of approval.
- c. **Planning Commission Review:** The Planning Commission shall review the PUD request, including PUD rezoning, preliminary site plan, and draft PUD Agreement, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.
- d. **Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning, the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The PUD Agreement is subject to execution between the owner/developer and Village Council.

Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.

- f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.
- g. **Change in ownership:** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

#### **22.26.040 Design and Review Standards for a Residential PUD**

A Residential PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:
  - 1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
  - 2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
  - 3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
  - 4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
  - 5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.
  - 6. The arrangement of units maximizes the preservation of open space and the protection of natural features.
- c. **Harmony with surrounding uses:** The uses and design of the PUD will 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.
- d. **Density Standards:** The overall permitted density within a PUD shall not exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.
  - 1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under conventional zoning. This shall be demonstrated through the preparation of a **parallel** plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for storm water and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the parallel plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.

2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.
3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:
  - i. The amount of open space exceeds what would otherwise be required.
  - ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered or for which there is an insufficient supply, in the Village.
- e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24 provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot, **setback**, or residence.
- f. **Open Space**
  1. Area included in the open space calculations **must meet the following:**
    - a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.
    - b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.
    - c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
    - d. At least fifty (50) percent of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, storm water facilities, or other required site plan elements.
    - e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.
    - f. A structure or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.
  2. To be included in the calculations for the minimum open space area, the following design standards must be met.
    - a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.

- b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.
  - c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
    - i. preserve or create a buffer from adjacent land uses;
    - ii. maintain existing natural viewsheds; and
    - iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.
3. The following land areas shall not be included in calculations for required open space:
- a. the area within any existing or future public street right-of-way;
  - b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
  - c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
  - d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
  - e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
  - f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

#### 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall ensure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
- b. activity that may cause risk of soil erosion or threaten plant material;
- c. cutting or removal of plant material except for removal of dying or diseased vegetation;
- d. use of motorized off-road vehicles;
- e. cutting, filling or removal of vegetation from wetland areas; and
- f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

- g. **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 PUD.
- h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

**22.26.050 Design and Review Standards for a Mixed Use PUD**

A Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this **Ordinance**, the Village’s Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300. **Review and approval in accordance with Section 22.08.300 shall be required as part of a final site plan review.**

- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will 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.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

- e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.

- h. **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 Mixed Use PUD.
- i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.
- j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### **22.26.060 Schedule of Construction**

- 1. Construction. Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- 2. Phasing. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

#### **22.26.070 Appeals, Violations and Expiration**

- 1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
- 2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
- 3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
- 4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

## **22.26 ~~Planning~~ Planned Unit Development**

### **22.26.010 Intent**

The intent of the Planned Unit Development (PUD) District is to permit flexibility in development regulations for a site containing unique natural features, ~~which that~~ the developer and Village desire to preserve. The procedures and regulations contained in this section are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance ~~nor~~; to avoid imposition of specific Zoning Ordinance standards; or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

### **22.26.020 Eligibility**

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

### **22.26.030 Submittal and Review Process**

A PUD may be designated by the Village or may be requested by an applicant. If the Village initiated the PUD, and the site is already designated PUD on the Village Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 22.26.020 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for PUD approval review, the applicant may request a meeting with Village staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:
  1. A completed application form and the required review fees.
  2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  3. A complete and current legal description and size of property in acres.
  4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
  5. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase PUD is proposed, identification of the areas included in each phase.
  6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
  7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.)
  8. A draft PUD Agreement that identifies any modifications from conventional zoning, obligations of the developer and subsequent owners, provisions for maintenance, allowable uses, project phasing, and similar information to clarify conditions of approval.
- c. **Planning Commission Review:** The Planning Commission shall review the PUD ~~rezoning~~ request, including PUD rezoning, preliminary site plan, and draft PUD Agreement, and submittal information, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.
- d. **Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning, ~~and~~ the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The PUD Agreement is subject to execution between the owner/developer and Village Council.

Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.

- f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.
- g. **Change in ownership:** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

**22.26.040 Design and Review Standards for a Residential PUD**

A Residential PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:
  - 1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
  - 2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
  - 3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
  - 4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
  - 5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.
  - 6. The arrangement of units maximizes the preservation of open space and the protection of natural features.
- c. **Harmony with surrounding uses:** The uses and design of the PUD will 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.
- d. **Density Standards:** The overall permitted density within a PUD shall not exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.
  - 1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under a conventional ~~plan~~ zoning. This shall be demonstrated through the preparation of a ~~comparison-parallel~~ plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for storm water and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the ~~comparison~~

parallel plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.

2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:

i. The amount of open space exceeds what would otherwise be required.

ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered or for which there is an insufficient supply, in the Village.

e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24, provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot, setback, or residence.

f. **Open Space**

1. Area included in the open space calculations must meet the following:

a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.

b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.

c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.

d. At least fifty (50) percent of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, storm water facilities, or other required site plan elements.

e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.

f. Any building structure or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.

2. To be included in the calculations for the minimum open space area, the following design standards must be met.

- a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.
  - b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.
  - c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
    - i. preserve or create a buffer from adjacent land uses ~~where appropriate~~;
    - ii. maintain existing natural viewsheds; and
    - iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.
3. The following land areas shall not be included in calculations for required open space:
- a. the area within any existing or future public street right-of-way;
  - b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
  - c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
  - d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
  - e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
  - f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

#### 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall ~~assure~~ ensure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
- b. activity that may cause risk of soil erosion or threaten plant material;
- c. cutting or removal of plant material except for removal of dying or diseased vegetation;
- d. use of motorized off-road vehicles;

- e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **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 PUD.
- h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

### 22.26.050 Design and Review Standards for a Mixed Use PUD

A Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this ~~Article~~ [Ordinance](#), the Village's Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300. [Review and approval in accordance with Section 22.08.300 shall be required as part of a final site plan review.](#)

- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will 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.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

- e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.

- h. **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 Mixed Use PUD.
- i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.
- j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### **22.26.060 Schedule of Construction**

1. Construction. Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
2. Phasing. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

#### **22.26.070 Appeals, Violations and Expiration**

1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

## **~~22.26 SINGLE-FAMILY RESIDENTIAL CLUSTER OPTION~~**

### ~~22.26.010 INTENT~~

~~The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will provide for an alternate means for development of single-family areas. To accomplish this, an applicant may propose specific modifications to the One-Family Residential standards as outlined in the Schedule of Regulations. The modifications may be permitted in the R-A, R-1, R-A1, R-2, R-2A and R-3 Districts subject to Village Council review and approval and the conditions herein imposed. {Ord. 257, 4-26-92}~~

### ~~22.26.020 GENERAL~~

~~For the R-A, R-1, R-1A, R-2, R-2A, and R-3, Single-Family Residential Districts, any requirement of Section 22.24—Schedule of Regulations may be waived subject to Village review and approval and the conditions imposed by this section. {Ord. 257, 4-26-92}~~

### ~~22.26.030 QUALIFICATIONS FOR CLUSTER OPTION~~

~~The Village Council may approve of the clustering of buildings on parcels of land under single ownership and control, which, in the opinion of the Village Council, have characteristics which would make sound physical development under the normal subdivision approach undesirable because of location, because the site has natural characteristics which are worth preserving or which make platting difficult, or if the proposed clustering plan provides a recognizable and substantial benefit to the Village. In approving an area for cluster development, the Council shall find at least one of the following conditions to exist:~~

- ~~a. A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots or single-family dwellings of the development fronting on the major or intermediate thoroughfare.~~
- ~~b. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of fifteen percent (15%) between these elevations. These elevation changes and slopes shall appear as the typical feature of the site and shall represent at least fifteen percent (15%) of the horizontal development area of the site, rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the Village would be impossible unless the site were mass graded. The providing of single-family clusters will allow a greater preservation of the natural setting.~~
- ~~e. The parcel is in a floodplain or has documented poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.~~
- ~~d. The parcel contains natural assets which would be preserved through the use of cluster~~

development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

e. The Village Council finds that the proposed clustering plan meets all of the following criteria:

1. Implementation of the cluster plan shall result in a recognizable and substantial benefit to the direct users of the plan and to the community. For the purpose of this approval a recognizable and substantial benefit is defined as follows: A clear benefit, both to the ultimate users of the property in question and to the Village, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long term protection or preservation of natural resources; preservation of historical structures or significant architectural features; or, elimination of nonconforming use(s) or structure(s);

2. The proposed development shall not have an adverse impact on future development within the Village as presented in the adopted Village Master Plan.

