CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. CZ20-04

An Ordinance to amend the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, Section 3.1.23, Planned Development District; Section 7.11, Changes and Amendments; Section 7.14, Rights and Remedies; and Section 7.15, Notices for Public Hearings.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 26, Article 3, Zoning Districts, is hereby amended to add a new district, Planned Development District in section 3.1.23 which shall read as follows:

Sec. 3.1.23. Planned Development District.

A. INTENT.

The intent of the Planned Development District (PDD) is to provide for a flexible zoning district which 1) incorporates the review process for a Planned Development (PD) project into the rezoning procedure to ensure integration of the proposed project with the characteristics of the surrounding area; 2) promotes the attributes and unique features of the subject property; 3) will permit uses and design attributes that will produce a development with a recognizable and substantial benefit to the ultimate users of the project; and 4) will permit the applicant to offer site-specific development standards, uses, and conditions to foster innovation and creativity to achieve a high-quality development that will be a benefit to the community and will not adversely impact the existing or future development in the surrounding area. Planned Developments are required to achieve:

i. A modern choice of living environments by: 1) allowing a variety of housing and building types; 2) permitting increased density per acre; and 3) permitting flexibility in lot dimensions, yard, building setback, and area requirements.

ii. Open space and recreation areas that are functional and well designed.

iii. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of protected wetland, woodlands, and natural drainage patterns.

iv. A more efficient use of land than that achieved through conventional development resulting in substantial savings through shorter utilities and streets.

v. Utilization of sustainable design features.
vi. A development pattern in harmony with the goals and objectives of the West Bloomfield Township Master Plan.

B. ELIGIBILITY CRITERIA.

To be eligible for rezoning to a Planned Development District (PDD), the applicant must demonstrate that the following criteria will be met:

i. **Future Land Use Map.** Uses which are not called for on the Future Land Use Map may be permitted provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified based on 1) the current planning and development objectives of the Township; and 2) the deviation complies with the Master Plan.

ii. **Property Location.** The property proposed for rezoning to PDD is not located within the Township Center District. All other properties in the Township are eligible for rezoning to PDD, except properties located within the Township Center District (TCD) which shall not be eligible for rezoning to PDD.

iii. **Minimum Size.** The proposed project area shall contain a minimum of two (2) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a smaller area to be rezoned to PDD provided the applicant:

a. As part of the application, submits a written request to waive the requirement for a minimum two (2) acres of contiguous land and the Planning Commission determines the applicant demonstrated one or more of the following benefits to the community:

1. The proposed project has unique characteristics and benefits.

2. The parcel in question has unique features that may significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the site, water courses, unusual shape or proportion, utility easements which cross the parcel.

3. The property is ideal for redevelopment and is located on a major corridor.

b. The Planning Commission shall review the request for the smaller area as part of the overall PD plan and shall make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the minimum size requirement as part of its preliminary review decision.

iv. **Use of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities; and shall not place an unreasonable burden upon the subject site, the surrounding land, property owners, occupants, or the natural environment.
v. **Unified Control.** The proposed development shall be under single ownership or have a single master developer that is a single person or entity responsible for completing the project in conformity with the ordinance and all conditions of approval. The applicant shall provide legal documentation of single ownership or legal authority to proceed under a single master developer for the project. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township in advance of the transfer.

C. **DEVELOPMENT REGULATIONS.**

A proposed Planned Development (PD) shall comply with the following regulations:

i. **Uses.** Any land use authorized in this ordinance may be included in the development as a principal or accessory use, provided that:

a. There shall be a harmonious relationship between the location of building on the site relative to the location of buildings on the land in the surrounding area.

b. The use and or mixture of uses and the arrangement of those uses within the development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

ii. **Environmental Features.** There shall be no development or modification of any kind within a designated wetland or woodland without a use permit first being issued by the Township pursuant to the applicable ordinance.

iii. **Preservation Area.** Within the development, a minimum of five percent (5%) of the total site shall be in preservation open space areas. The requirement to provide open space preservation areas may be reduced or eliminated by the Planning Commission if the Planning Commission determines that the distinct features of the parcel are an impediment to compliance with the minimum open spaces requirement. Roads, while included in total parcel area, shall be excluded from the preservation area calculation. Place of interest as required in subsection 3.1.23.C.iv below may serve to fulfill the minimum preservation area requirement. Notwithstanding anything to the contrary, the combined preservation area and place of interest shall be a minimum of five percent (5%) of the total site.

iv. **Places of Interest.** Two places of interest shall be incorporated into each development. The places of interest may include: art installations, gardens, nature paths, nature viewing areas, community gardens, outdoor dining areas, plazas, fitness trails, playgrounds, or other elements or amenities approved by the Planning Commission that are open, inviting, and accessible to the public. Except as provided in Section 3.1.23.C.iii above, the total area of the places of interest shall be a minimum of five percent (5%) of the gross area of all parcels proposed for rezoning to PDD. For developments approved with less than two (2) acres, alternatives to the places of interest requirement may be permitted if the applicant is able to demonstrate that there is insufficient space for any of the above options. Alternatives may be permitted if the Planning Commission finds the proposed
alternative places of interest are in keeping with the spirit of this provision. Any alternatives shall result in engaging, interesting, attractive, safe, context-sensitive, and comfortable places.

v. **Building Appearance and Exterior Materials.** Exterior building materials used shall be low maintenance and high durability such as stone, cement board siding, or brick, and shall cover a minimum of fifty percent (50%) of the building wall, measured by the finished surface of the wall exclusive of windows and doors. The following materials shall not exceed twenty percent (20%) of the exterior surface: EFIS, stucco, or fabricated steel panels. T-111, smooth faced or painted concrete block are prohibited exterior surface materials.

vi. **Sustainable Design.** In order to encourage outstanding design qualities, all developments shall include sustainable design features for the nature, scale, and location of the development and its relationship to surrounding existing and planned land uses. A project that receives LEED certification for Neighborhood Development (LEED ND) or the Building receives LEED certification for Building Design and Construction (LEED BD+C) shall fulfill the requirement for sustainable design, otherwise, a minimum of four (4) of the following sustainable design features shall be incorporated into a development. Depending on the type, size, and scale of the development, and the conditions of the subject property, the Planning Commission may require additional sustainable design features to be incorporated. Sustainable design features include:

a. Public or Alternative Transportation Access. Location of the project is within ¼ mile walking distance along an improved safety path, sidewalk, or other non-motorized pathway to one or more public transit stops.

