



City of the Village of Clarkston
375 Depot Rd
Clarkston, Michigan 48346
City Council Regular Meeting
07 12 2021

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call
Mayor Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie
4. Approval Of Agenda - Motion
5. Public Comments:
Individuals have the opportunity to address the City Council on subjects not on the Agenda, limiting their comments to three minutes. Alternatively, public comments may be emailed to City Manager Jonathan Smith @ smithj@villageofclarkston.org or City Clerk Jennifer Speagle @ speaglej@villageofclarkston.org and they will be read out loud during this time. If preferred, comments may be stated or submitted anonymously.
6. FYI:
 - 6.a. 2021 Clarkston Garden Walk
Documents:
[2021 CLARKSTON GARDEN WALK 07 12 2021.PDF](#)
 - 6.b. Oakland County Local Business Connect
Documents:
[FYI OAKLAND COUNTY LOCAL BUSINESS CONNECT 07 12 2021.PDF](#)
7. City Manager Report
Documents:
[CITY MGR REPORT 07 12 2021.PDF](#)
8. Motion Acceptance Of The Consent Agenda As Presented
Minutes and Treasurer's Report

Minutes

Final 06 14 2021

Draft 06 28 2021

Treasurer's Report 07 14 2021

Documents:

[07 12 2021 CONSENT AGENDA.PDF](#)

9. Old Business

9.a. Resolution RPDD Proposal

Planning Commission Recommendation to Council - Align the RPDD Ordinance Language, Scope and Standards with the Master Plan

Documents:

[RESOLUTION RPDD 07 12 2021.PDF](#)

10. New Business

10.a. Resolution: Code Enforcement Service Contract

Documents:

[RESOLUTION CODE ENFORCEMENT SERVICES CONTRACT 7-1-21.PDF](#)

10.b. Discussion Financial Workshop

Documents:

[DISCUSSION FINANCIAL WORKSHOP 07 12 2021.PDF](#)