3. The proposed development shall be consistent with the intent and spirit of this Ordinance; and

4. The proposed development shall not impede the continued use of future development of surrounding properties for uses that are permitted in the Zoning Ordinance nor diminish their value.

In order to qualify a parcel for development under Paragraphs (b), (c), or (d) of this Section 22.26.030, the Village Council shall review documented evidence supplied by the applicant or their agent and prepared by a qualified professional in the appropriate field and make a determination that the request is supported by the documentation. Such evidence shall include the following as appropriate: soil test boring, a flood plain map, topographic map of maximum two (2) foot contour interval, and an inventory of all natural assets located on the site. The Council may, at their discretion, engage independent qualified professionals to review any submission by the applicant, with all costs to be borne by the applicant. {Ord. 257, 4-26-92}

#### 22.26.040 PRELIMINARY DETERMINATION, CONCEPT REVIEW, FINAL APPROVAL

All cluster option plans shall be subject to the following procedure for review:

a. The first step in the development of a cluster option plan is a preliminary determination by the Village Council that Section 22.26.030 applies to the site and/or proposed plan. This determination will be made following a review and recommendation by the Planning Board and is accomplished by a concept review of the site plan. The concept review considers the following basic issues: benefit, density, utilities, circulation, extent or degree of modification from existing requirements and standards, and the relationship to adjacent development. A preliminary determination based upon the concept review does not assure approval of a clustering plan. A favorable preliminary determination will, however, provide petitioner with an indication as to whether or not to proceed with the detailed site plan required for final approval.

~~b. Following approval of a concept plan by the Village Council, a site plan review shall be conducted according to Section 22.08.290. All modifications to Village regulations must be detailed on the site plan. Clustering plans shall comply with Village regulations, such as, but not limited to: the Village Subdivision Control Ordinance, and condominium regulations as stated in Chapter 22.25. Following a review and recommendation by the Planning Board, final approval of the cluster option may be granted by the Village Council through the approval of the site plan. {Ord. 257, 4-26-92}~~

#### ~~22.26.050 STANDARDS FOR CLUSTER OPTION~~

~~For developments which qualify for the cluster option, certain requirements and standards set forth in the Schedule of Regulations and elsewhere in this Ordinance may be modified as follows:~~

~~a. The required average minimum land area and density requirements shall be as follows:~~

~~1. In a cluster development, the regulations for determining the required average minimum land area for each dwelling unit shall be as follows:~~

<del>Single Family Residential District</del>	<del>Required Average Minimum Land Area (Sq. Ft.)</del>	<del>Required Average Minimum Land Area (Sq. Ft. per Dwelling Unit in Developments With Public Streets or out With Private Streets Built to Village Standards Not Counting the Area of the Streets)</del>
<del>R-A</del>	<del>25,000</del>	<del>28,900</del>
<del>R-1</del>	<del>16,000</del>	<del>19,000</del>
<del>R-1A</del>	<del>12,000</del>	<del>15,000</del>
<del>R-2</del>	<del>12,000</del>	<del>14,250</del>
<del>R-2A</del>	<del>9,000</del>	<del>11,250</del>
<del>R-3</del>	<del>6,000</del>	<del>7,800</del>

~~2. A cluster option shall contain sufficient minimum land area for at least six (6) residential units, as determined by the table in Subsection (a)(1) above.~~

~~3. Notwithstanding the foregoing minimum land area requirements of Subsection (a) (1) and Subsection (a) (2) above, the density of any development under the cluster option shall not exceed the maximum density that could be achieved by developing single family lots in conformance with this Ordinance, the Village Subdivision Regulations, the Village Private Road Ordinance and all applicable State and County subdivision regulations, including the Subdivision Control Act of 1967, being P.A. 1967, No. 288 as amended. To ensure compliance with this density requirement, the applicant is required to submit a parallel plot plan of the site at the time of concept review. The parallel plan shall be designed with lots or unit lots and roadways that meet or exceed all State and Village minimum requirements for a conventional subdivision.~~

~~b. In no case shall the spacing between residential units be less than ten (10) feet, measured between the nearest points of adjacent buildings.~~

~~c. Building setbacks from streets shall be determined after consideration of potential vehicular traffic volume, site design, and pedestrian safety. In determining the setbacks, the following minimum requirements shall apply:~~

~~1. A cluster development shall maintain an open space area of at least forty (40) feet from any pre-existing public street right of way.~~

~~2. No structure within a cluster development shall be nearer to the pavement edge or the shoulder of any private street or drive than ten (10) feet.~~

~~3. No garage or required off street parking space shall be located closer than twenty (20) feet from the right of way line of any street proposed to be dedicated to the public. However, a garage or required off street parking space may be located as close as twenty (20) feet from the pavement edge of any private street or drive located within the common area of the cluster development, provided that the placement does not interfere with traffic circulation throughout the development.~~

~~4. A cluster development shall provide and maintain usable common open space at the ratio of 1,000 square feet of open space per dwelling unit, provided that each development shall contain a minimum of ten thousand (10,000) square feet of common open space. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights of way.~~

~~5. All required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use.~~

~~d. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Applications of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.~~

~~e. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Village Council shall determine that the abutting one family district is effectively buffered within the cluster development by means of one or more of the following:~~

- ~~1. Single family lots subject to the standards of the SCHEDULE OF REGULATIONS;~~
- ~~2. Detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for rear and side open space for the applicable residential district;~~
- ~~3. Open or recreation space;~~
- ~~4. Changes in topography which provide an effective buffer;~~
- ~~5. A major or intermediate thoroughfare; and/or,~~
- ~~6. Some other similar means of providing a transition. {Ord. 257, 4-26-92}~~

#### ~~22.26.060 APPLICATION, PROCEDURES AND FINAL APPROVAL~~

~~a. In making application for approval under this section, the applicant shall provide a sworn statement from each property owner or other party with an ownership interest in any portion of the property to be included as part of the clustering plan indicating that the party:~~

- ~~—supports the application,~~
- ~~—authorizes the applicant to be an agent before the Village,~~
- ~~—agrees to abide to any requirements or conditions developed as part of a final clustering plan.~~