b. Bicycle Parking. Provide covered parking facilities for securing bicycles for a minimum of ten percent (10%) of the residents, employees, or customers of the proposed development. The covered parking facilities shall be designed to complement the other buildings on site. The enclosed garage of a residential dwelling unit shall meet the bicycle parking requirement. For commercial and employer uses, the covered bicycle parking may be located near the building entrance or within the building.

c. **EV Charging Stations.** EV charging stations shall be provided in accordance with the following:

1. Residential: For units with garages, pre-wire all garages for one (1) 240-Volt EV charging station and offer an EV charging station as an option. For developments where garages are not provided, five percent (5%) of all parking spaces shall be equipped with a 240-Volt EV charging station.

2. Non-residential: A minimum of five percent (5%) of all required parking spaces shall be equipped with a 240-Volt EV charging station. Signs shall be posted in accordance with section 22-34 of the Code of Ordinances.
d. Building Materials. In order to meet this requirement, an applicant shall comply with all of the following:

1. All appliances used within the development must be Energy Star rated.
2. All applicable plumbing fixtures within the development shall be WaterSense labeled.
3. Use of building materials on the exterior facade of a majority of the exterior elevations are energy-efficient, durable, and low maintenance.
4. Use of energy efficient glass/glazing.
5. Use of high-efficiency insulation materials.

e. Mechanical and Electrical Systems and Energy Usage. In order to meet this requirement, an applicant shall comply with the item listed in 1, 2, or 3; or shall comply with all items listed in 4, 5, 6, and 7.

1. Provide at least thirty-five (35) percent of the development’s electricity from renewable sources by installing solar energy systems/solar photovoltaic panels, wind energy conversion systems.
2. Installation of vegetated roofs for at least fifty percent (50%) of the roof area.
3. Constructing buildings that are all, or predominately all, electric.
4. Use of energy efficient heating and cooling systems, such as the use of heat pumps.
5. Use of tankless water heater systems for hot water only on demand.
6. Use of design features intended to reduce energy usage including, but not limited to strategically placed overhangs and architectural awnings.
7. Installation of smart technology devices including, but not limited to programmable thermostats with remote electronic access and control.

f. Water Efficient Landscaping. Substantially reduce potable water consumption for irrigation from a mid-summer baseline case by implementing all of the following:

1. Install smart scheduling technology for water use.
2. Use of Michigan native vegetation that requires less water consumption and maintenance.
3. Use of storm drainage collected water in retention and detention basins for irrigation. Use of water from naturally occurring surface water bodies, such as stream, rivers, and ground water shall be prohibited.
g. Residential Unit Area. The maximum square footage of a residential unit shall not exceed the following:

<table>
<thead>
<tr>
<th>Max. Floor Area</th>
<th>1 Bedroom</th>
<th>2 Bedroom</th>
<th>3 Bedroom</th>
<th>4 Bedroom</th>
<th>5 Bedroom</th>
<th>6 Bedroom</th>
<th>7 Bedroom</th>
<th>8 or More Bedroom</th>
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<tbody>
<tr>
<td></td>
<td>1,000 sq. ft.</td>
<td>1,600 sq. ft.</td>
<td>2,200 sq. ft.</td>
<td>2,800 sq. ft.</td>
<td>3,400 sq. ft.</td>
<td>4,000 sq. ft.</td>
<td>4,600 sq. ft.</td>
<td>+ 600 sq. ft. per additional bedroom</td>
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h. Heat Island Effect Reduction. Reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on microclimate and human and wildlife habitat through all of the following options:

1. Install a vegetated roof for at least fifty percent (50%) of the roof area.

2. Provide shade from an existing tree canopy or a new landscape installation that will provide shade within five (5) years of the installation; landscaping trees must be in place at the time of the issuance of a certificate of occupancy.

3. Provide shade from structures fully covered by solar photovoltaic panels.

i. Vehicular and Pedestrian Connectivity. Vehicular and pedestrian connections shall be provided throughout the site including:

1. Vehicular roads shall connect to the existing road network and where possible, to adjacent sites. Dead-end or cul-de-sac shall be discouraged.

2. Provide non-motorized connections to adjacent sites where land uses are complementary, connection is feasible, and connection will not have an environmental impact.

3. All uses within the site shall be connected with safety paths, sidewalks or non-motorized pathways, and, if accessible, shall connect to the Township’s existing non-motorized paths and trails.

D. REVIEW PROCEDURE.

The review procedure for rezoning to PDD incorporates the review process for a planned development project into the rezoning procedure. Planned development projects are generally complex projects that could have a major impact on surrounding land uses and significantly affect the health, safety, and general welfare of the Township. Thus, planned development projects shall undergo a two-step plan review and approval process: preliminary and final review. Rezoning to PDD, “Planned Development District” shall
require the approval of the site plans, development standards, and specified conditions tailored to the subject property and incorporated into a Development Agreement. The Development Agreement shall be recorded with the Register of Deeds and shall constitute an inseparable part of the rezoning approval.

i. **A Summary of the Review Procedure.** The stages of review include:

a. Optional Pre-Application Conference.

b. Application and Preliminary Plan Submission.


d. Preliminary Plan Review by Township Board.

e. Final Plan Submission.


g. Final Review and Action by the Township Board.

ii. **Pre-Application Conference.** To facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. No formal action shall be taken at a pre-application conference. There shall be a fee as established by Resolution of the Township Board to reimburse the cost of reasonable expenses incurred by the Township for a pre-application conference. At a minimum, the applicant shall present the following at the conference:

a. A sketch plan of the proposed planned development.

b. A legal description of the property in question.

c. The total number of acres in the project.

d. A statement of the approximate number of residential units and non-residential units; and the approximate number of acres to be occupied by each type of use proposed in the development.

