

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, February 10, 2016 – 7:30 PM
Board of Trustees Room

CALL TO ORDER:

PLEDGE OF ALLEGEANCE:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES:

ITEM #1. Approval of minutes from the regular meeting of January 27th, 2016.

CORRESPONDENCE:

PUBLIC COMMENT:

PUBLIC HEARING: None

OLD BUSINESS:

ITEM #1: Medical Marijuana Ordinance Update

NEW BUSINESS:

ITEM #1: 16-004 Temporary Land Use

TITLE: The Applicant, Phantom of Michigan, is requesting final approval to hold “tent” sales of retail goods beyond the seven consecutive days allowed as-a-right in the zoning ordinance for temporary land use under section 4.44 of Township zoning ordinance 06-02-92, as amended.

LOCATION: This site is located in the Lakewood Shopping Plaza at 2095 Rawsonville Road. The subject location is on the eastside of Rawsonville road, south of the I-94 Service Drive.

- A. Presentation by the applicant.
- B. Presentation by Township Staff.
- C. Planning Commission discussion.
- D. Planning Commission considers action on Final Approval.

ITEM #2: Zoning Ordinance Update – PRD amendments - Patrick Sloan

NON-AGENDA ITEMS:

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
JANUARY 27, 2016
MINUTES - Draft**

Chairperson Thompson called the meeting to order at 7:31 p.m.

ROLL CALL:

Present: Kelley, McKenna, Budd, Boynton, Jackson and Thompson.

Excused: Franzoi.

Staff: Deputy Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan.

Audience: Five (5).

APPROVAL OF AGENDA:

Motion Boynton, Kelley second to approve the agenda of January 27, 2016 as presented. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Boynton second to approve the special meeting minutes from December 2, 2015 and regular meeting minutes from December 9, 2015 as presented. Motion Carried.

CORRESPONDENCE: None.

NEW BUSINESS:

ITEM # 1 15-014 Site Plan Amendment

TITLE: THE APPLICANT, TRILOGY RESIDENCES, LLC, IS REQUESTING AN AMENDMENT TO THEIR APPROVED SITE PLAN FOR THE CONSTRUCTION OF A CLUBHOUSE AND SWIMMING POOL IN THE SAME AREA. THE PROPOSED CLUBHOUSE AND SWIMMING POOL, WHICH ARE ACCESSARY TO THE EXISTING APARTMENT HOUSES, ARE SPECIAL LAND USES IN THE RM, MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT. A SPECIAL LAND USE PERMIT FOR THIS PROJECT WAS APPROVED BY THE TOWNSHIP BOARD OF TRUSTEES ON OCTOBER 20, 2015.

LOCATION: PARCEL TAX ID NUMBER V-125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THE SITE IS LOCATED ON THE WEST SITE OF INDEPENDENCE LANE, NORTH OF THE I-94 SERVICE DRIVE.

Deputy Director Best discussed the site plan amendments requested by the applicant that are to reduce the size of the swimming pool by almost half the size, change the shape of the hot tub from round to square and an addition of 2 feet to the size of the storage shed.

The applicant expressed the smaller size to the pool to be more manageable and the need for additional storage space by increasing the storage shed size.

No comments from the commission or the audience.

Motion Kelley, Budd second to approve the amendment of the site plan to allow a smaller pool (1,200 sq. ft.), square shaped hot tub and add two (2) feet added to the storage shed, site located at 41500 Belleridge Boulevard referencing Director Akers review letter dated 1-22-16. Motion Carried. (Letter attached)

ITEM # 2 MEDICAL MARIHUANA ZONING ORDINANCE AMENDMENT

Patrick Sloan of McKenna Associates discussed the purpose of the medical marihuana moratorium, the subcommittee work involved, a tour of a dispensary in Ypsilanti and the medical marihuana zoning ordinance amendment presented in his review letter dated 1-22-16 recommending the Planning Commission schedule a public hearing for February 24, 2016.

Commissioners discussed the application process for growers/dispensaries, the tour of the Ypsilanti dispensary, how often dispensaries are inspected, the officer's relationship with the caregivers and facility appearance.

A public hearing for medical marihuana ordinance will be scheduled for the first Planning Commission meeting in March.

ITEM # 3 YEAR END REPORT

Deputy Director Best presented the Year End Report prepared by Director Akers for the commissions review and approval.

No comments from the Commission or the audience.

Motion Boynton, Kelley second to accept, approve and file the Year End Report prepared by staff. Motion Carried.

ITEM # 4 PUBLIC OUTREACH AND TIME TABLE FOR LAKE SHORE ZONING ORDINANCE AMENDMENT

Deputy Director Best discussed the schedule for the Lakeshore Ordinance outreach to the public:

Lakeshore Ordinance Public Informational Meeting – February 17th, 2016 at 7:00 p.m.

Lakeshore Ordinance Open House – February 22nd and 23rd, 2016 from 12:00 p.m. – 4:00 p.m.

Lakeshore Ordinance One on One Informational Meetings – February 22nd and 23rd, 2016 from 6:00 p.m. – 9:00 p.m.

Lakeshore Ordinance Public Hearing at the Planning Commission – February 24th, 2016 at 7:30 p.m.

Director McCracken will air the Lakeshore Ordinance PowerPoint presentation on VBTv12 and the paper of record will have the Lakeshore Ordinance outreach schedule published.

GENERAL DISCUSSION:

Chairperson Thompson announced Commissioner McKenna is stepping down from the Planning Commission. Commissioners commended McKenna for his many years of service and for being an asset to the Planning Commission. Commissioner McKenna will be serving as an alternate to the Board of Zoning Appeals and Commissioner Kelley is stepping in to serve as the Planning Commission representative to the Board of Zoning Appeals.

Motion Boynton, McKenna second to adjourn at 8:26 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

TO: Van Buren Township Planning Commission

FROM: Matthew R. Best - Deputy Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #TLU16-004 – Phantom Fireworks
Agenda Item for February 10th, 2016

DATE: February 2nd, 2016

Phantom of Michigan, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Lakewood Shopping Plaza at 2095 Rawsonville Road. The use is proposed to be from June 15, 2016 through July 5, 2016, 10:00 a.m. to 10:00 p.m. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

In reviewing past applications for this temporary land use, the current application and the requirements of Section 4.44 for temporary use approval, the following comments are pertinent to the Planning Commission.

1. Adequacy of parking and access (Section 4.44.c.1)

The site currently has 877 public parking spaces, 31 of which are handicapped reserved. The tent, portable storage container, and surrounding space will only remove approximately 39 regular parking spaces. The site will still have adequate parking while the temporary land use is ongoing.

2. Adequate drainage (Section 4.44.c.2)

The site is in an existing parking lot that already has storm water drainage. The tent and storage container will not affect the amount of impervious surface or water that would be diverted into the storm system.

3. Compatibility with surrounding land uses (Section 4.44.c.3)

The proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the uses are compatible.

- 4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site (Section 4.44.c.4)**

The tent and portable storage container are temporary in nature and tent sales regularly take place in parking lots, so no impacts are expected to the surrounding sites.
- 5. Sufficient setbacks from road right-of-ways and lot lines (Section 4.44.c.5)**

The sales area is setback 58 feet from the right-of-way of the South I-94 Service Drive and 30 feet from the adjoining outlot of the plaza to the east.
- 6. Adequate utilities (Section 4.44.c.6)**

Phantom will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements.
- 7. Trash disposal and site clean-up (Section 4.44.c.7)**

Phantom will be responsible for all trash disposal and site clean-up in relation to their agreement with Schostak Brothers and Company, managing agent for Lakewood Shopping Center.
- 8. Sanitary facilities (Section 4.44.c.8)**

Due to the short nature of the customer shopping, no sanitary facilities will be provided.
- 9. Hours of operation (Section 4.44.c.9)**

From 10:00 a.m. to 10:00 p.m. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses. However, we are not aware of any complaints with Phantom closing at 10:00 p.m. in previous years, so the hours of operation are reasonable.
- 10. Outdoor light and signs (Section 4.44.c.10)**

No exterior lights are provided. Interior lights will be hung by the tent company. The Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Phantom requests a banner to measure 5' x 16' (80 sq. ft.). Phantom's temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.
- 11. Other licenses and permits required (Section 4.44.c.11)**

A current Consumer Fireworks Retail Facility: Non-Permanent license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshall shall be separately issuing a review letter.
- 12. Potential noise, odor, dust, and glare (Section 4.44.c.12)**

The proposed temporary use should not increase the noise, odor, dust of glare from their use.
- 13. Fire lanes, fire protection, and security (Section 4.44.c.13)**

The Van Buren Fire Marshall shall review the application for adequacy of fire lanes and fire protection. The site will be staffed with 3-6 employees during open hours. During non-operating hours, all products will be returned to their fire-proof storage unit and locked up until the materials are returned for redisplay the following day.

14. Off-site impacts of traffic volumes (Section 4.44.c.14)

The roads in the immediate vicinity are major Township roads, and this temporary use will not impact their flow or travel volumes.

15. Necessity of performance bond to ensure prompt removal (Section 4.44.c.15)

The property owner will be responsible for ensuring the site is returned to its pre-sale condition.

16. Other concerns which may impact the public health, safety, or general welfare (Section 4.44.c.16)

There are no additional concerns; however, the applicant is subject to the regulations of Act 256 and applicable regulations of the Fire Department.

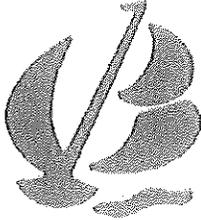
Recommendation

This will be the fifth (5th) year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place in the previous years. Per my review of the application, I recommend approval of this application subject to the following three (3) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
3. That all proposed signage comply with the Zoning Ordinance.