~~b. For the concept review and preliminary determination of qualification of the clustering plan, the applicant shall submit a conceptual site plan with sufficient information to show that the parcel qualifies for the cluster option pursuant to Section 22.26.030. This plan shall enable the Planning Board and the Village Council to review the benefits, density, utilities, extent or degree of modification from existing requirements and standards, circulation and relationship to adjacent development. The conceptual plan shall include topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, typical building elevations, and typical floor plan. A separate parallel plan as required in Section 22.26.050 (a) (3) shall also be provided.~~

~~e. The application and all accompanying materials shall be first reviewed by the Village Council at a regular meeting and forwarded to the Planning Board for their review and recommendation. The Planning board shall hold a public hearing on the preliminary determination of qualification and the site plan concept, and then submit their recommendations to the Village Council. After reviewing the recommendations of the Planning Board, the Village Council shall hold a public hearing, make a preliminary determination of qualification and review the concept plan. If the Village Council finds that the parcel does not qualify for the cluster option or finds that the cluster option should not be approved because it does not meet the letter and spirit of this~~

ordinance or because the proposal would be detrimental to existing development in the general area based on the standards set forth in Section 22.08.300 (h) of this Ordinance, it shall deny the cluster option. The reasons for denial shall be specified in the minutes of the Council meeting.

d. If the Village Council makes a preliminary determination that the proposal does qualify for the cluster option, the matter shall be referred by Council to the Planning Board for the second step of the approval process which includes the review of a detailed site plan. The site plan shall comply with all requirements of Section 22.080.290 Site Plan Review and, if applicable, all information required for subdivisions pursuant to the Municipal Code. Review of the site plan and the cluster option proposed shall proceed in accordance with the procedures of Section 22.080.300 for Special Condition uses. The Planning Board shall conduct a public hearing on the site plan and make a recommendation to the Village Council. After receiving the Planning Board's recommendation the Village Council shall hold a public hearing on the site plan and make a final decision to deny, approve or approve with conditions the cluster option and the site plan. Any denial, approval or conditional approval shall be in accordance with the standards in Section 22.080.300(h) as well as the standards set forth in this Section 22.26. If the Village Council denies the Cluster Option or the site plan, it shall specify the reasons for its denial in the minutes of its meetings.

e. If the Council approves the site plan it shall instruct the Village Attorney to prepare a deed covenant or similar instrument enforceable by the Village. Said instrument shall set forth the conditions upon which such approval is based and define the point at which substantial construction is initiated. This instrument, after approval by the Council, shall be agreed upon by the Village and the applicant and filed with the appropriate Registrar of Deeds prior to the issuance of a building permit for any construction in accordance with site plans.

f. As a condition for the approval of the site plan by the Council, the applicant may be required to provide a performance guarantee in accordance with Section 22.08.310.

g. Development of the open space shall be completed concurrently with the construction of the dwelling units.

h. If substantial construction as defined in the legal instrument required in Subsection (e) above, has not commenced within twelve (12) months of approval by the Village Council, all Village approvals shall become null and void. The applicant may apply in writing to the Village Council for an extension, not to exceed twelve (12) months, at least thirty (30) days prior to the expiration of this deadline. A maximum of two (2) extensions may be allowed on any approved plan.

i. The Zoning Board of Appeals shall not have authority to consider an appeal of any decision by the Village Council concerning a Cluster Option proposal. {Ord. 257, 4-26-92}

## **22.26 Planned Unit Development**

### **22.26.010 Intent**

The intent of the Planned Unit Development (PUD) District is to permit flexibility in development regulations for a site containing unique natural features that the developer and Village desire to preserve. The procedures and regulations contained in this section are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance nor to avoid imposition of specific Zoning Ordinance standards or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

#### **22.26.020 Eligibility**

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

#### **22.26.030 Submittal and Review Process**

A PUD may be designated by the Village or may be requested by an applicant. If the Village initiated the PUD, and the site is already designated PUD on the Village Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 22.26.020 above.

The PUD submittal and approval process is as follows:

a. **Optional Preapplication Conference.** Prior to formal submission of an application for PUD review, the applicant may request a meeting with Village staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan.

b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:

1. A completed application form and the required review fees.
2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
3. A complete and current legal description and size of property in acres.
4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
5. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase PUD is proposed, identification of the areas included in each phase.
6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.).
8. A draft PUD Agreement that identifies any modifications from conventional zoning, obligations of the developer and subsequent owners, provisions for maintenance, allowable uses, project phasing, and similar information to clarify conditions of approval.

c. **Planning Commission Review:** The Planning Commission shall review the PUD request, including PUD rezoning, preliminary site plan, and draft PUD Agreement, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.

d. **Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning, the preliminary PUD

site plan and either approve, deny or approve with a list of conditions made part of the approval. The PUD Agreement is subject to execution between the owner/developer and Village Council.

Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.

f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

g. **Change in ownership:** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

#### **22.26.040 Design and Review Standards for a Residential PUD**

A Residential PUD shall comply with the following project design standards:

a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.

b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:

1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.

6. The arrangement of units maximizes the preservation of open space and the protection of natural features.

c. **Harmony with surrounding uses:** The uses and design of the PUD will 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.

d. **Density Standards:** The overall permitted density within a PUD shall not exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.

1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under conventional zoning. This shall be demonstrated through the preparation of a parallel plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for storm water and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the parallel plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.

2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:

i. The amount of open space exceeds what would otherwise be required.

ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered or for which there is an insufficient supply, in the Village.

e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24 provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot, setback, or residence.

f. **Open Space**

1. Area included in the open space calculations must meet the following:

- a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.
- b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.
- c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
- d. At least fifty (50) percent of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, storm water facilities, or other required site plan elements.
- e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.
- f. A structure or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.

2. To be included in the calculations for the minimum open space area, the following design standards must be met.

- a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.
- b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.
- c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
  - i. preserve or create a buffer from adjacent land uses;
  - ii. maintain existing natural viewsheds; and
  - iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.

3. The following land areas shall not be included in calculations for required open space:

- a. the area within any existing or future public street right-of-way;
- b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;

- c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
- d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
- e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
- f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

#### 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall ensure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
  - b. activity that may cause risk of soil erosion or threaten plant material;
  - c. cutting or removal of plant material except for removal of dying or diseased vegetation;
  - d. use of motorized off-road vehicles;
  - e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **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 PUD.
- h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

### 22.26.050 Design and Review Standards for a Mixed Use PUD

A Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this Ordinance, the Village's Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300. Review and approval in accordance with Section 22.08.300 shall be required as part of a final site plan review.

- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will 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.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

- e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.

- h. **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 Mixed Use PUD.
- i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.
- j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### 22.26.060 Schedule of Construction

- 1. **Construction.** Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- 2. **Phasing.** In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

#### 22.26.070 Appeals, Violations and Expiration

- 1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
- 2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
- 3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
- 4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this

time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

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To: Chairperson Drummond; Planning Commissioners

From: Erin LaPere, Planning & Zoning Administrator

Date: February 19, 2020

Re: Draft PUD Language

Pursuant to Council direction in 2019, the Planning Commission subcommittee has been working with Administration and Village Planning Consultant to draft language, attached, to replace the existing cluster development language. Chapter 22, Section 22.26 was adopted in 1992 and, upon review, the suggestion is to replace the language with a Planned Unit Development (PUD) option. PUD is a development option that is permitted by the Michigan Zoning Enabling Act (MZEA) to the municipality with certain restrictions. For the Commissioners' review there is a clean version of the PUD ordinance language, the current cluster development language, and the strike-through version of the proposed changes attached.