e. The number of acres to be preserved as open or recreational space.

f. All known natural resources and natural features to be preserved.

iii. **Application and Preliminary Plan Submission.** The application for rezoning shall include a preliminary plan submission that shall comply with the requirements in Section 6.1, for Site Plan Review. The application and preliminary plan shall be submitted to the Township Planning Department and shall be accompanied by the necessary fees and documents as required. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the application may be postponed due to lack of representation.
iv. **Application Requirements.** A complete application for rezoning to PDD shall be made to the Planning Department on forms provided by the Township. The application shall include the following information:

a. Identifying information. The name, address, and telephone number of: i) all persons with an ownership interest in the land proposed for rezoning together with a description of the nature of each entity's interest, such as fee owner, optionee, lessee, or land contract vendee; ii) all engineers, attorneys, architects, or registered land surveyors associated with the project; and iii) the developer or proprietor of the planned development project.

b. Development experience. Documentation indicating the applicant’s development experience.

c. Legal description. The legal description of the land proposed for rezoning together with appropriate tax identification numbers.

d. Size. The area of the land (in acres) on which the proposed PD project will be developed.

e. Existing zoning. A map showing existing zoning designations for the subject property and all land within one quarter mile.

f. Proposed uses. An overall conceptual land use plan for the planned development, drawn to scale using maps and illustrations that: i) depicts the development concept to identify each type of proposed use; ii) specifies the square footage or acreage allocated to each proposed use; iii) specifies the approximate location of each proposed use; iv) specifies the number of non-residential buildings proposed and the approximate location of each principal structure; v) specifies the location and type of proposed open space, community facilities, recreation areas, park areas, public areas; and vi) depicts other beneficial attributes of the proposed project.

g. Circulation and access. The overall conceptual land use plan shall depict: i) a general location map; ii) the vehicular and pedestrian circulation system proposed for the development; iii) location of proposed ingress and egress areas; iv) the location of existing private and public streets adjacent to the proposed development and how they will connect with the proposed circulation system for the new development.

h. Proposed residential uses. The approximate number of proposed residential units, the proposed layout of the dwelling units, and the proposed residential parking. If there is a proposed mailbox feature or trash receptacle, show the feature and location.

i. Future Land Use Maps. A map and written explanation of the manner in which the proposed rezoning and development complies with or deviates from the
Future Land Use maps; and if it deviates, the planning and development objectives that justify the deviation.

j. Survey. Topographic survey identifying all existing woodland and wetland features, and all existing easements.

k. Environmental features. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

l. Significant characteristics. Maps and written analysis of the significant natural, cultural, and geographic characteristics of and near the site, such as existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.

m. Utilities. A description and locations of proposed utilities.

n. Fee. A non-refundable application fee in an amount established by resolution of the Township Board shall be included with the application submission.

o. Escrow. The applicant shall be responsible for all review expenses incurred by the Township. An escrow shall be established for the private payment of review expenses in compliance with section 2-202 of the Township Code of Ordinances.

v. Preliminary Plan Submission Requirements. In addition to complying with the requirements in Section 6.1, Site Plan Review, and providing the applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to all plans submitted for preliminary review of the proposed planned development:

a. All information required for conceptual review.

b. A detailed overall plan for the proposed development which shows all of the information required on the conceptual land use plan plus the following:

1. Locations and setbacks of each structure and use in the development.

2. Typical concept layouts, floor plans, and facade design for each type of use or building. Include a legend containing the percentage of each proposed building facade material.

3. The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which each house could be constructed.
4. The vehicular and pedestrian circulation system planned for the proposed development, including a designation of each street and pedestrian access, and whether it is proposed to be private or dedicated to the public.

5. The proposed layout of parking areas, open space, and recreation/park areas.

6. Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.

7. For a multi-phased project, show the phases and sequence of development.

8. If signage is proposed, the general location within the proposed development.

9. The maximum number of non-residential and residential units to be developed on the subject parcel.

10. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams, and water drainage areas.

11. General layout and alignment of all proposed site utilities designed in accordance with Chapter 24 of the Code of Ordinances.

12. Storm water and drainage system details designed in accordance with Chapter 24 of the Code of Ordinances.

13. Location of sidewalks and pedestrian access along roads and elsewhere within the development.

c. Provide all reviews, recommendations, and approvals from the Environmental Department and/or Environmental Commission.

d. The Planning Commission may require additional plans and/or studies including but not limited to traffic, school, fiscal or environmental impact studies.

vi. **Preliminary Plan Review and Public Hearing - Planning Commission.** Preliminary plan review shall include the following reviews:

a. Professional Review. Prior to the Preliminary Review by the Planning Commission, professional review of the preliminary plans shall be conducted by appropriate agencies or consultants, including the Township Planning Director, staff, and Engineer. The designated staff, agencies, or consultants shall prepare and transmit reports to the Planning Commission stating their
findings and conclusions and any recommended changes or revisions. The applicant shall be responsible for the review fees incurred by the Township for the project.

b. Public Hearing. The Planning Commission shall schedule and hold at least one public hearing in accordance with section 7.15, as part of the Preliminary Plan Review. The public hearing shall be held after the professional reviews have been completed and the professional findings are submitted.


1. Review. Following the public hearing, the Planning Commission shall review the planned development proposal and preliminary plans in relation to applicable standards and requirements, compliance with the planned development regulations, and consistency with the intent and spirit of this ordinance.

2. Preliminary Recommendation. Based on the applicable standards and review requirements, the Planning Commission shall make a recommendation to the Township Board which may be to recommend preliminary approval; or recommend preliminary approval subject to conditions; or recommend denial of the proposed planned development project and site plan.