Respectfully submitted,

Matthew R. Best, M.S.
Deputy Director
Planning and Economic Development
Van Buren Township



**CHARTER TOWNSHIP OF VAN BUREN
APPLICATION FOR
TEMPORARY LAND USE/SPECIAL EVENT
46425 TYLER ROAD
BELLEVILLE, MI 48111**

DATE: 12/15/15

BUSINESS NAME: Phantom of Michigan, INC dba Phantom Fireworks

CONTACT PERSON: Richard Tapper PHONE # 330-559-0776

SUPERVISOR FOR SITE: Richard Tapper PHONE # 330-559-0776

EVENT TITLE: Fireworks

TYPE OF EVENT: Tent Sale DATE(S): June 24-July 5 2016

LOCATION OF EVENT: Parking Lot

ADDRESS OF LOCATION: 2095 Rawsonville Road, Belleville Mi. 48111 Lakewood Shopping Center

PROPERTY OWNER REPRESENTATIVE: Dorian Kilgore PHONE # 734-245-0900

ARE SIGNS PROPOSED FOR ADVERTISING: YES NO IF YES, INCLUDE LOCATIONS & DETAILS

OTHER 1 banner 5'X16 banner on tent ropes, same as the last 4 season

IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:
IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ _____ BOND FEE \$ _____ TOTAL \$ 1250

Richard Tapper
(SIGNATURE OF APPLICANT)

1/25/16
(DATE SIGNED)

(APPROVED BY)

(DATE SIGNED)

MATT

B.J. ALAN COMPANY

VENDOR #: 299203 510759

INVOICE NO	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
164310007	00583946	12/28/15	1250.00		1250.00
CHECK DATE	CHECKING	PAYEE	TOTALS	DISCOUNT TAKEN	CHECK AMOUNT
1/20/16		CHARTER TOWNSHIP	1250.00		1250.00

B.J. ALAN COMPANY
PHANTOM FIREWORKS
 565 MARTIN LUTHER KING JR. BLVD.
 YOUNGSTOWN, OHIO 44502-1102
 330-746-1064

First Niagara Bank

510759

DATE 1/20/16

\$ *****1,250.00

PAY TO THE ORDER OF CHARTER TOWNSHIP OF VAN BUREN
 ONE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS

CHARTER TOWNSHIP OF VAN BUREN
 46425 TYLER ROAD
 BELLVILLE, MI 48111
 USA



AUTHORIZED SIGNATURE

B.J. Alan Company is acting as disbursal agent for the invoices noted on the attached remittance form. No contractual obligation is to be imposed on B.J. Alan Company by virtue of this check. ACCOUNT: 299203 510759 VAN BUREN TOWNSHIP

⑆ 510759⑆ ⑆02⑆⑆⑆⑆2953⑆ 750⑆⑆4073⑆⑆⑆

Can Entry

File: Order Window Help

Show Print Receipt Print Slip Hide Add Account Category: 1 Monthly Date: 11/15/2015 Subject: 1 Insurance Category: 10000000 Can Entry Audit Trail Attachments EMT Hail Doodia MD

Customer Search:

Customer No: 0000000

First Name: phaniam knowle

Last Name: B | dan company

Address 1:

Address 2:

City:

State:

ZIP:

Account Category: Detail | Inventory / Asset

System: GR | Date: 10/15/2015 | Amount Due: \$0.00 | Amount To Pay: \$1,250.00 | Description: phaniam of michigan su-15-002 | Credit Account: 101-000-007-000 | Debit Account: 101-000-007-000

Receipt Information

Receipt No: 000172576

Date: 2/12/2015

Total Due: \$1,250.00

Total Payments: \$1,250.00

Change Check: \$0.00

Payments: Amount: \$1,250.00 | Pay Method: Check | Insurance: 359035

Comments:

phan / Snd phaniam



Property Lakewood Shopping Center

Address: 2095 Rawsonville Road, Belleville, Mi. 48111

Landlord Lease Terms: June 15th, 2016 through July 15th, 2016

Hours of Operation: June 24th – July 5th 10:00am –10:00pm

Size of Equipment: Flame Retardant Tent: 40' x 40'

Fire Proof Storage Unit 8'X 40'

Use Clause: The retail sale of consumer sparklers, novelties, and Class C fireworks as permitted by the state of Michigan.

Insurance: \$10 million dollars in product, personal and property liability.

Participants-3-6 people

We follow NFPA 1123, 1124, and 1125 regulations.

Thank You,

Richard Tapper

State Regional Manager/ Michigan

330-559-0776

B.J. ALAN COMPANY
PHANTOM OF MICHIGAN, INC
556 Martin Luther King Jr. Blvd. Youngstown, OH 44502
330-746-1064

PROPERTY PERMISSION FORM

The undersigned, owner and/or controlling party, of the property listed below hereby grants permission to Phantom of Michigan, INC dba, B.J. Alan Company to use the property for the temporary sale of fireworks at the following location:

Name: Lakewood Shopping Center **Parcel No:**
Address: 1-94 and 2095 Rawsonville Road
City: Belleville **ST:** MI **Zip:** 48111 **County:** Wayne

This Temporary Use Permission Form is for the purposes of obtaining state and local licenses, permits, and other uses pertinent to the retail sale of Class C state approved fireworks at the location for the 2016 season.

Schostak Brothers & Co., INC

As managing agent for Lakewood Shopping Center LLC



Signature

Lynore M. Clark, CSM, CRX
Name- Please Print -- Property Owner/Controller of Property

Schostak Brothers & Co., Inc./Portfolio Manager
Company/Title

12-11-15
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/21/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: PHONE (A/C No., Ext): 216-658-7100 FAX (A/C No.): 216-658-7101 E-MAIL: info@britlongallagher.com ADDRESS: info@britlongallagher.com	
INSURED B J Alan Company Big Bear Fireworks, Inc. Phantom Fireworks, Inc. 555 Martin Luther King Jr Blvd Youngstown OH 44502		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Everest Indemnity Insurance Co.	NAIC # 10851
		INSURER B: Maxum Indemnity Company	26743
		INSURER C: Axis Surplus Ins Company	26620
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 941089702 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR Y/N	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> HIRED AUTOS	Y		SIBG1.00343-151	10/30/2015	10/30/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPOP AGG \$2,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCRSS LIAB <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	Y		EXC6025343-02	10/30/2015	10/30/2016	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ <input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in III) <input type="checkbox"/> Y/III If yes, describe under DESCRIPTION OF OPERATIONS below		III/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Excess Liability #2			EAU784017	10/30/2015	10/30/2016	Each Occ/Aggregate \$5,000,000 Total Limits \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Tent Location: Lakewood Shopping Center, 2095 Rawsonville Road, Belloville MI 48111
Dates of Operation: June 15th through July 15th
The above listed are Additional Insured with respect to General Liability as required by written contract.
Products/Completed Operations Coverage follows form through both excess policies listed on certificate.

CERTIFICATE HOLDER

Van Buron Township
46425 Tyler Road
Van Buron Twp MI 48111

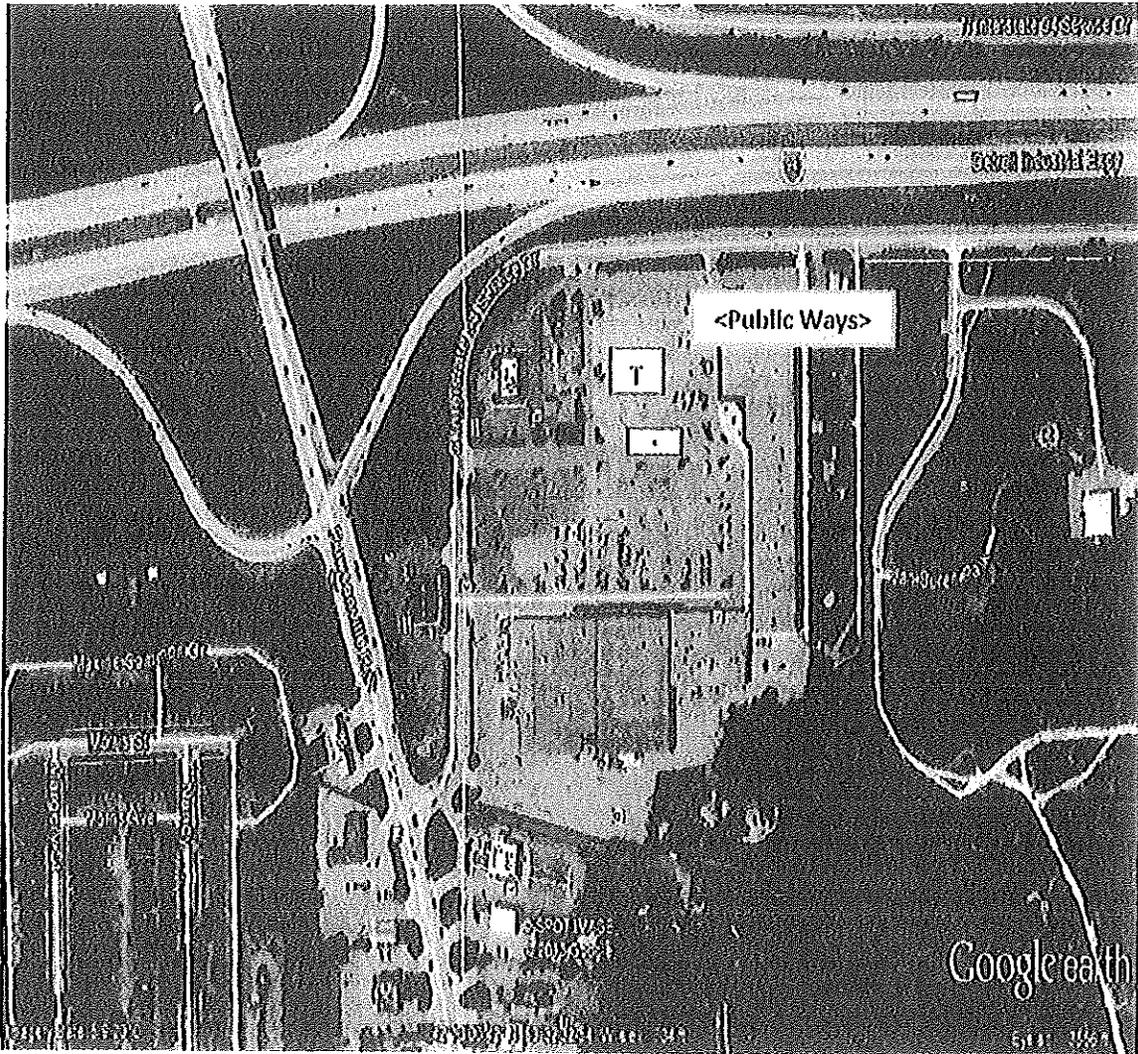
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Exhibit A