As an overview, there are a number of reasons to modify the language, not least of which is that the minimum open space requirement is currently 10% which is low and does not result in development that preserves significant open space as expected through a typical cluster/PUD ordinance. Below summarizes the major changes from the existing language:

<b>Current Cluster Development Language</b>	<b>Proposed PUD Language</b>
Single Family Residential only	Adds language to allow mixed-use development
Detached residences only	Adds language to permit attached single family housing with restrictions
Minimum 10% open space requirement	Minimum 40% open space requirement
Requires Village Attorney to draft deed covenant	Requires applicant to draft legal documents with Village approval of the language
ZBA has no authority over any cluster development decision by Council	Allows limited ZBA approval for future property owners within the PUD

The proposed PUD language also brings the review and approval procedures into alignment with the MZEA. Additionally, there are some prescriptive design requirements in the current cluster option that are not included in the PUD language. This flexibility is intentional to allow the Village and the potential developer to work together to create a project that is harmonious with the existing surrounding development. The current language also permits the imposition of performance guarantees per Section 22.08.310, which the Planning Commission and Council may want to add to the PUD language to maintain the option to require additional incentives to complete the development as approved.

Procedurally, a public hearing and recommendation must be made by Planning Commission. Afterwards, Village Council must hold a public hearing, and first and second reading of the proposed language before adoption. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper.

The first date Planning Commission can hold a public hearing in accordance with notification deadlines will be the March 25<sup>th</sup> meeting.

**Suggested Motion**

Planning Commission directs administration to schedule a public hearing for proposed language updating Chapter 22, Section 22.26 Single Family Residential Cluster Option.

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## **22.26 Planning Unit Development**

### **22.26.010 Intent**

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The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

### **22.26.020 Eligibility**

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

### **22.26.030 Submittal and Review Process**

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- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:
  1. A completed application form and the required review fees.
  2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  3. A complete and current legal description and size of property in acres.
  4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
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  6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
  7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.)
- c. **Planning Commission Review:** The Planning Commission shall review the PUD rezoning request and submittal information, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.
- d. **Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning and the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval.

Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.
- f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

- g. **Change in ownership:** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

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- a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:
  - 1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
  - 2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
  - 3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
  - 4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
  - 5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.
  - 6. The arrangement of units maximizes the preservation of open space and the protection of natural features.
- c. **Harmony with surrounding uses:** The uses and design of the PUD will 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.
- d. **Density Standards:** The overall permitted density within a PUD shall not exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.
  - 1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under a conventional plan. This shall be demonstrated through the preparation of a comparison plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for stormwater and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the comparison plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.
  - 2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:
  - i. The amount of open space exceeds what would otherwise be required.
  - ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered, in the Village.
- e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24, provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot or residence.
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  1. Area included in the open space calculations
    - a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.
    - b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.
    - c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
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    - e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.
    - f. Any building or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.
  2. To be included in the calculations for the minimum open space area, the following design standards must be met.
    - a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.
    - b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.
    - c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:

- i. preserve or create a buffer from adjacent land uses where appropriate;
- ii. maintain existing natural viewsheds; and
- iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.

3. The following land areas shall not be included in calculations for required open space:

- a. the area within any existing or future public street right-of-way;
- b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
- c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
- d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
- e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
- f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

#### 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall assure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
  - b. activity that may cause risk of soil erosion or threaten plant material;
  - c. cutting or removal of plant material except for removal of dying or diseased vegetation;
  - d. use of motorized off-road vehicles;
  - e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **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 PUD.
- h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility

design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

### **22.26.050 Design and Review Standards for a Mixed Use PUD**

A Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this Article, the Village's Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300.

- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will 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.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

- e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.
- h. **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 Mixed Use PUD.
- i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.
- j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility

design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### **22.26.060 Schedule of Construction**

1. Construction. Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
2. Phasing. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

#### **22.26.070 Appeals, Violations and Expiration**

1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

## **22.26 SINGLE-FAMILY RESIDENTIAL CLUSTER OPTION**

### **22.26.010 INTENT**

The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will provide for an alternate means for development of single-family areas. To accomplish this, an applicant may propose specific modifications to the One Family Residential standards as outlined in the Schedule of Regulations. The modifications may be permitted in the R-A, R-1, R-A1, R-2, R-2A and R-3 Districts subject to Village Council review and approval and the conditions herein imposed. {Ord. 257, 4-26-92}

### **22.26.020 GENERAL**

For the R-A, R-1, R-1A, R-2, R-2A, and R-3, Single Family Residential Districts, any requirement of Section 22.24 - Schedule of Regulations may be waived subject to Village review and approval and the conditions imposed by this section. {Ord. 257, 4-26-92}

### **22.26.030 QUALIFICATIONS FOR CLUSTER OPTION**

The Village Council may approve of the clustering of buildings on parcels of land under single ownership and control, which, in the opinion of the Village Council, have characteristics which would make sound physical development under the normal subdivision approach undesirable because of location, because the site has natural characteristics which are worth preserving or which make platting difficult, or if the proposed clustering plan provides a recognizable and substantial benefit to the Village. In approving an area for cluster development, the Council shall find at least one of the following conditions to exist:

- a. A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots or single family dwellings of the development fronting on the major or intermediate thoroughfare.
- b. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of fifteen percent (15%) between these elevations. These elevation changes and slopes shall appear as the typical feature of the site and shall represent at least fifteen percent (15%) of the horizontal development area of the site, rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the Village would be impossible unless the site were mass graded. The providing of single family clusters will allow a greater preservation of the natural setting.
- c. The parcel is in a floodplain or has documented poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
- d. The parcel contains natural assets which would be preserved through the use of cluster

development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

e. The Village Council finds that the proposed clustering plan meets all of the following criteria:

1. Implementation of the cluster plan shall result in a recognizable and substantial benefit to the direct users of the plan and to the community. For the purpose of this approval a recognizable and substantial benefit is defined as follows: A clear benefit, both to the ultimate users of the property in question and to the Village, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources, preservation of historical structures or significant architectural features; or, elimination of nonconforming use(s) or structure(s);

2. The proposed development shall not have an adverse impact on future development within the Village as presented in the adopted Village Master Plan.

3. The proposed development shall be consistent with the intent and spirit of this Ordinance; and

4. The proposed development shall not impede the continued use of future development of surrounding properties for uses that are permitted in the Zoning Ordinance nor diminish their value.

In order to qualify a parcel for development under Paragraphs (b), (c), or (d) of this Section 22.26.030, the Village Council shall review documented evidence supplied by the applicant or their agent and prepared by a qualified professional in the appropriate field and make a determination that the request is supported by the documentation. Such evidence shall include the following as appropriate: soil test boring, a flood plain map, topographic map of maximum two (2) foot contour interval, and an inventory of all natural assets located on the site. The Council may, at their discretion, engage independent qualified professionals to review any submission by the applicant, with all costs to be borne by the applicant. {Ord. 257, 4-26-92}

#### 22.26.040 PRELIMINARY DETERMINATION, CONCEPT REVIEW, FINAL APPROVAL

All cluster option plans shall be subject to the following procedure for review:

a. The first step in the development of a cluster option plan is a preliminary determination by the Village Council that Section 22.26.030 applies to the site and/or proposed plan. This determination will be made following a review and recommendation by the Planning Board and is accomplished by a concept review of the site plan. The concept review considers the following basic issues: benefit, density, utilities, circulation, extent or degree of modification from existing requirements and standards, and the relationship to adjacent development. A preliminary determination based upon the concept review does not assure approval of a clustering plan. A favorable preliminary determination will, however, provide petitioner with an indication as to whether or not to proceed with the detailed site plan required for final approval.