3. Transmittal of Record. The documents that constitute the record upon which the Planning Commission recommendation was made shall be transmitted to the Township Board for its review.

vii. Preliminary Plan Review - Township Board. Following receipt of the Planning Commission’s recommendation, the Township Board shall review the planned development proposal and preliminary plans in relation to applicable standards and requirements, compliance with the planned development regulations, and consistency with the intent and spirit of this ordinance.

a. Preliminary Approval by the Township Board. Based on the applicable standards and review requirements, the Township Board shall preliminarily approve the proposal, preliminarily approve the proposal subject to conditions, or deny the application for rezoning and proposed planned development site plan. A denial by the Township Board at this stage is a final decision.

b. Effect of Approval or Denial. If the Township Board grants preliminary approval with or without conditions, the application for rezoning and proposed project may proceed to the Final Review stage; however if the Township Board denies the application for rezoning and the proposed planned development site plan, the decision is final and the review is completed.

viii. Combined Preliminary and Final Review. Upon the request of the applicant and approval of the Township, preliminary and final review and approval may be combined and conducted concurrently.
ix. Final Plan Review Submission Requirements. After preliminary review and approval is obtained, the applicant shall submit the following additional information required for final review:

a. Revisions. Revised plans to conform to preliminary approval of the Township Board.

b. Schedule. A general schedule for completing the proposed planned development, including the phasing or timing of all proposed improvements.

c. Traffic Impact. If requested, an analysis of the traffic impact of the proposed planned development on existing and proposed streets.

d. Detailed Plans. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon the rezoning taking effect and approval of the final plans. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that rezoning be approved, however, the final site plan approval shall be subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 6.1, Site Plan Review.

e. Number of Units. The precise number of non-residential and residential units to be developed on the subject parcel.

f. Development Agreement. A proposed Development Agreement which shall incorporate all approved site plans, development standards, and specified conditions of approval. The Development Agreement shall, at minimum, include the following:

1. The legal description of the land that is subject to the agreement, including parcel identification numbers.

2. Incorporate by attachment a map of the boundaries for Planned Development District.

3. A list of all plans, documents, and other materials incorporated into the Agreement and provide a reference where the documents may be examined and where the record of approvals is available for examination.

4. A description of the permitted uses of the property, the density or intensity of use, and all development and dimensional standards that will apply to the PD project.
5. Enumerate all conditions and special provisions agreed to by the applicant and Township during the course of review of the rezoning to PDD and the proposed PD project.

6. Enumerate all public improvements to be undertaken by the applicant or the Township in conjunction with the development project.

7. Describe any dedications that are part of the development process, including but not limited to roads, utilities, easements, open space, or other areas dedicated to the public.

8. The agreement of the applicant and property owner that the subject property shall not be developed or used in a manner inconsistent with the Development Agreement.

9. That the terms of the Development Agreement shall be binding upon and inure to the benefit of the applicant, property owner, the Township, and their respective heirs, successors, assigns, and transferees.

10. For a single phased development, the agreement and acknowledgment that, if the construction is not commenced within the time specified, unless an extension is approved, no development shall be undertaken and no permits for development will be issued until a new zoning district classification of the property has been established.

11. If the project is proposed as a multi-phased project, the phasing schedule as required by section F.ii.a. shall be included for development, and for the construction of all facilities in the entire planned development. The phasing schedule shall include projected dates for site plan approval and for completion of construction for each phase of the plan.

12. The extent to which the Development Plan or Development Agreement may be amended or modified and the procedure for amendment, such as administrative approval, Planning Commission approval, or Township Board approval.

13. Agreement and acknowledgment that if the applicant violates the terms of the agreement, the Township may proceed to restore the original zoning classification of the property or rezone the property in accordance with the goals, policies, and future land use map of the West Bloomfield Master Plan, or other study.

14. An acknowledgment that: 1) the conditions of approval are agreed upon and the agreement as presented is valid and authorized by applicable state and federal law, and the constitution; 2) the agreement was entered into on a voluntary basis; and 3) the agreement represents the permissible exercise of authority by the Township.
x. **Final Review and Approval Standards.** The Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in Section 6.1, Site Plan Review, and the following review and approval standards:

a. Conformance with the Planned Development Concept. The overall design and all proposed uses for the development shall be consistent with and promote the intent of the planned development concept and the specific project design standards set forth herein.

b. Compatibility with Adjacent Uses. The proposed planned development specifications for height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features shall ensure compatibility and harmony in land use relationships within the development and with surrounding properties and the uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

c. Public Services. The proposed planned development shall not exceed the capacity of existing and available public services, including but not limited to utilities, public roads, police services, fire protection and EMS services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

d. Impact of Traffic. The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

1. Access to major thoroughfares.
2. Estimated traffic to be generated by the proposed development.
3. Proximity and relation to intersections.
4. Adequacy of driver site distances.
5. Location of and access to off-street parking.
6. Required vehicular turning movements.

e. Protection of Natural Environment. The proposed planned development shall comply with all applicable environmental protection laws and regulations; the proposed plan shall be protective of the natural environment; and all required wetland and woodland permits shall be obtained from the Environmental Department and/or Environmental Commission prior to initiating improvements.

f. Compatibility with the Township Master Plan for Future Land Use. The proposed planned development shall be consistent with the general principles and objectives of the Future Land Use maps of the Township Master Plan; or if it deviates, the applicant has demonstrated the planning and development objectives that justify the deviation.

g. Compliance with Applicable Regulations. The proposed planned development shall be in compliance with all applicable federal, state, and local laws and regulations.

xi. Final Review and Recommendation by Planning Commission. The Planning Commission shall review the final submissions, together with the public hearing findings, and any requested reports and recommendations from the Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Development Agreement. The Planning Commission shall then make a recommendation on the Final Review and Approval Standards set forth in section 3.1.23.D.x. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

a. Approval. Upon determination that the final plan for planned development is in compliance with the standards and requirements of this ordinance, complies with applicable ordinances and laws, will result in integration of the land development project with the characteristics of the surrounding area, and will not adversely impact the existing or future development in the area, the Planning Commission shall recommend approval.

b. Approval with Conditions. The recommendation of approval may include a recommendation to the Township Board to impose reasonable conditions upon the approval of a planned development for the purpose of ensuring: 1) that public services and facilities affected by the proposed development will be capable of accommodating the increased public service loads caused by the development; 2) the protection of the natural environment and the conservation of natural resources and energy; 3) compatibility with adjacent uses of land; and 4) promoting the use of land in a socially and economically desirable manner. In the event that the planned development is approved subject to
specified conditions, such conditions shall become part of the record of approval.