Van Buren Twp, I-94 & 2095 Rawsonville Road Lakewood Center 48111



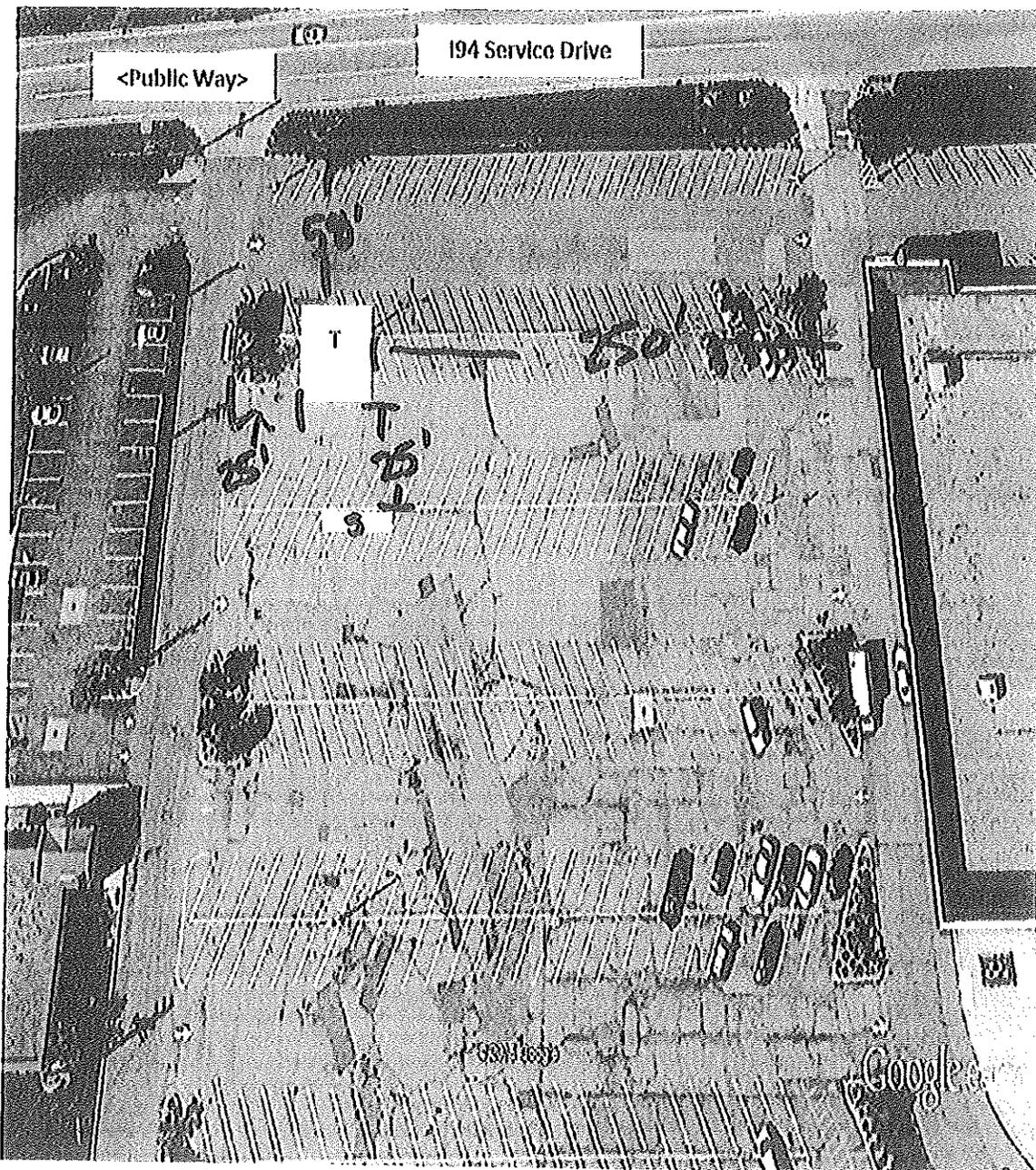
T- PoleTent 40'X40' S- Storage Unit 8'X40' X- Generator
There are no gas stations, propane stations, flammable gas bulk dispenser, etc on this property or surrounding properties within 300 feet.

Over 800 parking spaces available on the asphalt, using 30 parking spaces

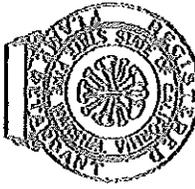
There are public ways within 150 feet of the tent and storage unit.

X _____

*NEXT PAGE FOR
DIMENSIONS*



Certificate of Flame Resistance



REGISTERED APPLICATION NUMBER

F1214

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

S & R TENT
30124 CALAHEAN
ROSVILLE
MT 48065

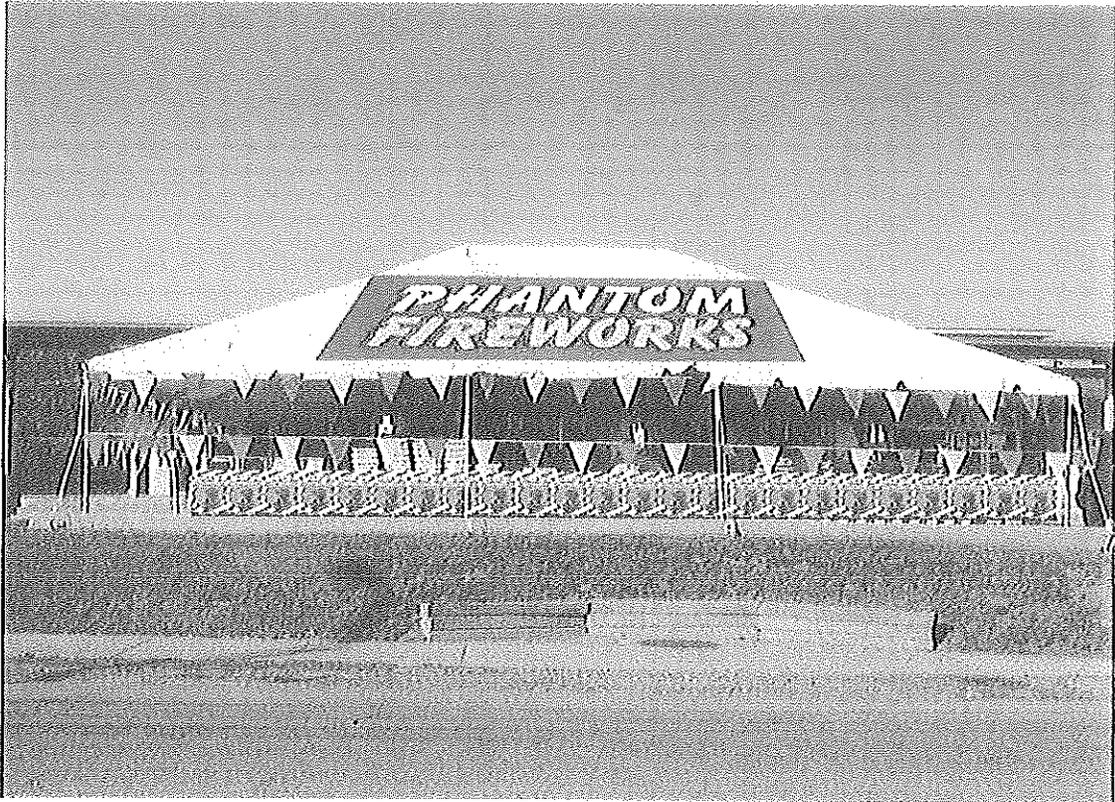
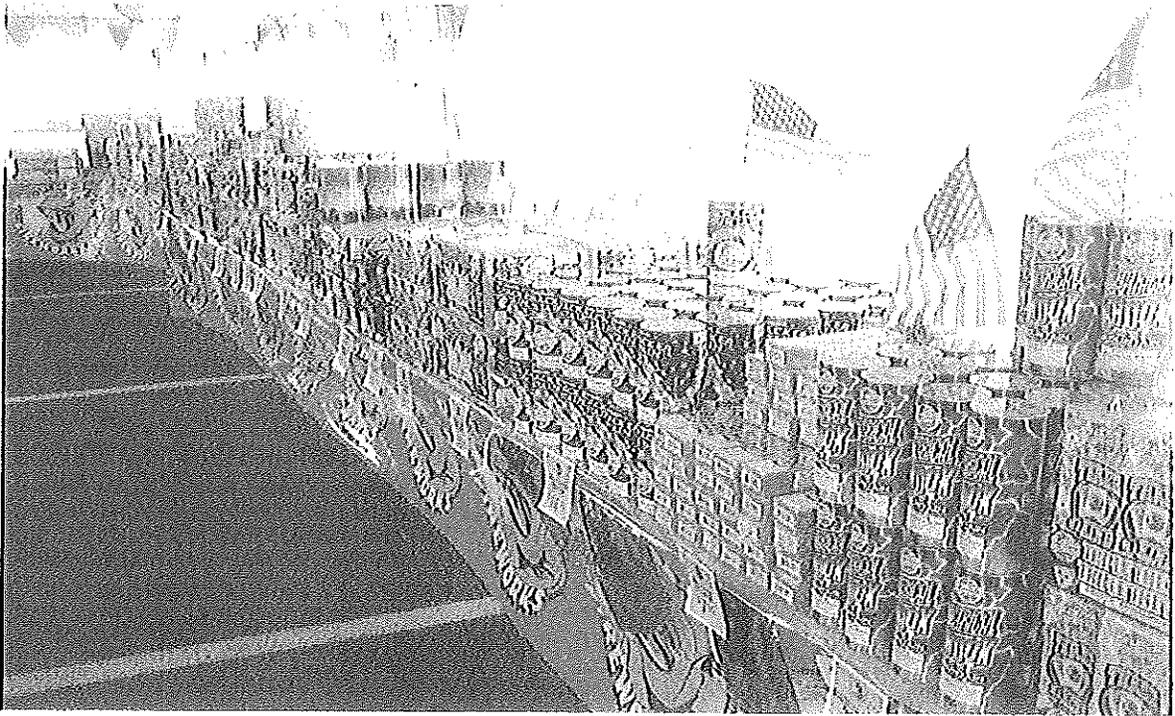
Date of Manufacture
4/22/58
Order Number
183683