b. Following approval of a concept plan by the Village Council, a site plan review shall be conducted according to Section 22.08.290. All modifications to Village regulations must be detailed on the site plan. Clustering plans shall comply with Village regulations, such as, but not limited to: the Village Subdivision Control Ordinance, and condominium regulations as stated in Chapter 22.25. Following a review and recommendation by the Planning Board, final approval of the cluster option may be granted by the Village Council through the approval of the site plan. {Ord. 257, 4-26-92}

#### 22.26.050 STANDARDS FOR CLUSTER OPTION

For developments which qualify for the cluster option, certain requirements and standards set forth in the Schedule of Regulations and elsewhere in this Ordinance may be modified as follows:

a. The required average minimum land area and density requirements shall be as follows:

1. In a cluster development, the regulations for determining the required average minimum land area for each dwelling unit shall be as follows:

Single Family Residential District	Required Average Minimum Land Area (Sq. Ft.)	Required Average Density (Per Sq. Ft.)
R-A	25,000	28,900
R-1	16,000	19,000
R-1A	12,000	15,000
R-2	12,000	14,250
R-2A	9,000	11,250
R-3	6,000	7,800

2. A cluster option shall contain sufficient minimum land area for at least six (6) residential units, as determined by the table in Subsection (a)(1) above.

3. Notwithstanding the foregoing minimum land area requirements of Subsection (a) (1) and Subsection (a) (2) above, the density of any development under the cluster option shall not exceed the maximum density that could be achieved by developing single family lots in conformance with this Ordinance, the Village Subdivision Regulations, the Village Private Road Ordinance and all applicable State and County subdivision regulations, including the Subdivision Control Act of 1967, being P.A. 1967, No. 288 as amended. To ensure compliance with this density requirement, the applicant is required to submit a parallel plot plan of the site at the time of concept review. The parallel plan shall be designed with lots or unit lots and roadways that meet or exceed all State and Village minimum requirements for a conventional subdivision.

b. In no case shall the spacing between residential units be less than ten (10) feet, measured between the nearest points of adjacent buildings.

c. Building setbacks from streets shall be determined after consideration of potential vehicular traffic volume, site design, and pedestrian safety. In determining the setbacks, the following minimum requirements shall apply:

1. A cluster development shall maintain an open space area of at least forty (40) feet from any pre-existing public street right-of-way.

2. No structure within a cluster development shall be nearer to the pavement edge or the shoulder of any private street or drive than ten (10) feet.

3. No garage or required off-street parking space shall be located closer than twenty (20) feet from the right-of-way line of any street proposed to be dedicated to the public. However, a garage or required off-street parking space may be located as close as twenty (20) feet from the pavement edge of any private street or drive located within the common area of the cluster development, provided that the placement does not interfere with traffic circulation throughout the development.

4. A cluster development shall provide and maintain usable common open space at the ratio of 1,000 square feet of open space per dwelling unit, provided that each development shall contain a minimum of ten thousand (10,000) square feet of common open space. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way.

5. All required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use.

d. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Applications of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.

e. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Village Council shall determine that the abutting one family district is effectively buffered within the cluster development by means of one or more of the following:

1. Single family lots subject to the standards of the SCHEDULE OF REGULATIONS;
2. Detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for rear and side open space for the applicable residential district;
3. Open or recreation space;
4. Changes in topography which provide an effective buffer;
5. A major or intermediate thoroughfare; and/or,
6. Some other similar means of providing a transition. {Ord. 257, 4-26-92}

#### 22.26.060 APPLICATION, PROCEDURES AND FINAL APPROVAL

a. In making application for approval under this section, the applicant shall provide a sworn statement from each property owner or other party with an ownership interest in any portion of the property to be included as part of the clustering plan indicating that the party:

- supports the application,
- authorizes the applicant to be an agent before the Village,
- agrees to abide to any requirements or conditions developed as part of a final clustering plan.

b. For the concept review and preliminary determination of qualification of the clustering plan, the applicant shall submit a conceptual site plan with sufficient information to show that the parcel qualifies for the cluster option pursuant to Section 22.26.030. This plan shall enable the Planning Board and the Village Council to review the benefits, density, utilities, extent or degree of modification from existing requirements and standards, circulation and relationship to adjacent development. The conceptual plan shall include topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, typical building elevations, and typical floor plan. A separate parallel plan as required in Section 22.26.050 (a) (3) shall also be provided.

c. The application and all accompanying materials shall be first reviewed by the Village Council at a regular meeting and forwarded to the Planning Board for their review and recommendation. the Planning board shall hold a public hearing on the preliminary determination of qualification and the site plan concept, and then submit their recommendations to the Village Council. After reviewing the recommendations of the Planning Board, the Village Council shall hold a public hearing, make a preliminary determination of qualification and review the concept plan. If the Village Council finds that the parcel does not qualify for the cluster option or finds that the cluster option should not be approved because it does not meet the letter and spirit of this

ordinance or because the proposal would be detrimental to existing development in the general area based on the standards set forth in Section 22.08.300 (h) of this Ordinance, it shall deny the cluster option. The reasons for denial shall be specified in the minutes of the Council meeting.

d. If the Village Council makes a preliminary determination that the proposal does qualify for the cluster option, the matter shall be referred by Council to the Planning Board for the second step of the approval process which includes the review of a detailed site plan. The site plan shall comply with all requirements of Section 22.080.290 Site Plan Review and, if applicable, all information required for subdivisions pursuant to the Municipal Code. Review of the site plan and the cluster option proposed shall proceed in accordance with the procedures of Section 22.080.300 for Special Condition uses. The Planning Board shall conduct a public hearing on the site plan and make a recommendation to the Village Council. After receiving the Planning Board's recommendation the Village Council shall hold a public hearing on the site plan and make a final decision to deny, approve or approve with conditions the cluster option and the site plan. Any denial, approval or conditional approval shall be in accordance with the standards in Section 22.080.300(h) as well as the standards set forth in this Section 22.26. If the Village Council denies the Cluster Option or the site plan, it shall specify the reasons for its denial in the minutes of its meetings.

e. If the Council approves the site plan it shall instruct the Village Attorney to prepare a deed covenant or similar instrument enforceable by the Village. Said instrument shall set forth the conditions upon which such approval is based and define the point at which substantial construction is initiated. This instrument, after approval by the Council, shall be agreed upon by the Village and the applicant and filed with the appropriate Registrar of Deeds prior to the issuance of a building permit for any construction in accordance with site plans.

f. As a condition for the approval of the site plan by the Council, the applicant may be required to provide a performance guarantee in accordance with Section 22.08.310.

g. Development of the open space shall be completed concurrently with the construction of the dwelling units.

h. If substantial construction as defined in the legal instrument required in Subsection (e) above, has not commenced within twelve (12) months of approval by the Village Council, all Village approvals shall become null and void. The applicant may apply in writing to the Village Council for an extension, not to exceed twelve (12) months, at least thirty (30) days prior to the expiration of this deadline. A maximum of two (2) extensions may be allowed on any approved plan.

i. The Zoning Board of Appeals shall not have authority to consider an appeal of any decision by the Village Council concerning a Cluster Option proposal. {Ord. 257, 4-26-92}