c. Delayed or Phased Construction - Approval with Conditions. In the event construction will not begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that rezoning be approved, however, final Development Plan approval may be conditioned upon a subsequent review and approval of the detailed site plans for each facility or phase in accordance with Section 6.1, Site Plan Review, provided that:

1. The location and approximate size of such buildings shall be shown on the overall plan for the planned development.

2. The detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 6.1, Site Plan Review.

3. Compliance with the phasing requirements in 3.1.23.F.ii.

d. Denial. Upon a determination that a planned development proposal 1) does not comply with the standards and regulations set forth in this ordinance; 2) is incompatible with surrounding existing development or the Future Land Use Maps and deviation is not justified; or 3) would otherwise be injurious to the public health, safety, welfare, or the orderly development of the Township, the Planning Commission shall recommend denial.

e. Transmittal of Report to Township Board. The Planning Commission shall prepare and transmit a report to the Township Board, including: 1) the record before the Planning Commission; 2) its conclusions and recommendation; 3) the factual basis for its recommendation; and 4) any conditions of approval being recommended.

xii. Review and Determination by Township Board. Following receipt of the Planning Commission's report and recommendation, the Township Board shall review the application for rezoning, the final Development Plan, the proposed Development Agreement, any reports and recommendations from consultants and other reviewing agencies, and the report, findings, and recommendation of the Planning Commission. Following completion of its review, the Township Board shall approve, approve with conditions, or deny approval of each of the following:

a. Development Agreement. The Development Agreement may be approved upon a determination that 1) it complies with the requirements set forth in section 3.1.23.D.ix.f.; and 2) has been reviewed and approved by the Township Attorney. If the Township Board approves the rezoning, the Development Plan and the Development Agreement, the Township and the applicant shall execute the Development Agreement in a form approved by the Township Attorney. The Development Agreement shall be recorded with the Oakland County
Register of Deeds. Final approval of the Development Plan shall become effective upon recording of the Development Agreement. All improvements and use of the site shall be in conformity with the Development Agreement, the Development Plan approval, and any conditions imposed.

b. Development Plan Approval for Planned Development. Upon a determination that the final Development Plan complies with the requirements of this ordinance, including section 3.1.23.D. the Township Board may approve the Development Plan, or approve with conditions that shall be incorporated into the Development Agreement.

c. Rezoning to Planned Development District. Upon a determination that the proposed rezoning to PDD, Planned Development District, is in compliance with the standards and requirements of this ordinance, and complies with applicable ordinances and laws, the Township Board may approve the rezoning to PDD, Planned Development District. Once rezoned to PDD, no improvements or construction shall be undertaken within the district except in conformity with the approved Development Plan, the Development Agreement, the approved site plans, and any conditions imposed in connection with the approval.

E. ORDINANCE AMENDMENT.

Approval of a rezoning to PDD, Planned Development District is a map amendment to the Zoning Ordinance that shall follow the procedure for amendment as set forth in section 7.11 of this ordinance. Following the Township Board approval of the rezoning, the Zoning Map Amendment shall be filed with the Township Clerk and a notice of ordinance amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the Township.

F. COMPLETION OF SITE DESIGN AND PHASING.

i. Single-Phase Developments. Following final site plan approval and rezoning for a single-phased development, engineering review and approval shall be required prior to obtaining a building permit and commencement of construction. In addition, it shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

ii. Multi-Phased Developments. Following development plan approval and rezoning for a multi-phased development, final site plan and engineering approval shall be required for each facility or phase and shall comply with the following:

a. Schedule Required. When a project is proposed as a multi-phased project, a phasing schedule for development of all facilities must be submitted that includes dates for site plan approval and completion of construction for each phase of the plan.
b. Design. All development phases shall be designed and constructed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements for water and sewer utilities, storm water management, infrastructure, open space and places of interest requirements being designed or constructed in a later phase or on other sites. The place of interest component shall be completed during phase 1 or may be designed so that each phase provides a place of interest that is a minimum of five percent (5%) of the gross area of the land comprising the phase and shall be completed during construction of that phase.

c. Revised Phasing Schedule. The applicant may submit a revised phasing schedule for review and approval by the Planning Commission. The applicant shall submit a statement indicating the conditions which made the previous phasing schedule unachievable. If the revised phasing schedule is approved, it shall be included as an addendum to the Development Agreement. Once construction of a planned development has commenced, approval of a revised phasing schedule shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development.

d. All Other Permits. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit or commencement of construction.

G. PERFORMANCE GUARANTEE.

i. Required. A performance guarantee shall be required to ensure that the site improvements are completed in compliance with the approved site plan(s), Development Plan, the standards set forth in the Development Agreement, and all applicable ordinances. The performance guarantee shall be posted in the form approved by the Planning and Development Services Director, as an irrevocable letter of credit, cash escrow, certified check, or surety bond for purposes of providing performance security with the Township to ensure faithful completion of the site improvements.

ii. Multi-Phased Development. For a multi-phased development, a separate performance guarantee shall be provided for each phase of the development.

iii. Amount. The performance guarantee shall be an amount determined by the Township Engineer equal to the amount required to complete the site improvements. The required performance guarantee shall be provided to the Township after site plan approval and engineering review is completed but prior to the issuance of any permits or the initiation of any earth change.

iii. Reduction. After completion of the site improvements for each phase, the petitioner may request a reduction in the amount of the performance guarantee commensurate with the improvements completed. The request will be reviewed by the Planning and
Development Services Director and Township Engineer and if approved, the amount of the performance guarantee will be reduced as approved.

H. CONSTRUCTION.

i. **Commencement.** Construction shall commence within twenty-four (24) months of final approval. If it is a phased project, construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. In the event that construction has not commenced within the required time period and an extension has not been approved, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

ii. **Extension.** Upon written request from the applicant, the Planning and Development Services Director may consider a twelve (12) month extension, provided that the Director finds that the extension is warranted because of the circumstances presented or the market conditions. The written request for extension must be received prior to the twenty-four (24) month expiration date.