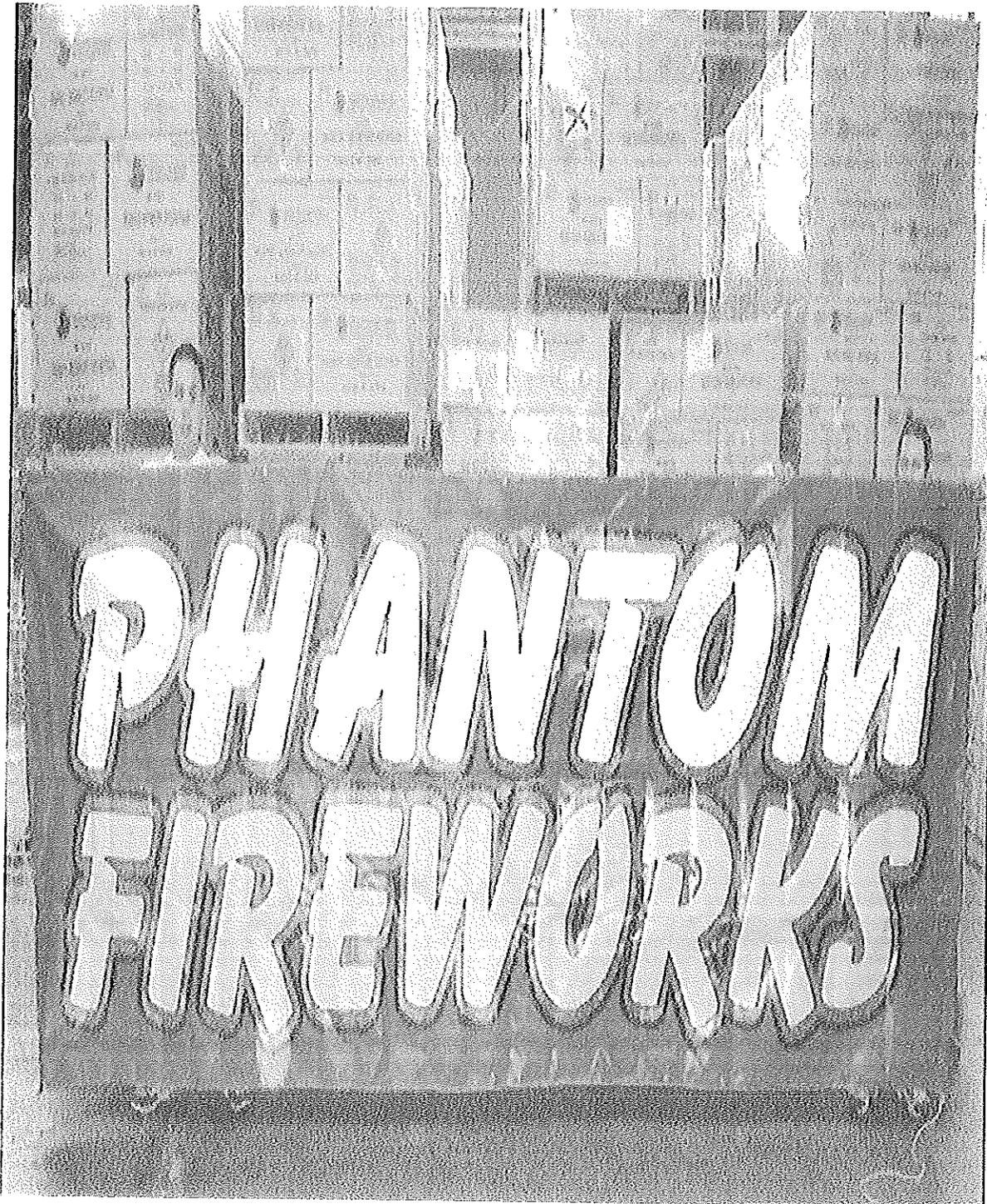
Certification is hereby made that:
The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code, equal to exceeds NFPA 701, OPAI 84, ULC 109.
The method of the FR chemical application is:

Serial #:	(0001)
Description of item certified:	40 x 40 Party Mate Tent

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

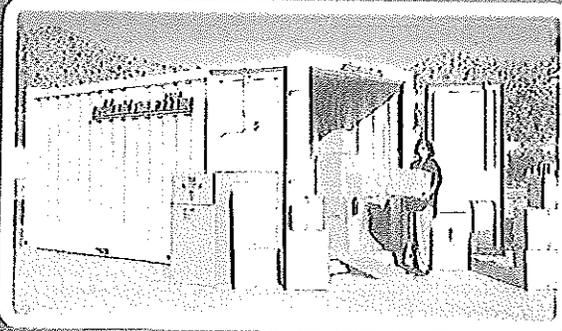
STANBOY & CO
STATESVILLE, NC
Name of Applicator of Flame Resistant Finish





Sign Banner on Tent- Tent is 18' High
5'X16'

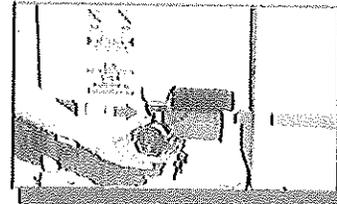
PORTABLE STORAGE CONTAINERS



- Container delivered to your home or business provides secure & convenient ground level access.
- Units available with shelving and painted light beige for quality appearance.
- All steel containers include your choice of patented door & locking systems.
- Easy opening, waist high, single lever doors on one end, both ends or sides.
- Sizes range from 10' to 40' length and 8' or 10' widths.

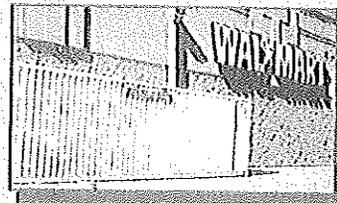
ANYONE CAN SELL STORAGE - WE SELL SECURE STORAGE!

Our patented high security locking system includes three solid interior locking bars, padlock pocket and concealed lever lock. It also utilizes Mobile Mini's exclusive high security ContainerGuard Lock™.



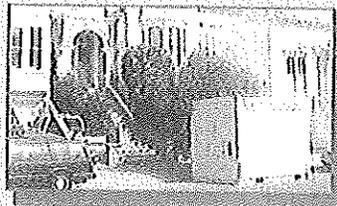
COMMERCIAL APPLICATIONS Trusted for Over 25 Years

Ideal for job site, additional warehouse or seasonal storage needs. Mobile Mini's secure containers are available in 100 different sizes and configurations to meet your needs at your location. Our high security containers are used by over 100,000 customers nationwide.



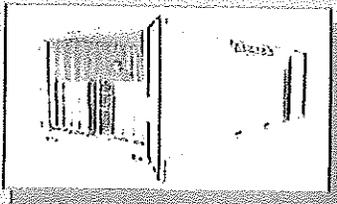
RESIDENTIAL APPLICATIONS Storage Made Easy

Ideal for home remodels! A Mobile Mini storage container delivered to your home provides easy and convenient, ground-level access and easy opening doors. Our hassle free low cost service allows you to access your belongings anytime at your location and eliminates the need to rent a truck or drive to a self storage facility.



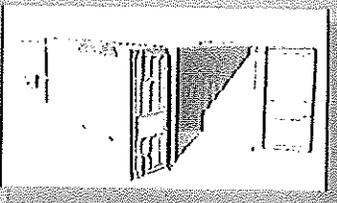
WIDER IS BETTER 10' Wide Storage Units

An exclusive Mobile Mini product, our extra-wide storage units are ideal for palletized storage. 20% more square footage, but 40% more usable space compared to a standard 8' wide unit! Units are 10' wide and available in lengths of 18' or 25'.



DOORS WHERE YOU NEED THEM Maximize your Storage Space

Our standard units are equipped with our exclusive high security doors on one end. We also offer rental units with our doors on both ends or on the sides for efficient storage and convenient side or end access. Side door configurations are available with one to four side double doors. The choice is yours!