## ~~22.26 SINGLE-FAMILY RESIDENTIAL CLUSTER OPTION~~

### ~~22.26.010 INTENT~~

~~The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will provide for an alternate means for development of single-family areas. To accomplish this, an applicant may propose specific modifications to the One Family Residential standards as outlined in the Schedule of Regulations. The modifications may be permitted in the R-A, R-1, R-1A, R-2, R-2A and R-3 Districts subject to Village Council review and approval and the conditions herein imposed. {Ord. 257, 4-26-92}~~

### ~~22.26.020 GENERAL~~

~~For the R-A, R-1, R-1A, R-2, R-2A, and R-3, Single Family Residential Districts, any requirement of Section 22.24—Schedule of Regulations may be waived subject to Village review and approval and the conditions imposed by this section. {Ord. 257, 4-26-92}~~

### ~~22.26.030 QUALIFICATIONS FOR CLUSTER OPTION~~

~~The Village Council may approve of the clustering of buildings on parcels of land under single ownership and control, which, in the opinion of the Village Council, have characteristics which would make sound physical development under the normal subdivision approach undesirable because of location, because the site has natural characteristics which are worth preserving or which make platting difficult, or if the proposed clustering plan provides a recognizable and substantial benefit to the Village. In approving an area for cluster development, the Council shall find at least one of the following conditions to exist:~~

~~a. A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots or single family dwellings of the development fronting on the major or intermediate thoroughfare.~~

~~b. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of fifteen percent (15%) between these elevations. These elevation changes and slopes shall appear as the typical feature of the site and shall represent at least fifteen percent (15%) of the horizontal development area of the site, rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the Village would be impossible unless the site were mass-graded. The providing of single family clusters will allow a greater preservation of the natural setting.~~

~~c. The parcel is in a floodplain or has documented poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.~~

~~d. The parcel contains natural assets which would be preserved through the use of cluster~~

development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

e. The Village Council finds that the proposed clustering plan meets all of the following criteria:

1. Implementation of the cluster plan shall result in a recognizable and substantial benefit to the direct users of the plan and to the community. For the purpose of this approval a recognizable and substantial benefit is defined as follows: A clear benefit, both to the ultimate users of the property in question and to the Village, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long term protection or preservation of natural resources; preservation of historical structures or significant architectural features; or, elimination of nonconforming use(s) or structure(s);

2. The proposed development shall not have an adverse impact on future development within the Village as presented in the adopted Village Master Plan.

3. The proposed development shall be consistent with the intent and spirit of this Ordinance; and

4. The proposed development shall not impede the continued use of future development of surrounding properties for uses that are permitted in the Zoning Ordinance nor diminish their value.

In order to qualify a parcel for development under Paragraphs (b), (c), or (d) of this Section 22.26.030, the Village Council shall review documented evidence supplied by the applicant or their agent and prepared by a qualified professional in the appropriate field and make a determination that the request is supported by the documentation. Such evidence shall include the following as appropriate: soil test boring, a flood plain map, topographic map of maximum two (2) foot contour interval, and an inventory of all natural assets located on the site. The Council may, at their discretion, engage independent qualified professionals to review any submission by the applicant, with all costs to be borne by the applicant. {Ord. 257, 4-26-92}

#### 22.26.040 PRELIMINARY DETERMINATION, CONCEPT REVIEW, FINAL APPROVAL

All cluster option plans shall be subject to the following procedure for review:

a. The first step in the development of a cluster option plan is a preliminary determination by the Village Council that Section 22.26.030 applies to the site and/or proposed plan. This determination will be made following a review and recommendation by the Planning Board and is accomplished by a concept review of the site plan. The concept review considers the following basic issues: benefit, density, utilities, circulation, extent or degree of modification from existing requirements and standards, and the relationship to adjacent development. A preliminary determination based upon the concept review does not assure approval of a clustering plan. A favorable preliminary determination will, however, provide petitioner with an indication as to whether or not to proceed with the detailed site plan required for final approval.

~~b. Following approval of a concept plan by the Village Council, a site plan review shall be conducted according to Section 22.08.290. All modifications to Village regulations must be detailed on the site plan. Clustering plans shall comply with Village regulations, such as, but not limited to: the Village Subdivision Control Ordinance, and condominium regulations as stated in Chapter 22.25. Following a review and recommendation by the Planning Board, final approval of the cluster option may be granted by the Village Council through the approval of the site plan. {Ord. 257, 4-26-92}~~

#### ~~22.26.050 STANDARDS FOR CLUSTER OPTION~~

~~For developments which qualify for the cluster option, certain requirements and standards set forth in the Schedule of Regulations and elsewhere in this Ordinance may be modified as follows:~~

~~a. The required average minimum land area and density requirements shall be as follows:~~

~~1. In a cluster development, the regulations for determining the required average minimum land area for each dwelling unit shall be as follows:~~

<del>Single Required Average</del>	<del>Required Average</del>
<del>Family Minimum Land Area</del>	<del>Minimum Land Area</del>
<del>Residential (Sq. Ft.)</del>	<del>Per (Sq. Ft. per)</del>
<del>District Dwelling Unit</del>	<del>Dwelling Unit in</del>
<del>Developments With</del>	<del>Developments With</del>
<del>Public Streets or out</del>	<del>Public Streets</del>
<del>With Private or Without</del>	<del>Private</del>
<del>Streets Built to</del>	<del>Streets Built to</del>
<del>Village Standards</del>	<del>Village Standards</del>
<del>Not Counting the</del>	
<del>Area of the</del>	
<del>Streets</del>	

~~R-A 25,000 28,900~~

~~R-1 16,000 19,000~~

~~R-1A 12,000 15,000~~

~~R-2 12,000 14,250~~

~~R-2A 9,000 11,250~~

~~R-3 6,000 7,800~~

~~2. A cluster option shall contain sufficient minimum land area for at least six (6) residential units, as determined by the table in Subsection (a)(1) above.~~

~~3. Notwithstanding the foregoing minimum land area requirements of Subsection (a) (1) and Subsection (a) (2) above, the density of any development under the cluster option shall not exceed the maximum density that could be achieved by developing single family lots in conformance with this Ordinance, the Village Subdivision Regulations, the Village Private Road Ordinance and all applicable State and County subdivision regulations, including the Subdivision Control Act of 1967, being P.A. 1967, No. 288 as amended. To ensure compliance with this density requirement, the applicant is required to submit a parallel plot plan of the site at the time of concept review. The parallel plan shall be designed with lots or unit lots and roadways that meet or exceed all State and Village minimum requirements for a conventional subdivision.~~

~~b. In no case shall the spacing between residential units be less than ten (10) feet, measured between the nearest points of adjacent buildings.~~

~~c. Building setbacks from streets shall be determined after consideration of potential vehicular traffic volume, site design, and pedestrian safety. In determining the setbacks, the following minimum requirements shall apply:~~

~~1. A cluster development shall maintain an open space area of at least forty (40) feet from any pre-existing public street right-of-way.~~

~~2. No structure within a cluster development shall be nearer to the pavement edge or the shoulder of any private street or drive than ten (10) feet.~~

~~3. No garage or required off-street parking space shall be located closer than twenty (20) feet from the right-of-way line of any street proposed to be dedicated to the public. However, a garage or required off-street parking space may be located as close as twenty (20) feet from the pavement edge of any private street or drive located within the common area of the cluster development, provided that the placement does not interfere with traffic circulation throughout the development.~~