I. MODIFICATIONS TO THE DEVELOPMENT PLAN OR DEVELOPMENT AGREEMENT.

Requested modifications to the approved Development Plan or Development Agreement shall require submittal of a revised Development Plan or Development Agreement for review and approval as provided by this subsection.

i. **Minor Modifications.** The following minor modifications may be permitted by the Planning and Development Services Director prior to the issuance of any permits affected by the modification provided that the proposed revision does not alter the basic design, standards for approval, or any specified conditions of the approved plan:

   a. Change in size of structures, for residential buildings by five percent (5%) or less, provided that the overall density of units does not increase.

   b. Change in square footage of nonresidential buildings by five percent (5%) or less or five hundred (500) square feet, whichever is smaller.

   c. Movement of building(s) or structure(s) by no more than five (5) feet.

   d. Replacement of plantings approved in the site plan landscape plan by similar types, sizes and approximate location and number of landscaping which provides a similar effect on a one-to-one (1:1) or greater basis.

   e. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, etc. as required by the Road Commission for Oakland County or the Development Services Department.
f. Changes of building materials to a higher quality which does not alter the 
character of the approved plan.

g. Changes in floor plans which do not alter the character of the use.

h. Slight modification of sign placement or reduction of size.

i. Slight realignment of safety paths or internal sidewalks.

j. Internal rearrangement of parking lot which does not change the number of 
parking spaces or alter access locations or design.

k. Changes required or requested by the Township for safety reasons.

ii. **Major Modifications.** Any modification not enumerated as a minor modification 
is considered a major modification. A request for a major modification to the 
approved Development Plan or Development Agreement shall comply with the 
following:

a. Major Modification to Approved Plans. A request for a modification to the 
approved development and/or site plans shall require submittal of a proposed 
revised development plan and/or site plan for review and approval of the 
Planning Commission pursuant to the standards set forth in section 3.1.23.

b. Major Modification to Development Agreement. A request for a major 
modification to the approved Development Agreement shall require 
submittal of the proposed revisions in writing for final review and 
recommendation of the Planning Commission and final approval of the 
Township Board in accordance with the final review procedures set forth in 
section 3.1.23.D.ix to xii. Upon approval of a major modification, the 
modification(s) shall be incorporated into an Amendment to the approved 
Development Agreement.

**J. AUTHORITY OF THE ZONING BOARD OF APPEALS.**

i. **Variance.** Pursuant to Section 7.16.6.H of the Zoning Ordinance, there is no authority 
for an applicant to request the Zoning Board of Appeals to grant a variance from a 
requirement of a Development Agreement approved by the Township Board, or any 
condition imposed as part of an approval for a planned development. Any requested 
change shall be submitted pursuant to the modification procedure set forth above.

ii. **Appeal.** Pursuant to Section 7.16.4.I of the Zoning Ordinance, there is no authority for 
an applicant to appeal a decision made as part of a consideration for Planned 
Development review and approval to the Zoning Board of Appeals. Pursuant to 
applicable Court Rule, an appeal shall be filed with the Circuit Court within 21 days of 
the decision being appealed.
Section 2 of Ordinance

Chapter 26, Article 7, Changes and Amendments, Section 7.11, Changes and Amendments, is hereby amended to read as follows:

Sec. 7.11. CHANGES AND AMENDMENTS

The Township Board may amend or supplement Zoning District boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Planning Commission, Planning and Development Services Director, or by petition of a member of the public.

1. Amendment Procedure. The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, MCL 125.3101, et seq.
   a. Public Hearing. Upon initiation of a proposed amendment, a public hearing before the Planning Commission shall be scheduled and held in accordance with Section 7.15.
   b. Planning Commission Findings and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the amendment and shall report its findings and recommendation to the Township Board. The record made at the Planning Commission public hearing together with a summary of the comments submitted at the public hearing shall be transmitted with the Planning Commission’s findings and recommendation to the Township Board.
   c. Township Board Action. Upon receipt of the Planning Commission’s findings and recommendation, the Township Board may approve the proposed amendment, with or without modification, refer the proposed amendment to the Planning Commission for further study and report; or disapprove the proposed amendment.
   d. Court Decree. An amendment to conform a provision of the zoning ordinance to the decree of a court that applies to a specific parcel within the Township may be adopted by the legislative body and the notice of the adopted amendment published without first referring the amendment to the Planning Commission for recommendation.

2. Amendment Initiated by Petition.
   a. Zoning Map. If a petition involves an amendment to the Zoning Map, the petitioner shall submit the following information:
      i. A legal description of the property, including a street address and the tax identification number(s).
ii. A map of the property drawn to scale, including the legal description, and clearly showing the location of the property.

iii. The name and address of the petitioner.

iv. The petitioner's interest in the property. If the petitioner is not the owner(s) of record, written consent to the petition shall be provided.

v. A certification of the accuracy of the information, signed by both the petitioner(s) and owner(s).

vi. The Zoning District classification requested and the current zoning classification of the property.

vii. A vicinity map showing the location of the property, north arrow, and adjacent land uses and zoning classifications.

viii. Any additional information deemed appropriate by the Planning Commission.

b. Text Amendment. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

i. A detailed statement of the proposed amendment including all provisions of the Zoning Ordinance applicable to the proposed amendment.

ii. Name and address of the petitioner.

iii. Reasons for the proposed amendment, demonstrating that the amendment is in the best interests of the Township, that it is consistent with the Master Plan and meets the criteria set forth in section 4.