**Charter Township of Van Buren
2015 Planning Fee Schedule**

Supersedes all prior Fee Schedule(s) upon approval with an effective date of January 1, 2015

Rezoning	\$600.00	\$700.00	\$30.00	
Conditional Zoning Amendment, Reviews, Rezoning Contract and Conditions	\$1,500.00	\$1,500.00	\$30.00	
<i>Additional Reviews by Consultant</i>		<i>Cost + 20%</i>		
Special Land Use (new developments)	\$800.00	\$700.00	\$30.00	
Special Land Use (existing building, no site changes)	\$500.00	\$500.00	\$30.00	
Concept Plan Review Only	\$350.00	\$350.00		
<i>* Additional Reviews by Consultant</i>		<i>Cost + 20%</i>		
Engineering Concept Plan Review Only		\$500.00	\$25.00	
Site Plan Review- NON Residential				
Commercial Development	\$2,500.00	\$500.00	\$150.00	
Industrial Development	\$2,500.00	\$500.00	\$150.00	
Public or Semi-public Development			\$450.00	\$ 150.00
Administrative Review (Re-occupancy, building additions, site changes to Existing Use)	\$400.00		Minor Change	
	\$1,250.00	\$500.00	Major/New Structure	
<i>* Additional Reviews by Consultant</i>		<i>Cost + 20%</i>		
Initial Engineering Deposit		\$4,000.00	\$25.00	
Site Plan Review- Residential				
Site Condominium	\$2,500.00	\$455.00		\$30.00
Cluster Housing Development (PRD)	\$4,000.00	\$465.00		\$30.00
Multiple Family	\$3,000.00	\$400.00		\$10.50
Mobile Home Park	\$3,000.00	\$600.00		\$10.50
Condominium, PRD, Subdivision Documents		<i>Cost + 20%</i>		
<i>* Additional Reviews by Consultant</i>		<i>Cost + 20%</i>		
Initial Engineering Deposit		\$4,000.00	\$25.00	
Dev. Initiated Rev. Approved Plat, Architectural Rev. Existing Developments	\$750.00	\$750.00		\$15.00
Subdivision/Plat Review				
Sketch Plan Review	\$400.00	\$350.00		\$ 30.00
Site Plan Review (Tent. Preliminary Plat)	\$2,000.00	\$700.00		\$30.00
Preliminary Plat Review	\$600.00	\$500.00		\$15.50
Final Plat Review	\$700.00	\$600.00		\$15.50
<i>* Additional Reviews by Consultant</i>		<i>Cost + 20%</i>		
Initial Engineering Deposit		\$4,000.00	\$25.00	
Special Meetings				
Expedited Review	150% Cost	<i>Cost + 150%</i>		
Planning Commission	\$560.00	<i>Cost + 20%</i>		
Board of Zoning Appeals (Single Family Res.)	\$400.00	\$350.00		
Board of Zoning Appeals (Non- Res./Multiple)	\$400.00	\$350.00		
Other Fees				
Variance Review	\$500.00	\$500.00		
Zoning Verification	\$75.00			
Replat/Change to Master Deed	\$250.00	\$250.00		\$75.00
Woodland/Tree Removal	\$350.00	\$700.00	\$65.00	\$3.00
Tree Replacement (per-tree)				\$350.00
Lot Split Review	\$75.00	\$350.00		
Accessory Structure Modification	\$250.00			
Fire Department Site Plan Review	\$400.00			
Temporary Land Use/Special Event Permit	\$1,250.00			
Grass & Weeds Mowing / Blight / Property Maintenance Administration Fee (Ordinance)				Cost + \$100
Developer Initiated Master Plan or Zoning Amendments to Text and Maps	\$1,500.00	<i>Cost +20%</i>		

** Consultant review fees include the initial review. Any additional reviews shall be charged at Cost + 20%*

MEMORANDUM

To: Van Buren Township Planning Commission
From: Patrick Sloan, AICP
Subject: Proposed Amendments to Planned Residential Development (PRD) Regulations
Date: February 5, 2016

We are continuing to make progress on the comprehensive updates to the Zoning Ordinance, and we expect to have the draft completed in the next 2-3 months. At this time, however, we would like to share with you the amendments proposed to the Planned Residential Development (PRD) regulations. Since the current PRD regulations were adopted in 1999, the Township has approved several PRDs, most notably Cobblestone Ridge, Cobblestone Creek, and Country Walk. The purpose of the PRD regulations is to encourage superior design, natural features preservation, and innovative land use planning by allowing higher densities and flexible design standards.

The outcomes of PRD's have been mixed. While the PRD regulations have led to some high quality developments that would not have been possible under conventional zoning standards, some of the PRD agreements have been difficult to enforce when a developer goes bankrupt or when a new developer takes over the project. Also, while the maximum allowable density bonus of 30% is quantifiable, the factors for granting density bonuses (e.g., innovative design and substantial community benefits) have not been quantified.

In our Zoning Ordinance Technical Review (dated October 17, 2014), we noted several problems with the PRD regulations based on the Township's experiences with them and our experiences with similar regulations in other communities. Furthermore, when we met with the Planning Commission's Zoning Ordinance subcommittee on June 4, 2015, additional insights were given by the subcommittee. While there are several amendments proposed to the PRD regulations (enclosed), the major amendments can be summarized by the following nine (9) items:

1. **Minimum Site Area (proposed Section 6.404(C)).** Currently, the minimum site area for a PRD is 15 acres, which is often too small for a large-scale development envisioned by the current PRD standards. We recommend increasing the minimum site area to 40 acres to encourage larger projects that have a better chance of preserving natural features and providing substantial benefits to the community. However, we recommend allowing an applicant to obtain a waiver from the 40-acre requirement from the Planning Commission and Township Board based on the unique characteristics of the site and the project.
2. **Public Services (proposed Section 6.404(D)).** Currently, the Zoning Ordinance requires all public services (utilities, roads, etc.) to be provided before the PRD is completed. During the severe recession in the late 2000's, many communities were left with partially-completed developments where several homes were already built but the public services were not all installed. In many cases, the developer had gone bankrupt and the bonds ensuring the installation of public services had

expired. To address this problem, we recommend that all services be installed by the time 30% of the homes are completed or on a timeline specified in the PRD Agreement. It is also worth noting that the Township now requires cash, certified check, letter of credit, or similar financial instrument (excluding bonds) that allows immediate access to cash if the Township is required to complete a development. Therefore, the PRD Agreement will be supported by a better performance guarantee.

3. **Master Plan Compliance (proposed Section 6.404(E)).** The current PRD regulations permit a deviation from the Master Plan if such a deviation is justified based on the current planning and development objectives of the Township. However, as deviations are granted over time, the effectiveness of the Master Plan could be diminished. Therefore, when deviations from the Master Plan are granted, we recommend that the Planning Commission consider initiating amendments to the Master Plan where necessary so that the Master Plan remains defensible.
4. **Attached Single-Family Residences (proposed Section 6.05(B)(2)).** Although attached single-family residences are currently permitted in PRD's, we recommend adding additional standards to ensure that the attached units are of high quality and that PRD's do not become predominantly attached single-family residential. Therefore, we recommend lowering the maximum number of attached single-family units from 40% to 30%, requiring attached garages, prohibiting carports and stacked flats, and requiring at least 50% of the exterior wall areas to be brick or stone.
5. **Density (Parallel Plan) (proposed Section 6.406(A)).** Currently, the permitted density of a PRD is based on a mathematical formula, with lot area deductions for sensitive areas, road rights-of-way, and other infrastructure. This type of mathematical formula often does not address additional on-site factors that can reduce density, such as unique lot shapes, locations of sensitive features, and storm water pond sizes and locations. Therefore, we recommend requiring a parallel plan at the beginning of the process that will show *how* the site can be developed under conventional zoning standards (i.e., viable building envelopes, roads, storm water detention/retention, etc.). The process of reviewing a parallel plan will allow the Township to determine a realistic number of allowable units for a site based on the existing site factors. This process will, in turn, impact the number of units permitted by density bonuses.
6. **Density (Increases) (proposed Section 6.406(B)).** The existing PRD regulations permit a maximum density increase of 30% without measurable criteria for how many additional units may be approved based on the design characteristics presented. The absence of measurable criteria has led to applicants proposing a 30% density increase without giving attention to the required improvements (e.g., site design, natural features preservation, and community benefits). While we recommend keeping the maximum density bonus at 30%, we recommend adopting measurable performance standards that allow a 5% density bonus for achieving each of the following six (6) factors:
 - (1) Additional open space (50% site minimum);
 - (2) Creation of new woodlands (3,000 sq. ft. per additional unit);
 - (3) Open space amenities (e.g., paved trails, playgrounds, clubhouses, swimming pools, etc.);
 - (4) Additional landscape buffering along adjacent roads (at least twice as much frontage landscaping as required in the general landscaping standards of the Zoning Ordinance);
 - (5) Superior building architecture (at least 80% of all façades must be brick or stone, and all of the first story of the building must be brick or stone).

(6) Other unique features (e.g., preservation of historic buildings, landmark trees, waterways and wetlands, etc.).

7. **Setbacks (proposed Section 6.407(B)).** The current PRD setback standards are the same for both attached and detached single-family residences. Because PRD's are required to be predominantly detached single-family residential, we recommend requiring larger setbacks between attached units and the road frontage. This will encourage the frontage appearance of the development to include more single-family residences. At the same time, we recommend decreasing the front yard setbacks of attached units to 25 feet from the internal roads, which will make them more pedestrian-friendly.
8. **Quality of Open Space (proposed Section 6.408(D)(2)).** Currently, not more than 50% of the required open space in a PRD may include water bodies or regulated wetlands. These limits do not include storm water detention or retention, which often results in much of the remaining open space being occupied by storm water ponds. This undermines the intent of having quality open space in a PRD. We recommend including storm water detention or retention areas in the allowable 50% open space area that may also include water bodies and regulated wetlands. This will lead to much more upland open space that is usable or woodlands.
9. **Access (proposed Section 6.409).** Although PRD's are currently required to have frontage onto a paved road, the current regulations do not specify at what point during the development the frontage roads must be paved if the PRD fronts onto a gravel road. This can lead to a development being nearly completed without a performance guarantee to effect the required paving of the frontage road. Therefore, we recommend adding requirements that all of the paving must be completed and approved prior to the issuance of building permits for 80% of the dwelling units in the PRD. Also, as previously stated, we recommend referencing the performance guarantee standards of the Zoning Ordinance, which require cash, certified check, letter of credit, or other financial instrument that allows immediate access to cash if the Township is required to complete the paving.

Finally, we recommend requiring all PRD's to make street connections to adjacent residential developments where there is an easement or right-of-way for a connecting street or where there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is developed. This requirement will have the long-term effect of alleviating off-site traffic congestion on adjacent major roads by giving drivers options for efficiently entering and exiting the development.

In summary, the PRD regulations can be a great tool for preserving natural features, creating usable open space, and encouraging high quality site and building design. However, there have been negative perceptions of PRD's based the Township's experiences with developers that have abandoned projects, insufficient performance guarantees to finish a project, and site and building designs that are not of the high quality envisioned at the time of site plan approval. Based on these experiences, we recommend strengthening the PRD regulations to require better performance guarantees and ensure higher quality site and building design that is more measurable. The proposed regulations will also lead to a more predictable development and review process for both the applicants and the Township.

We look forward to reviewing the proposed PRD amendments with you and receiving your feedback.