~~4. A cluster development shall provide and maintain usable common open space at the ratio of 1,000 square feet of open space per dwelling unit, provided that each development shall contain a minimum of ten thousand (10,000) square feet of common open space. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way.~~

~~5. All required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use.~~

~~d. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Applications of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.~~

~~e. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Village Council shall determine that the abutting one family district is effectively buffered within the cluster development by means of one or more of the following:~~

- ~~1. Single family lots subject to the standards of the SCHEDULE OF REGULATIONS;~~
- ~~2. Detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for rear and side open space for the applicable residential district;~~
- ~~3. Open or recreation space;~~
- ~~4. Changes in topography which provide an effective buffer;~~
- ~~5. A major or intermediate thoroughfare; and/or,~~
- ~~6. Some other similar means of providing a transition. {Ord. 257, 4-26-92}~~

#### ~~22.26.060 APPLICATION, PROCEDURES AND FINAL APPROVAL~~

~~a. In making application for approval under this section, the applicant shall provide a sworn statement from each property owner or other party with an ownership interest in any portion of the property to be included as part of the clustering plan indicating that the party:~~

- ~~—supports the application;~~
- ~~—authorizes the applicant to be an agent before the Village,~~
- ~~—agrees to abide to any requirements or conditions developed as part of a final clustering plan.~~

~~b. For the concept review and preliminary determination of qualification of the clustering plan, the applicant shall submit a conceptual site plan with sufficient information to show that the parcel qualifies for the cluster option pursuant to Section 22.26.030. This plan shall enable the Planning Board and the Village Council to review the benefits, density, utilities, extent or degree of modification from existing requirements and standards, circulation and relationship to adjacent development. The conceptual plan shall include topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, typical building elevations, and typical floor plan. A separate parallel plan as required in Section 22.26.050 (a) (3) shall also be provided.~~

~~c. The application and all accompanying materials shall be first reviewed by the Village Council at a regular meeting and forwarded to the Planning Board for their review and recommendation. The Planning board shall hold a public hearing on the preliminary determination of qualification and the site plan concept, and then submit their recommendations to the Village Council. After reviewing the recommendations of the Planning Board, the Village Council shall hold a public hearing, make a preliminary determination of qualification and review the concept plan. If the Village Council finds that the parcel does not qualify for the cluster option or finds that the cluster option should not be approved because it does not meet the letter and spirit of this~~

ordinance or because the proposal would be detrimental to existing development in the general area based on the standards set forth in Section 22.08.300 (h) of this Ordinance, it shall deny the cluster option. The reasons for denial shall be specified in the minutes of the Council meeting.

d. If the Village Council makes a preliminary determination that the proposal does qualify for the cluster option, the matter shall be referred by Council to the Planning Board for the second step of the approval process which includes the review of a detailed site plan. The site plan shall comply with all requirements of Section 22.080.290 Site Plan Review and, if applicable, all information required for subdivisions pursuant to the Municipal Code. Review of the site plan and the cluster option proposed shall proceed in accordance with the procedures of Section 22.080.300 for Special Condition uses. The Planning Board shall conduct a public hearing on the site plan and make a recommendation to the Village Council. After receiving the Planning Board's recommendation the Village Council shall hold a public hearing on the site plan and make a final decision to deny, approve or approve with conditions the cluster option and the site plan. Any denial, approval or conditional approval shall be in accordance with the standards in Section 22.080.300(h) as well as the standards set forth in this Section 22.26. If the Village Council denies the Cluster Option or the site plan, it shall specify the reasons for its denial in the minutes of its meetings.

e. If the Council approves the site plan it shall instruct the Village Attorney to prepare a deed covenant or similar instrument enforceable by the Village. Said instrument shall set forth the conditions upon which such approval is based and define the point at which substantial construction is initiated. This instrument, after approval by the Council, shall be agreed upon by the Village and the applicant and filed with the appropriate Registrar of Deeds prior to the issuance of a building permit for any construction in accordance with site plans.

f. As a condition for the approval of the site plan by the Council, the applicant may be required to provide a performance guarantee in accordance with Section 22.08.310.

g. Development of the open space shall be completed concurrently with the construction of the dwelling units.

h. If substantial construction as defined in the legal instrument required in Subsection (e) above, has not commenced within twelve (12) months of approval by the Village Council, all Village approvals shall become null and void. The applicant may apply in writing to the Village Council for an extension, not to exceed twelve (12) months, at least thirty (30) days prior to the expiration of this deadline. A maximum of two (2) extensions may be allowed on any approved plan.

i. The Zoning Board of Appeals shall not have authority to consider an appeal of any decision by the Village Council concerning a Cluster Option proposal. {Ord. 257, 4-26-92}

## **22.26 Planning Unit Development**

### **22.26.010 Intent**

The intent of the Planned Unit Development (PUD) District is to permit flexibility in development regulations for a site containing unique natural features, which the developer and Village desire to preserve. The procedures and regulations contained in this section are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

#### **22.26.020 Eligibility**

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

#### **22.26.030 Submittal and Review Process**

A PUD may be designated by the Village or may be requested by an applicant. If the Village initiated the PUD, and the site is already designated PUD on the Village Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 22.26.020 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for PUD approval, the applicant may request a meeting with Village staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:
1. A completed application form and the required review fees.
  2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  3. A complete and current legal description and size of property in acres.
  4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
  5. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase PUD is proposed, identification of the areas included in each phase.
  6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
  7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.)
- c. **Planning Commission Review:** The Planning Commission shall review the PUD rezoning request and submittal information, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.
- d. **Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning and the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.
- f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

g. **Change in ownership:** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

#### **22.26.040 Design and Review Standards for a Residential PUD**

A Residential PUD shall comply with the following project design standards:

a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.

b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:

1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.
6. The arrangement of units maximizes the preservation of open space and the protection of natural features.

c. **Harmony with surrounding uses:** The uses and design of the PUD will 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.

d. **Density Standards:** The overall permitted density within a PUD shall not exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.

1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under a conventional plan. This shall be demonstrated through the preparation of a comparison plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for stormwater and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the comparison plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.
2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:

i. The amount of open space exceeds what would otherwise be required.

ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered, in the Village.

e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24, provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot or residence.

f. **Open Space**

1. Area included in the open space calculations

a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.

b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.

c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.

d. At least fifty (50) percent of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, stormwater facilities, or other required site plan elements.

e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.

f. Any building or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.

2. To be included in the calculations for the minimum open space area, the following design standards must be met.

a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.

b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.

c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:

- i. preserve or create a buffer from adjacent land uses where appropriate;
- ii. maintain existing natural viewsheds; and
- iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.

3. The following land areas shall not be included in calculations for required open space:

- a. the area within any existing or future public street right-of-way;
- b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
- c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
- d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
- e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
- f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall assure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
  - b. activity that may cause risk of soil erosion or threaten plant material;
  - c. cutting or removal of plant material except for removal of dying or diseased vegetation;
  - d. use of motorized off-road vehicles;
  - e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **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 PUD.

h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### 22.26.050 Design and Review Standards for a Mixed Use PUD

A Mixed Use PUD shall comply with the following project design standards:

a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.

b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this Article, the Village's Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300.

c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will 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.

d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.

f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).

g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.

h. **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 Mixed Use PUD.

i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.

j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

#### **22.26.060 Schedule of Construction**

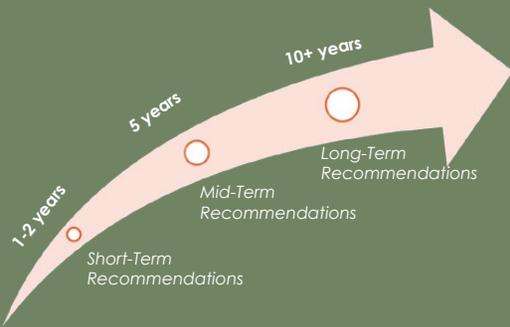
1. Construction. Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
2. Phasing. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

#### **22.26.070 Appeals, Violations and Expiration**

1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

The Action Plan table summarizes the recommendations from throughout the plan into specific categories, outlining individual tasks to be accomplished within the 20-year planning period. This format serves as a useful checklist to track accomplishments and reassign priorities. It also serves as a checklist to facilitate annual reviews of the plan.