3. **Zoning Map Amendment Criteria.** The Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision for a Zoning Map Amendment:

a. **Master Plan.** Consistency with the goals, policies and future land use map of the West Bloomfield Master Plan, including any sub-area, corridor, or other study. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

b. **Incompatibility.** The uses permitted under the current zoning classification are incompatible due to the site's physical, geological, hydrological, or environmental features.

c. **Compatibility.** The potential uses allowed in the proposed zoning district are compatible with the surrounding uses taking into consideration land suitability, impacts on the environment, density impacts, nature of use, traffic impacts, aesthetics, adequacy of infrastructure.

d. **Capacity.** The capacity of Township utilities and services sufficient to accommodate the uses permitted in the proposed zoning district.
e. Traffic. The impact on traffic and the capability of the street system to accommodate the expected traffic generated by uses permitted in the requested zoning district.

f. Demand. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

g. Compliance with Development Standards. Construction on the site will be able to meet the development standards for the proposed zoning district.

h. Proposal is use specific. If the proposed amendment is to permit a specific use, consider whether a text amendment to the list of permitted or special land uses in the current zoning district be more appropriate than a map amendment.

i. Spot Zone. The requested rezoning will not create an isolated and unplanned spot zone.

j. Development and use as zoned. Whether there are any impediments to the property being developed and used in conformance with the current zoning designation of the property.

k. Time Limitation. The request has not previously been submitted within the past one (1) year, unless the petitioner demonstrates that conditions have changed, or new information has been provided.

l. Other factors deemed appropriate by the Planning Commission and Township Board.

4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision for an ordinance text amendment.

a. The proposed amendment would correct an error in the Ordinance.

b. The proposed amendment would clarify the intent of the Ordinance.

c. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.

d. The proposed amendment would address changes to state legislation.

e. The proposed amendment would address potential legal issues with the Zoning Ordinance based on applicable case law.

f. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.

g. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
h. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan, and enhance the overall quality of life in West Bloomfield Township.

5. **Effective Date and Publication.** Following the Township Board approval of a text or map amendment to the Zoning Ordinance, the amendments shall be filed with the Township Clerk and a notice of ordinance amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the Township. The notice of ordinance amendment shall include the following information:

   a. A summary of the regulatory effect of the amendment or the text of the amendment, including the geographic area affected.

   b. The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.

   c. The place and time where a copy of the Ordinance may be purchased or inspected. Unless a notice of intent to request a referendum is filed, a Zoning Ordinance amendment shall take effect seven (7) days after such publication or at such later date as may be specified by the Township Board.

6. **Referendum.** Within seven (7) days after publication of a Zoning Ordinance amendment, a registered elector residing in West Bloomfield Township may file a Notice of Intent to file a petition with the Township Clerk. If the Notice of Intent is filed, the petitioner shall have thirty (30) days following the publication of the zoning ordinance to file a petition with the Township Clerk signed by a number of registered electors residing in the Township that is not less than fifteen percent (15%) of the total vote cast within the Township for all candidates for governor at the last preceding general election at which a governor was elected, requesting the submission of the zoning ordinance amendment to the electors residing in Township for their approval. Upon the filing of a notice of intent to request a referendum, the Zoning Ordinance amendment adopted by the Township Board shall not take effect until one (1) of the following occurs:

   a. The expiration of thirty (30) days after publication of the Ordinance amendment, if a petition is not filed within that time.

   b. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, the Township Clerk determines that the petition is adequate.

   c. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, and the Township Clerk determines that the petition is adequate, and the Ordinance amendment is approved by a majority of the registered electors voting on the petition at the next regular election or special election called for that purpose. The Township Board shall provide the manner of submitting the Zoning Ordinance amendment to the electors for their approval or rejection and determining the result of the election.
d. A petition and an election under this section are subject to the Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992.

7. **Protest Petition.** If a protest petition is filed pursuant to the Michigan Zoning Enabling Act, MCL 125.3403, in response to a proposed text or map amendment, approval of the amendment shall require a 2/3 vote of the Township Board. The protest petition shall be filed and presented to the Township Board before final approval on the amendment. The protest petition, shall be signed by 1 or more of the following:

a. The owners of at least twenty percent (20%) of the area of land included in the proposed change.

b. The owners of at least twenty percent (20%) of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

c. Publicly owned land shall be excluded in calculating the twenty percent (20%) land area requirement.

8. **Rezoning with Conditions.** There are certain circumstances when it would be in the best interests of the Township and advantageous to property owners seeking a change in zoning classification if certain conditions could be proposed by the property owners as part of a request for a rezoning. This section is intended to provide a process consistent with the provisions of the Michigan Zoning Enabling Act, MCL 125.3405, which allows an owner seeking a rezoning to voluntarily propose conditions regarding the use and/or development of land and which conditions may become required by the rezoning approval, memorialized in a rezoning with conditions agreement, and which shall be included in the public record of rezoning. Petitioners are encouraged to propose such conditions at the time the application for rezoning is filed, however, the Petitioner may be permitted to propose conditions at a subsequent point in the review process for the proposed rezoning. A rezoning with conditions shall comply with the following:

a. **Affidavit of Conditions.** The conditions proposed for a rezoning with conditions shall be reduced to a written affidavit enumerating all conditions offered, that is signed and notarized by the property owner and the petitioner. Upon approval of the township, the affidavit may be amended, in writing, prior to approval of the rezoning. The Affidavit shall be included in the record for the rezoning request.

b. **Review and Approval Process.** The required application and process for considering a request for rezoning with conditions shall be the same as that for a rezoning request made without any proposed conditions except as modified by this section.

c. **Offer of Conditions.** The approval by the Township Board of an Agreement for Rezoning with Conditions in compliance with subsection (h) is required for approval of a proposed rezoning with conditions.
d. Compliance with District Standards. The proposed development must comply with all development standards and permitted uses of the proposed rezoning district. The offer of conditions shall not include a request for approval of a use not permitted in the proposed district or a deviation from a development standard required in the proposed rezoning district.

e. Special Land Use. If special land use approval is required for the use proposed for rezoning with conditions, the special land use approval shall be an explicit condition to the rezoning with conditions approval.

f. Non-Use Variance. If a dimensional variance is required for the use or development proposed for rezoning with conditions, the dimensional variance shall be an explicit condition to the rezoning with conditions approval and the approved rezoning with conditions shall not take effect until the dimensional variance is approved.

g. Withdrawal. An offer of conditions may be voluntarily amended, in writing, during the process of rezoning review and prior to approval of the Township Board. A petitioner may withdraw all or part of its offer of conditions any time prior to final approval of the rezoning by the Township Board. In the event a petitioner withdraws all conditions offered subsequent to the planning commission public hearing on the original rezoning with conditions request, then the rezoning with conditions application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.