Chapter 4 Planned Residential Developments (currently 7.04)

Section 6.401 Intent

It is the intent of this Section to permit planned residential developments (PRD's) that achieve the following objectives:

- (A) Encourages the use of land in accordance with its character and adaptability;
- (B) Converses natural resources, natural features, and energy;
- (C) Encourages innovation in land use planning;
- (D) Provides enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;
- (E) Ensures compatibility of design and use between neighboring properties;
- (F) Encourages development that is consistent with the Master Plan; and
- (G) Promotes rural open space development that preserves the Township's rural character and encourages the preservation of agricultural lands.

The provisions of this Section are not intended as a device for ignoring this Zoning Ordinance and the specific standards set forth therein, or the planning upon which it has been based. To that end, the provisions of this Section are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Section to ensure appropriate, fair and consistent decision making.

Section 6.402 Additional Considerations

In addition to other requirements for review of a PRD, the Planning Commission and Township Board of Trustees shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playground and other areas used by pedestrians are insulated from roads, drives and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting, landscaping and building materials and noise reduction and visual screening.

Section 6.403 Modifications

- (A) Modifications Permitted. The Township Board of Trustees may, upon recommendations from the Planning Commission, permit modifications to the following requirements, subject to any specific limitations for any specific requirements also enumerated herein, and upon finding that the modification will result in a substantial benefit to the users and community as whole:

Moved (Insertion) [1]

Commented [PS89]: Relocated from later in this Chapter, with no text changes. This section has broad application and belongs earlier in the Chapter.

Commented [PS90]: This subsection includes much of the same text, but it is reformatted to read more clearly and the permitted modifications are numbered clearly state which requirements are eligible for modification.

**Article 6: Supplemental Zoning District Standards
Chapter 4: Planned Residential Developments**

- (1) PRD Site Area (Section 6.404(C)).
- (2) Density (Section 6.406).
- (3) Building Setbacks (Section 6.407(B)).
- (4) Lot Area and Width (Section 6.407(D)).

(B) Modification Criteria. A PRD application shall clarify and highlight all requested modifications to any of the PRD requirements enumerated herein. ~~In its consideration of any modification to any of the requirements in Section 6.403(A), the Planning Commission and Township Board of Trustees shall consider whether other requirements would be more appropriate because of the topography, existing trees and/or other vegetation, proposed grading and/or landscaping, and/or existing or proposed site features.~~ In making this determination, the Township Board of Trustees and the Planning Commission shall give due consideration to the following:

- (1) **Innovative Design.** The modification shall provide for extraordinary design excellence including but not limited to energy efficient or other innovative design, open space above and beyond the minimum and additional amounts required, additional improvements to assure vehicular and pedestrian safety, and/or additional landscaping or other site features to assure a long-term aesthetically pleasing appearance.
- (2) **Public Services.** The modification shall provide for the inclusion of certain public services including but not limited to sanitary sewers and/or a public water supply, to enhance the long-term viability of the PRD and to allow for more efficient use of land.
- (3) **Community Character.** The modification shall provide for land and/or facilities that contribute to and/or enhance community character examples of such land and facilities include but are not limited to parks, schools, community centers and civic buildings.
- (4) **Compatibility.** The modifications shall provide for an arrangement of uses and density that enhance the compatibility of the PRD with existing or planned uses on adjacent land.

Deleted: The Township Board of Trustees may, upon recommendations from the Planning Commission, permit modifications to any of the PRD requirements enumerated herein, subject to any specific limitations for any specific requirements also enumerated herein, and upon finding that the modification will result in a substantial benefit to the users and community as whole.

Commented [PS91]: This was relocated from a subsection in Section 6.406 because the relocated text includes general criteria for all modifications

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Section 6.404 Eligibility

To be eligible for consideration for PRD approval, the applicant must demonstrate that the following criteria will be met:

- (A) **Concept.** The overall design and all uses proposed in connection with a PRD shall be consistent with and promote the intent of PRD under this Chapter, as well with specific PRD design standards set forth herein.
- (B) **Recognizable and Substantial Benefit.** A PRD shall result in a recognizable and substantial benefit to ultimate users of the PRD and the community and shall result in a higher quality of development than could be achieved under conventional zoning.
- (C) **Size.** A PRD shall include at least forty (40) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a PRD on a smaller

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Commented [PS92]: We recommend a larger development area size to encourage larger projects. However, we also recommend lowering the size of the development based on certain standards.

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Article 6: Supplemental Zoning District Standards

Chapter 4: Planned Residential Developments

site if the subject site has unique characteristics and benefits that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions or utility easements crossing it, or other significant characteristics and benefits.

Deleted: Any modification to this requirement shall consider whether

For a PRD of smaller than forty (40) acres to be permitted, the applicant shall submit a letter to the Township requesting a waiver of the minimum PRD size requirements. The request shall be submitted prior to submittal of a site plan and application for PRD approval, and must document the unique characteristics that the applicant believes necessitate a PRD on less than 40 acres. The Planning Commission shall review the request and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the PRD size requirements.

- (D) **Public Services.** A PRD shall not exceed the capacity of existing available public services, including but not limited to utilities, roads, police and fire protection services, and educational services, unless the PRD contains an acceptable phasing plan and timeline for providing necessary services or evidence that such services will be available by the time thirty percent (30%) of the homes in the PRD is completed or on a timeline specified in the PRD Agreement. Phasing shall be done in accordance with Section 6.420

Commented [PS93]: We recommend that public services be completed at a specific time period, with an alternative time period permitted in the PRD Agreement. This will require a deadline for public improvements.

- (E) **Master Plan.** A PRD shall not conflict with the Master Plan. Any modification to this requirement shall consider whether inclusion of uses and densities which are not called for in the Master Plan and/or deviation from the Future Land Use Map are justified in light of the current planning and development objectives of the Township.

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if the Planning Commission determines that a deviation from this requirement is warranted, upon approval of the associated PRD, the Planning Commission shall consider initiating action where necessary to amend the Master Plan so that the Future Land Use Map designation is consistent with the approved PRD.

- (F) **Economic Impact.** A PRD shall not result in an unreasonably negative impact upon surrounding properties.

- (G) **Preservation of Natural Features.** The PRD shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to: woodlands, wetlands, rolling topography, natural drainage courses, etc. The PRD shall comply with the Woodland and Tree Preservation provisions of Section 8.106.

- (H) **Unified Control.** The PRD shall be under single ownership or control, pursuant to the requirements of Section 6.417.

Section 6.405 Districts and Uses

A PRD shall comply with the following standards:

- (A) **Districts.** A PRD may be approved as a special use in any AG, R-1A, R-2A, R-1B or R-1C District, subject to the requirements of this Ordinance for special land use approval (Article 12, Chapter 3) and the additional review and approval requirements as provided for herein.

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Article 6: Supplemental Zoning District Standards
Chapter 4: Planned Residential Developments

(B) Uses. Uses permitted in a PRD shall include the following:

(1) All permitted and special approval uses in the underlying District, with special approval uses in the underlying District being special approval uses in the PRD, unless otherwise provided for herein, and with minimum floor area in a PRD not less than, and maximum height in a PRD not greater than, the minimum floor area and maximum height, respectively, in the underlying District.

(2) Attached single family dwelling units, subject to the requirements of Section 5.116 and the following. Where there is a discrepancy between the requirements of Section 5.116 and the following, the following requirements shall prevail in a PRD:

(a) Attached units shall abut common open space in a PRD.

(b) Attachment of units in a PRD shall be by means of either a common party wall which does not have over sixty percent (60%) of its surface area in common with an abutting unit wall, or an architectural wall detail which does to form interior room space, or common part wall in only the garage portion of an abutting unit.

(c) Not more than four (4) units may be attached in any one (1) building in a PRD in the manner outlined above.

(d) Not more than thirty percent (30%) of the total number of units in a PRD may be attached.

(e) All attached units shall have an attached garage with an area sufficient to enclose at least one (1) standard private passenger car.

(f) No detached accessory buildings or carports are permitted for the attached single-family dwelling units.

(g) No part of an attached single-family dwelling unit shall be located above or below another attached single-family dwelling unit.

(h) A minimum of fifty percent (50%) of the each exterior wall of an attached single-family dwelling unit building shall be faced with brick or stone. For the purposes of calculating total wall area, the wall area includes the entire vertical surface of all exterior walls, including the flat area of a gable end, but excluding windows, doors, related trim, and fascia.

~~Deleted: The Township Board of Trustees may, upon recommendation from the Planning Commission, permit a~~

~~Deleted: , including quadplexes, with detached accessory structures not permitted as accessory to clusters of attached units~~

~~Deleted: for modifications enumerated herein, and subject to the following requirements~~

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Section 6.406 Density

A PRD shall comply with the following standards:

(A) Parallel Plan. The number of dwelling units permitted in a PRD shall be based on a parallel plan prepared by the applicant. The parallel plan shall be consistent with State, County, and Township requirements for a tentative preliminary plat, shall meet the requirements of the underlying zoning district for lot area, lot width, setbacks, public roads, and shall provide an area that conceptually would provide sufficient area for storm water detention. Lots in the

Commented [PS94]: Many communities require a parallel plan, and they are a very useful tool in determining how many units can reasonably be approved under conventional zoning based on the existing site restrictions.

Article 6: Supplemental Zoning District Standards
Chapter 4: Planned Residential Developments

parallel plan shall provide sufficient building envelope area to permit the construction of a conforming house without impacting the area of any regulated wetland. The parallel plan must demonstrate a realistic and reasonable development plan based on regulated environmental constraints, availability of utility and other necessary public infrastructure.