Short-term 1-2 years ▶  
 Mid-term by 2020 ▶▶  
 Long-term by 2035 ▶▶▶



#	Topic	Action	Priority Term	Key Players
<b>Zoning Ordinance Actions</b>				
Z1	Zoning Ordinance	Prepare new zoning ordinance: improve organization, modernize language, add graphics, digital navigability, and make it more user-friendly.	▶▶	PC; VC
Z2	Residential Redevelopment	Refine zoning tools for residential redevelopment.	▶	PC
Z2a		Review <a href="#">cluster ordinance</a> and update as needed, potentially incorporating better open space requirements, and/or incorporate it as a <a href="#">PUD</a> .		PC
Z2b		Provide lot averaging options to provide variety in lot sizes yet maintain a consistent density.		PC
Z2c		Adopt <a href="#">PUD</a> regulations to allow greater flexibility for both the Village and developers giving both better opportunities to negotiate. Potentially create three PUD options: cluster, smaller housing type, and non-residential.		PC
Z3	Site plan review	Streamline application and submittal process.	▶	PC; Admin
Z3a		Evaluate site plan review procedures and allow for some reviews to be administrative.		PC; Admin
Z3b		Consider eliminating the need for Council to refer plans to Planning Commission and allowing Planning Commission decision on permitted uses.		PC; Admin
Z3c		Incorporate Redevelopment Ready Best Practices for review procedures as appropriate.		PC; Admin
Z3d		Add a table that lists what does/does not require site plan review.		PC
Z3e		Create easy-to-use plan review applications, forms, checklists, and flow charts.		PC; Admin
Z3f		Adopt a procedural policy whereby applicants must go to planning commission prior to ZBA where it is anticipated they will need plan approval and variances.		PC; ZBA
Z3g		Evaluate fee schedule annually.		Admin
Z4	<a href="#">Woodland ordinance</a>	Adopt a woodland ordinance to a) preserve landmark trees, b) require new development to replace or preserve trees, and/or c) establish a permitting process for tree removal.	▶	PC
Z5	Zoning Map	Update zoning map to color, GIS-based map.	▶	PC
Z6	Land Use	Evaluate zoning of corridors and <a href="#">transition areas</a> for potential alternative housing types or mixed-use/office opportunities.	▶▶	PC; VC

#	Topic	Action	Priority Term	Key Players
Z7	Conditional rezoning	Add conditional rezoning procedures to the zoning ordinance. While conditional rezonings are currently allowed by state statute they are not enumerated in the ordinance.	▶▶	PC
Z8	Rezoning	Add standards to evaluate rezoning requests.	▶▶	PC
Z9	Nonconforming	Review nonconforming standards and update as needed.	▶▶	PC
Z10	Uses	Review permitted and special uses by district. Update to include new uses as needed.	▶▶	PC
Z11	Parking	Evaluate parking requirements and explore parking maximums.	▶▶	PC
Z12	<a href="#">Non-motorized</a>	Add standards and requirements for bike racks for commercial properties.	▶▶	PC
Z13	<a href="#">Non-motorized</a>	Add regulations for interior site pedestrian connections to public sidewalks.	▶▶	PC
Z14	Public Hearing	Update all references to public hearing notification to match current MZEA requirements.	▶▶	PC
Z15	Variances	Update variance section to better enumerate review standards.	▶▶	PC
Z16	Schedule of Regulations	Review current dimensional standards, particularly the footnotes, and update as needed.	▶▶	PC
Z17	<a href="#">Access Management</a>	Review current access management standards and update as needed.	▶▶	PC
Z18	Wireless	Update wireless communications regulations/procedures for consistency with State law.	▶▶	PC

## Policy/Programmatic Actions

P1	<a href="#">Streets</a>	Consider adoption of flexible street design standards with required construction standards and right-of-way width for public and private streets.	▶	Engineering Public Safety
P2	<a href="#">Village Center</a>	Market the Village Center to developers. Use the MEDC Redevelopment Ready Communities program as examples for how to solicit redevelopment along Southfield. Continue to work with owners on new plans for their properties.	▶	PC; Admin
P3	<a href="#">Sidewalks</a>	Establish a sidewalk maintenance plan to fill in gaps.	▶	Engineering
P4	<a href="#">Traffic calming</a>	Explore traffic calming options where residential neighborhoods abut arterial streets.	▶▶▶	Engineering
P5	<a href="#">CIP</a>	Adopt a <a href="#">Capital Improvements Plan</a> that is reviewed yearly and coordinated between planning and public works.	▶▶	Public Works

#	Topic	Action	Priority Term	Key Players
P6	Sustainability/ <a href="#">LID</a>	Adopt a coordinated village-wide sustainability policy.	▶▶▶	VC; Engineering
P6a		Develop a sustainability public education plan to build awareness.	▶▶▶	VC; Admin
P6b		Develop a pilot program for native planting bioswales for residential stormwater ditches.	▶▶	Engineering; Admin
P6c		Leading by example, incorporate green building strategies and low-impact stormwater design at Village-owned buildings and sites.	▶▶	Admin; VC
P6d		Encourage porous pavement and rain gardens/bioswales for commercial parking lots.	▶▶	PC; Engineering
P6e		Work with village engineer to incorporate stormwater best practices.	▶▶	Engineering
P6f		Allow residential driveways constructed from permeable pavers.	▶▶	Engineering
P7	Nature Preserves	Explore formalized public access to Douglas Evans and Hidden Rivers Nature Preserve.	▶▶▶	Parks/Rec
P8	Disaster Plan	Evaluate the need for a disaster preparedness plan.	▶▶▶	Admin; VC; Public Safety

## Ongoing Actions

O1	Roads	Coordinate with Road Commission on road improvements.	Ongoing	Admin
O2	Public Safety	Continuously evaluate levels of public safety.	Ongoing	Public Safety
O3	<a href="#">Communication</a>	Continue Village e-newsletter to keep residents informed.	Ongoing	Admin
O4	<a href="#">Communication</a>	Update Village website so it is user-friendly and up-to-date.	Ongoing	Admin
O5	Schools	Continue to keep an open dialogue with schools on their campus plans.	Ongoing	Admin
O6	<a href="#">Parks and Rec</a>	Update the Parks and Recreation Plan every five years to remain eligible for MDNR grants.	Ongoing	Parks/Rec
O7	Village Coordination	Annually host a joint meeting for ZBA and Planning Commission and Parks/Rec Board.	Ongoing	ZBA; Parks/ Rec; PC
O8		Per MPEA, submit an annual report to Council.	Ongoing	PC
O9		ZBA to prepare an annual report summarizing the past year's cases to track potential changes to the ordinance.	Ongoing	ZBA