h. Agreement for Rezoning with Conditions. After the planning commission public hearing on the request for rezoning with conditions, and prior to submission of the request to the Township Board, the proposed conditions attached to the rezoning shall be set forth in a proposed agreement for rezoning with conditions. An agreement for rezoning with conditions shall include the following:

   i. A legal description of the property affected by the rezoning with conditions.

   ii. An acknowledgment that 1) the rezoning with conditions was proposed by the petitioner to induce the Township to grant the rezoning; 2) that the Township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the rezoning with conditions agreement; 3) the conditions agreed upon and the agreement as presented are valid and authorized by applicable state and federal law and the constitution; 4) the agreement was entered into on a voluntary basis; and 5) represents the permissible exercise of authority by the Township.

   iii. Enumerate all the conditions agreed upon by the petitioner, property owner, and the Township.
iv. The agreement of the petitioner and property owner that the subject property shall not be developed or used in a manner inconsistent with the agreement for rezoning with conditions.

v. Incorporate by attachment a map of the boundaries for the rezoning with conditions. If any other documents are incorporated by reference, the reference shall specify where the document may be examined.

vi. An agreement for rezoning with conditions shall state where the approved site plan and record of approvals are available for examination.

vii. That the terms of the agreement for rezoning with conditions shall be binding upon and inure to the benefit of the property owner, the Township, and their respective heirs, successors, assigns, and transferees.

viii. The date upon which approved development and/or use must be commenced; and an acknowledgment that if the approved development and/or use is not commenced within the time specified and proceeds diligently to completion, then the land shall revert to its former zoning classification as required by the Michigan Zoning Enabling Act, MCL 125.3405.

ix. The Agreement and acknowledgment that, if a rezoning with conditions is not commenced within the time specified, no development shall be undertaken and no permits for development will be issued until a new zoning district classification of the property has been established.

x. Agreement that if an extension of approval is granted by the Township Board, an amendment to the agreement for rezoning with conditions shall be recorded specifying the new expiration date.

xi. Agreement and acknowledgment that if the petitioner violates the terms of the agreement, the Township may proceed to restore the original zoning classification of the property or rezone the property in accordance with the goals, policies, and future land use map of the West Bloomfield Master Plan, or other study.

i. Amendment. After approval of the agreement for rezoning with conditions by the Township Board, a proposed amendment to the agreement shall be reviewed by the Planning Commission who shall provide a recommendation to the Township Board for its consideration and shall only be effective if approved by the Township Board. Upon approval of the Township Board, an amendment to the agreement for rezoning with conditions shall be prepared and recorded.

j. Time Period for Establishing Development or Use. The approved development and/or use must be commenced within twenty-four (24) months after the rezoning with conditions is approved and shall proceed diligently to completion. This time limitation may be extended for one (1) year by the Township upon written request submitted to the Planning and Development
Services Director before the expiration date, provided that it is demonstrated that there is a strong likelihood that the development and/or use will be commenced within the period of the extension and proceed diligently to completion.

k. Zoning Map. If approved, the Zoning Map shall specify the new zoning district plus a reference to RWC. By way of example, the zoning classification of the property may be “B-2 Community Business District with Conditions” with a Zoning Map designation of “B-2 RWC.”

l. Recording the Agreement for Rezoning with Conditions. A rezoning with conditions shall become effective following publication pursuant to MCL 125.3401, and after the agreement for rezoning with conditions is recorded with the County Register of Deeds.

m. Violation of Agreement for Rezoning with Conditions. If development and/or actions are undertaken on or with respect to the property in violation of the agreement for rezoning with conditions, such development and/or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Agreement for Rezoning with Conditions, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

n. Subsequent rezoning of land. Whenever land that is rezoned with conditions is thereafter rezoned, the conditions imposed under the former zoning classification shall cease to be in effect.

Section 3 of Ordinance

Chapter 26, Article 7, Changes and Amendments, Section 7.14, is hereby amended to read as follows:


a. The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

b. Forbearance in enforcement of this chapter shall not be deemed condonation of any violation thereof.
Section 4 of Ordinance

Chapter 26, Article 7, Changes and Amendments, Section 7.15, is hereby amended to read as follows:

Sec. 7.15. Notices for Public Hearings.

The notice for any public hearing as required under this chapter, shall comply with the following:

a. The notice shall be given by publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing.

b. Notice shall be given as provided to the petitioner and to the owners of property that is the subject of the request.

c. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, except as provided by subsection (g).

d. Notice shall also be given as provided under subsection (3) to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, except as provided by subsection (h). Notification need not be given to more than (1) occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

e. Notice of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunications service provider, each railroad operating within the district or zone affected that registers its name and mailing address with the Township Clerk for purpose of receiving notice of public hearings.

f. The notices shall include the following:

i. The date, time, and place of the public hearing.

ii. Describe the nature of the request.

iii. Specify the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
iv. State when and where written comments will be received concerning the request.

v. State where the proposed text and any maps of the Zoning Ordinance may be examined prior to the hearing.

g. Notice by delivery is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

h. Notice for a proposed rezoning for a group of adjacent properties numbering eleven (11) or more, shall be given by publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and shall be given to the petitioner and to the owners of property that is the subject of the request. Street Addresses do not need to be created and listed if no such addresses currently exist.

Section 5 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated.

Section 6 of Ordinance

Within fifteen (15) days after adoption, a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township including the effective date of the amendment and the place where and time when a copy of the amendment may be purchased or inspected.

Section 7 of Ordinance

Pursuant to the Michigan Zoning Enabling Act, MCL 125.3401(6), this Ordinance shall take effect upon the expiration of seven (7) days after publication.

CERTIFICATION

STATE OF MICHIGAN    
)    SS
COUNTY OF OAKLAND   
)

I, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on August 17, 2020. The original is on file in the Office of the Township Clerk.
I affix my official signature/seal this 17th day of August, 2020.

By: [Signature]
Deborah Binder, Township Clerk

EMERGENCY ADOPTION: 08-17-2020
EFFECTIVE: 09-03-2020
PUBLISHED: 08-26-2020