During preliminary site plan review of the PRD, the Planning Commission shall review the parallel plan and determine the number of units that could feasibly be constructed on the site following conventional design standards. This number shall be the number of dwelling units permitted in the PRD (before any discretionary density bonuses are applied),

(B) Density Increase. The Township Board of Trustees may, upon recommendation from the Planning Commission, permit an increase of up to thirty percent (30%) in the overall number of residential units calculated on the parallel plan in Section 6.406(A). To determine whether a PRD is eligible for any increase in density and how much additional density may be granted by the Township, a five percent (5%) density increase may be authorized for each of the following six (6) superior design standards that are achieved, based upon the discretion of the Planning Commission and Township Board of Trustees:

- (1) Additional Open Space.** That a minimum of fifty percent (50%) of the gross area of a PRD be set aside for common open space, which shall be subject to all of the other open space requirements of Section 6.408.
- (2) Creation of New Woodlands.** In addition to the woodland and tree preservation requirements of Section 8.106 and other landscaping requirements of this Ordinance, three thousand (3,000) square feet of new woodland area shall be created in the required open space for every additional unit permitted in excess of the number of units calculated on the parallel plan in Section 6.406(A). The new woodland areas should be contiguous to preserved woodland areas, if any. Trees in the woodland shall have a caliper of at least 1.5 inches, be planted at a rate of not less than 1 tree per 20 feet in any direction, and be of a species compliant with Section 8.106 and Article 10.
- (3) Open Space Amenities.** That the required open space be improved with amenities that will benefit the residents of the PRD such as paved trails through the required open space (dirt and woodchip trails are not acceptable), playgrounds, clubhouses, swimming pools, tennis courts, etc.
- (4) Additional Landscape Buffering Along Adjacent Roads.** That the 200-foot perimeter area of the PRD along adjacent roads (required in Section 6.407(B)) include twice as much frontage landscaping as required by Article 10 or as follows, whichever is greater: A minimum of one (1) deciduous or evergreen tree shall be planted for each twenty (20) linear feet or portion thereof of road frontage, PLUS, a minimum of one (1) ornamental tree shall be planted for each fifty (50) linear feet or portion thereof of road frontage, PLUS, a minimum of eight (8) shrubs shall be planted for each twenty (20) linear feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

Deleted: Overall Density. The overall density of residential uses within a PRD shall not exceed the lesser of the density achievable in the underlying district or the density that is recommended by the Master Plan (or the average density that recommended by the Master Plan, if the Master Plan recommends a density range), except as specifically provided herein. The density achievable in the underlying district shall be calculated by dividing the net buildable areas as defined below by the minimum lot area required in the underlying district and the density that is recommended by the Master Plan shall be calculated by multiplying the net buildable area by the density that is recommended by the Master Plan.

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Net Buildable Area. In determining the density achievable in the underlying district, only the net buildable area of the site shall be considered. The net buildable shall be calculated as follows:§

§
Environmental features area equals the area encumbered by water, regulated wetlands, steep slopes or other existing or proposed features that would prevent construction of a building or using for residential purposes, as determined by the Township Board of Trustees, upon recommendation from the Planning Commission.§

§
Modified gross area equals gross area minus sixty-five percent (65%) of environmental features area.§

§
Net buildable area equals eighty percent (80%) of modified gross area, to account for necessary road rights-of-way and easements.§

§
The area of any land to be dedicated as additional right-of-way to existing roadways surrounding a PRD shall be credited to the buildable areas after calculation.§

Commented [PS95]: Currently there are no criteria regarding how many additional units to approve based on the design characteristics presented. The proposed text keeps the maximum increase of 30% the same, but includes more tangible design criteria. Although the maximum increase and design criteria can be adjusted, it is important to include criteria that give predictability to the applicant and the Township.

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**Article 6: Supplemental Zoning District Standards
Chapter 4: Planned Residential Developments**

- (5) Superior Building Architecture. In addition to the building wall standards of Section 5.115(B)(7), eighty percent (80%) of the front facade wall (excluding windows, doors, and related trim) shall be faced with brick or stone, and all other exterior walls shall be faced with brick or stone from the finished grade to the top of the first story wall (i.e., excluding gables and other walls above the top of the first story wall).
- (6) Other Unique Features. Preservation of other unique features that benefit community character such as buildings of historic significance, landmark trees (defined in Section 8.106), waterways and wetlands, and/or other similar unique features.

Section 6.407 Design

A PRD shall comply with the following standards:

- (A) **Building Location.** Where feasible, buildings in a PRD shall comply with the following building location requirements:
- (1) Buildings in a PRD shall be located on the edges of fields and in wooded areas, to minimize the visual impact of development. Buildings should not be located in open fields.
 - (2) Buildings in a PRD shall not be located on the tops of ridge lines or in areas with slopes that exceed thirty-five (35) percent.
 - (3) Buildings in a PRD shall not be located in wetlands or flood plains.
 - (4) Any modification to these requirements shall consider whether other building locations are more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping or other existing or proposed site conditions.
- (B) **Building Setbacks.** Buildings in a PRD shall comply with the following building setback requirements:
- (1) The following table lists several building setback requirements for buildings in a PRD:

	Minimum Setback (Feet)	
	Detached Unit	Attached Unit
Along perimeter, adjacent to a major thoroughfare	200	300
Along perimeter, adjacent to another public road	200	300
Along perimeter, but not adjacent to a road	50	300
Along an internal public road	35	25
Along an internal private road	25	25
Along waterfront, adjacent to lakes, ponds, rivers, regulated wetlands, streams, drains and storm water management basins and easements	75	75

Commented [P596]: We recommend having a 200-foot viewshed along each abutting road.

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- (2) Docks, bulkheads, patios, terraces, decks and pathways in a PRD may be permitted in the waterfront setback, noted above provided, however, the Township Board of Trustees,

Article 6: Supplemental Zoning District Standards
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upon recommendation from the Planning Commission, finds such placement of structures to be necessary and appropriate, as well as complementary to the character of the PRD.

(3) Notwithstanding Section 6.407(B)(1) and Section 6.407(B)(2) above, the minimum side and rear yards for all buildings in a PRD shall be the same as in the zoning district in which the PRD is located. The Township Board, upon recommendation from the Planning Commission, may modify the minimum side and rear yard setback requirements based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings and the need for proper amounts of open space for the exclusive use of residents of the PRD. However, the minimum building separation requirements of Section 6.407(C) may not be modified.

(C) **Building Separation.** Buildings in a PRD shall comply with the following building separation requirements:

- (1) Any detached single-family principal or accessory structure in a PRD shall be located at least five (5) feet from any side lot line and at least twenty (20) feet from any other detached single-family principal or accessory structure.
- (2) Any building in a PRD containing more than one (1) dwelling unit (i.e., apartments, townhouses, attached dwellings) shall be located at least ten (10) feet from any side lot line and at least twenty (20) feet from any other similar structure, as well as at least thirty (30) feet from any detached single-family principal or accessory structure.

(D) **Lot Size and Width Requirements.** The Township Board of Trustees may, upon recommendation from the Planning Commission, permit a reduction in minimum lot size and lot width for single-family detached residential dwelling units in a PRD below that which is permitted in the underlying district, subject to the requirements for modifications enumerated herein.

Section 6.408 Open Space Requirements

A PRD shall provide and maintain common open space, accessible to all residents of the PRD, subject to the following requirements:

- (A) **Minimum Required.** A minimum of thirty percent (30%) of the gross area of a PRD shall be set aside for common open space, regardless of whether or not the PRD includes a request for a density increase and/or a lot size reduction.
- (B) **Location.** Open spaces in a PRD shall meet one (1) or more of the following objectives:
 - (1) Preservation of distinctive natural features and rural characteristics.
 - (2) Preservation of land devoted to agricultural use.
 - (3) Minimization of impact from development on wetlands, rivers and other environmentally sensitive areas.

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<#>Any modifications to these setback requirements shall consider whether other setbacks would be more appropriate because of the topography, existing trees and/or other vegetation, proposed grading and/or landscaping, and/or existing or proposed site features. ¶

Commented [PS97]: The term "useable" is difficult to define, but the allowable uses and accessibility of the open space are addressed in this section.

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- (4) Maintenance of rural open space character along major thoroughfares.
- (C) **Limitation.** Not more than fifty percent (50%) of required open space in a PRD shall be used for active recreation facilities such as swimming pools and tennis courts, etc. Not more than seventy-five percent (75%) of required open space in a PRD shall be used for golf courses, provided remaining open space accommodates walking or similar passive leisure pursuits.
- (D) **Exception.** Any pervious land area that is available for the common use of all residents of a PRD may be included as part of required open space, except as follows:
- (1) Required open space in a PRD shall not include the area of any public or private road, the area of any easement providing access to the PRD, or the area of any required setbacks except for rural view shed areas.
 - (2) Not more than fifty percent (50%) of required open space in a PRD shall include the area of water bodies, regulated wetlands, ~~or storm water retention and detention.~~
 - (3) Up to one hundred percent (100%) of required open space in a PRD may include preserved natural areas provided, however, that those areas accommodate walking or similar passive leisure pursuits.
- (E) **Irrevocability.** Required open space in a PRD shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the plan for the PRD. Such conveyance shall include the following:
- (1) Indication of proposed use(s) of the required open space in a PRD.
 - (2) Indication of how all leisure and recreation needs of the population residing in or using a PRD will be accommodated.
 - (3) Provision for privately-owned open space in a PRD to be maintained by property owners with an interest in the open space.
 - (4) Provision of maintenance standards and maintenance schedule.
 - (5) Provision of notice of possible Township assessment to property owners in a PRD for the cost of maintenance of open space in the event that it is inadequately maintained and/or becomes a public nuisance or in the event the other facilities are not maintained.
 - (6) Recordation with County Register of Deeds to provide notice of restrictions to all persons having interest in property contained in the PRD.
- (F) **Redevelopment.** Notwithstanding the requirements cited above, required open space may be redeveloped for another purpose, subject to the following conditions:

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- (1) Redevelopment of required open space in a PRD shall require review and approval in accordance with the procedures by which the original plan for the PRD was approved.
- (2) Redevelopment of open space in a PRD shall not be permitted for the first twenty-five (25) years after the date of the initial final PRD approval. Commencing on the twenty-fifth (25th) anniversary of the initial final PRD approval and at every subsequent twenty-five year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the required open space may be submitted for review and action by the Township. Proposals to redevelop required open space may not be submitted at any other time except during these one (1) year periods.
- (3) In the event that a proposal to redevelop required open space in a PRD is properly submitted during an appropriate one (1) year period, the Township shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.
- (4) Proposals to redevelop required open space in a PRD shall require written consent of persons holding not less than ninety (90) percent of all ownership interest in the conveyed lots contained in the PRD at the time the proposal is submitted or such other higher percentage as may be otherwise required by law. Voting rights on such a proposal shall be based on the proportion of the total area of all conveyed lot owned.
- (5) These provisions for redevelopment of required open space in a PRD may be included in the conveyance previously described.

Section 6.409 Frontages and Access

A PRD shall provide for frontage and access in accordance with the following requirements:

- (A) ~~Paved Access. All roads from which a PRD takes access shall be paved along the entire length of the PRD site, and all means of access to the PRD shall be via roads which provide continuous paved connections between the PRD and the nearest major thoroughfares. If such roads are not paved, a performance guarantee pursuant to Section 6.109 and Section 12.210 shall be required and the PRD Agreement shall provide for such roads to be paved and improved as otherwise required in conjunction with the site development of the PRD. All of the required paving must be completed by the developer and approved by all applicable permitting agencies prior to the issuance of building permits for eighty percent (80%) of the dwelling units in the PRD.~~
- (B) **Drive Separation.** No entrance or exit drive to a PRD shall be closer than four hundred (400) feet to any road intersection, as measured between the center line of the entrance or exit drive to the PRD and the center line of the road intersection.
- (C) **Lot Access.** Each residential lot in a PRD shall have frontage on and each residential dwelling unit shall have direct access to, an approved public road or an approved private road that has been designed to the same standards as would be required for an approved public road.
- (D) **Limitation.** Individual residential dwelling units in a PRD shall not have direct access onto a major thoroughfare, collector road or state truck line.

Commented [PS98]: We recommend specifying which roads must be paved and by what time they must be paved. This will allow the applicant to construct most of the units before paving while eliminating the need to negotiate the time at which the paving must be complete.

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- (E) **Through Traffic.** A PRD should be designed so that through traffic is discouraged from traveling on residential streets. However, street connections to adjacent residential developments are required where the adjacent development has located an easement or right-of-way for a connecting street. Furthermore, the PRD shall provide for future connections to adjacent undeveloped land where the Township Planning Commission and Board of Trustees is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is developed.

Commented [P599]: Connections to other residential developments lead to more traffic efficiency in the long run by giving residents more choices for entering and exiting the development based on convenience and traffic flow.

Section 6.410 Roads and Driveways

Site disruption caused by road and driveway construction and associated grading required for construction in a PRD shall be minimized. Accordingly, as feasible, the PRD shall comply with the following standards:

- (A) **Existing Contours.** Roads in a PRD shall follow existing contours, to minimize cut and fill.
- (B) **Linear Features.** Where a PRD includes linear features such as existing access roads, tree lines or stone rows, roads shall follow those features, to minimize visual impact.
- (C) **Open Fields.** Roads in a PRD shall not be located in open fields, to preserve rural open space character, except where the crossing of an open field is necessary to comply with some other standards enumerated herein.
- (D) **Shared Driveways.** Use of shared driveways to serve up to four (4) units in a PRD shall be permitted, to minimize the amount of paving and reduce the number of curb cuts onto public roads.

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Section 6.411 Traffic Impact

A PRD shall be designed to minimize its traffic impact on surrounding uses. In determining whether the PRD has met this requirement, due consideration shall be given to access to major thoroughfares, resulting increases in traffic congestion, proximity and relation to intersections, adequacy of driver sight distances, location of and access to off-street parking, required vehicular turning movements and proposals to alleviate traffic congestion, traffic safety concerns and other traffic impacts. The Planning Commission or Township Board may require a traffic impact study to be submitted.

Commented [P5100]: The Planning Commission and Township Board should always reserve the right to require a traffic impact study.

Section 6.412 Pedestrian Circulation

A PRD shall provide pedestrian access and circulation in one (1) of the following configurations, or a combination thereof as determined to be appropriate by the Township Board of Trustees, upon recommendation from the Planning Commission.

- (A) **Sidewalks.** Sidewalks shall be provided along all perimeter roads surrounding and along both sides of all roads in a PRD.
- (B) **Other.** Paths or other means of pedestrian circulation shall be provided in a PRD, capable of achieving at least the same amount and linear footage of pedestrian circulation that would have been provided by sidewalks.

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Section 6.413 Utilities

All utility lines in a PRD shall be installed underground in accordance with all requirements of applicable service providers.

Section 6.414 Natural Features

A PRD shall be designed to promote preservation of natural resources and natural features. If natural animal or plant habitat of significant value exist in the PRD, the Township Board of Trustees may, upon recommendation from the Planning Commission, require the PRD to preserve the areas in a natural state and protect them as open space or passive recreation areas.

Section 6.415 Landscaping and Lawns

In addition to the landscaping requirements of Article 10, the PRD shall comply with the following standards regarding landscaping and lawns:

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- (A) **Existing Vegetation.** Existing trees and other vegetation in a PRD shall be preserved where disturbance is not necessary outside building envelopes.
- (B) **Lawn Areas.** The creation of lawn areas in excess of ten thousand (10,000) square feet on individual lots shall be prohibited in a PRD, unless a larger lawn area is required to satisfy septic system requirements. Lawn areas shall be included in site disturbance. Instances where a lot includes open field areas, these areas may be seeded without being included in the lawn area or the site disturbance calculation.
- (C) **Clear Sites.** Where no natural features exist on a particular site, a PRD shall include measures to establish such features including but not limited to treed areas and wildlife cover.
- (D) **Native Species.** Where landscaping is proposed in a PRD, native species shall be used.

Section 6.416 Existing Structures

A PRD shall comply with the following standards regarding existing structures:

- (A) **Preservation.** If a PRD contains existing structures deemed by the Township to be historic, cultural or architectural significance (such as farm structures) and where those structures are deemed by the Township to be suitable for rehabilitation, those structures shall be retained, preserved and included in the PRD.
- (B) **Rehabilitation.** Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted in a PRD.

Section 6.417 Control and Reserves

A PRD shall be under single ownership or control, such that there is a single person or entity having responsibility and financial capability for completing the PRD or assuring completion of the project in conformity with this Ordinance. The applicant shall provide legal documents of single ownership or control in the form of agreements, contracts, covenants and/or deed restrictions which indicate that the PRD can be completed as proposed and that cumulative financial reserves have been secured and designated for that purpose and further that all portions of the PRD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their

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successors. These legal documents shall bind all successors in title to any commitments made as a part of the documents. The provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

Section 6.418 Applicable Regulations

A PRD shall comply with all applicable Federal, State and local laws and regulations, including but not limited to general provision, special use requirements and site plan review requirements, as well as subdivision and/or condominium requirements, where applicable.

Section 6.419 Approval Procedures.

In addition to meeting the requirements and standards listed in this *Article 6, Chapter 4* approval of a PRD application shall proceed in the same manner as other special use applications, including a recommendation by the Planning Commission and approval by the Township Board of Trustees pursuant to *Article 12, Chapter 3*. Action on a PRD shall include but not be limited to determination of eligibility, approval of preliminary plan and modifications and approval of final plan and modifications. The final approval, including all associated conditions and modifications, shall be documented, in a PRD Agreement in a form acceptable to the Township attorney, between the Township Board of Trustees and the applicant. The PRD Agreement shall be executed at the time of final PRD approval by the Township Board of Trustees.

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<<Additional Considerations>>
In addition to other requirements for review of a PRD, the Planning Commission and Township Board of Trustees shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent of which sidewalks, trails, open space, playground and other areas used by pedestrians are insulated from roads, drives and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting landscaping and building material and noise reduction and visual screening. 9

Section 6.420 Phasing

When a PRD is to be constructed in phases, it shall be designed so that each phase, when completed, is capable of standing on its own in terms of the presence of services, facilities and open space and contains the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PRD and the residents of the surrounding areas. In addition, proposed phasing shall comply with the following requirements:

- (A) **Commencement.** Construction of a PRD, or improvements therein, may commence at any time following final PRD approval, but also not prior to any related and required engineering, condominium and/or subdivision approval, provided that construction shall be commenced for each phase of the PRD within twenty-four (24) months of the schedule set forth on the approved plan for the PRD. Improvements to infrastructure including but limited to paving of roads and installation of lights, signs and other traffic improvements, as well as installation of utilities and drainage improvements, etc., shall be completed prior to commencement of building construction in a PRD. Mitigation of other issues and impacts shall require a plan delineating funding and timing, etc., of installation of any required improvements.
- (B) **Revised Phasing Plan.** The applicant may, however, submit a revised phasing plan for review and approval by the Township Board of Trustees, upon recommendation from the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a PRD has commenced, approval of a revised phasing plan shall not be unreasonable withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PRD.
- (C) **Reconsideration and Revocation.** In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township

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Board of Trustees, upon recommendation from the Planning Commission, may reconsider and revoke the PRD approval of the undeveloped portion of the PRD.

- (D) **Definition.** For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations or similar substantial improvements.
- (E) **First Phase Projects.** If proposed as a part of a PRD, improvements to be completed in the first phase of the PRD shall include but not be limited to sewer and water treatment and storm water management facilities and other infrastructure as determined by the Township, such as golf courses, improvements to common areas and community centers and facilities.

Section 6.421 Revisions of Approved Plans.

- (A) **General Revisions.** The approved plan for a PRD may be revised in accordance with the procedures set forth in Section 6.419.
- (B) **Minor Changes.** Notwithstanding Section 6.421(A) above, minor changes to an approved PRD may be permitted by the Planning Commission following site plan review procedures outlined in Article 12, Chapter 2, subject to its findings that the following are true:
 - (1) Such changes will not adversely affect the initial basis for granting approval.
 - (2) Such minor changes will not adversely affect the overall PRD in light of the intent and purpose of such development, as set forth in Section 6.401.