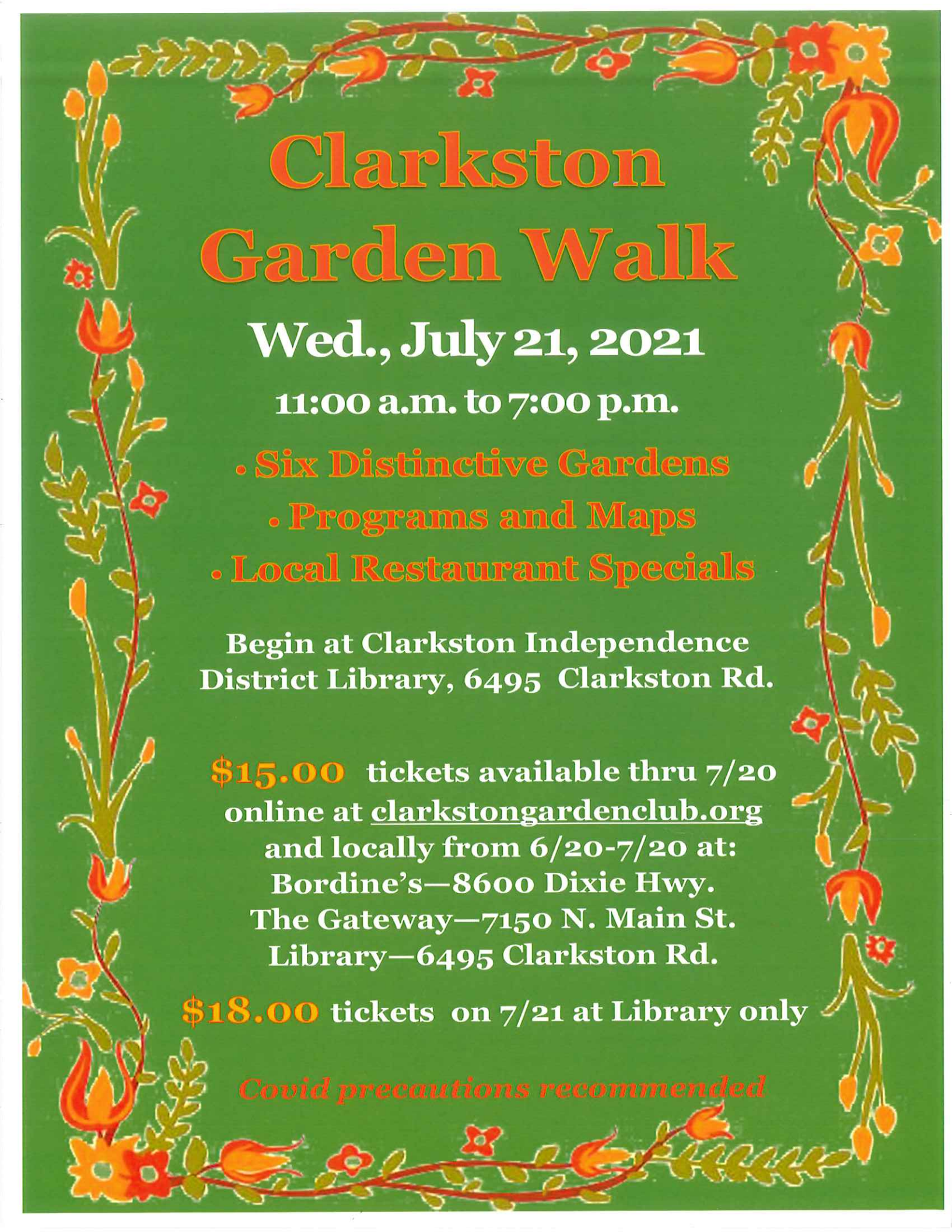
10.c. Resolution: Budget Amendment

Documents:

[RESOLUTION 2020-2021 FY BUDGET AMENDMENT 07 12 2021.PDF](#)

11. Adjourn

Only those matters that are on the agenda are to be considered for action.



Clarkston Garden Walk

Wed., July 21, 2021

11:00 a.m. to 7:00 p.m.

- **Six Distinctive Gardens**
- **Programs and Maps**
- **Local Restaurant Specials**

**Begin at Clarkston Independence
District Library, 6495 Clarkston Rd.**

\$15.00 tickets available thru 7/20
online at clarkstongardenclub.org
and locally from 6/20-7/20 at:
Bordine's—8600 Dixie Hwy.
The Gateway—7150 N. Main St.
Library—6495 Clarkston Rd.

\$18.00 tickets on 7/21 at Library only

Covid precautions recommended

Local Business CONNECT

Bringing Oakland County's most popular small business topics from the *One Stop Shop* to a community near you.

Hear Firsthand About the Local Business Support and Resources Available to You

Oakland County is transforming the way we provide support and resources to local business owners. We are "going on the road" and coming to a community near you:

JULY 13 (8:00-10:30 a.m.)
Oak Park City Hall Campus
14300 Oak Park Blvd.
Oak Park, MI 48237

JULY 14 (8:00-10:30 a.m.)
Embassy Suites by Hilton
850 Tower Dr.
Troy, MI 48098

JULY 15 (8:00-10:30 a.m.)
Baker's of Milford Restaurant
2025 S. Milford Rd.
Milford, MI 48381

JULY 20 (8:00-10:30 a.m.)
Strand Theater
12 N. Saginaw St.
Pontiac, MI 48342

JULY 21 (8:00-10:30 a.m.)
Old Town Hall
486 Mill St.
Ortonville, MI 48462

JULY 22 (8:00-10:30 a.m.)
United Methodist Church
140 E. Flint St.
Lake Orion, MI 48362

JULY 28 (8:00-10:30 a.m.)
Salvation Army
27500 Shiawassee Rd.
Farmington Hills, MI 48336

Questions? Contact:
Erick Phillips, Oakland County
– Local Business Development:
phillipse@oakgov.com

REGISTER TODAY:
AdvantageOakland.EventBrite.com

Cost: *FREE* | Registration Requested | Limited space, estimated 50-person capacity at each venue | Beverages and Light Snacks Provided

PARTNERS

P I T C H
B L A C K

Michigan
SBDC



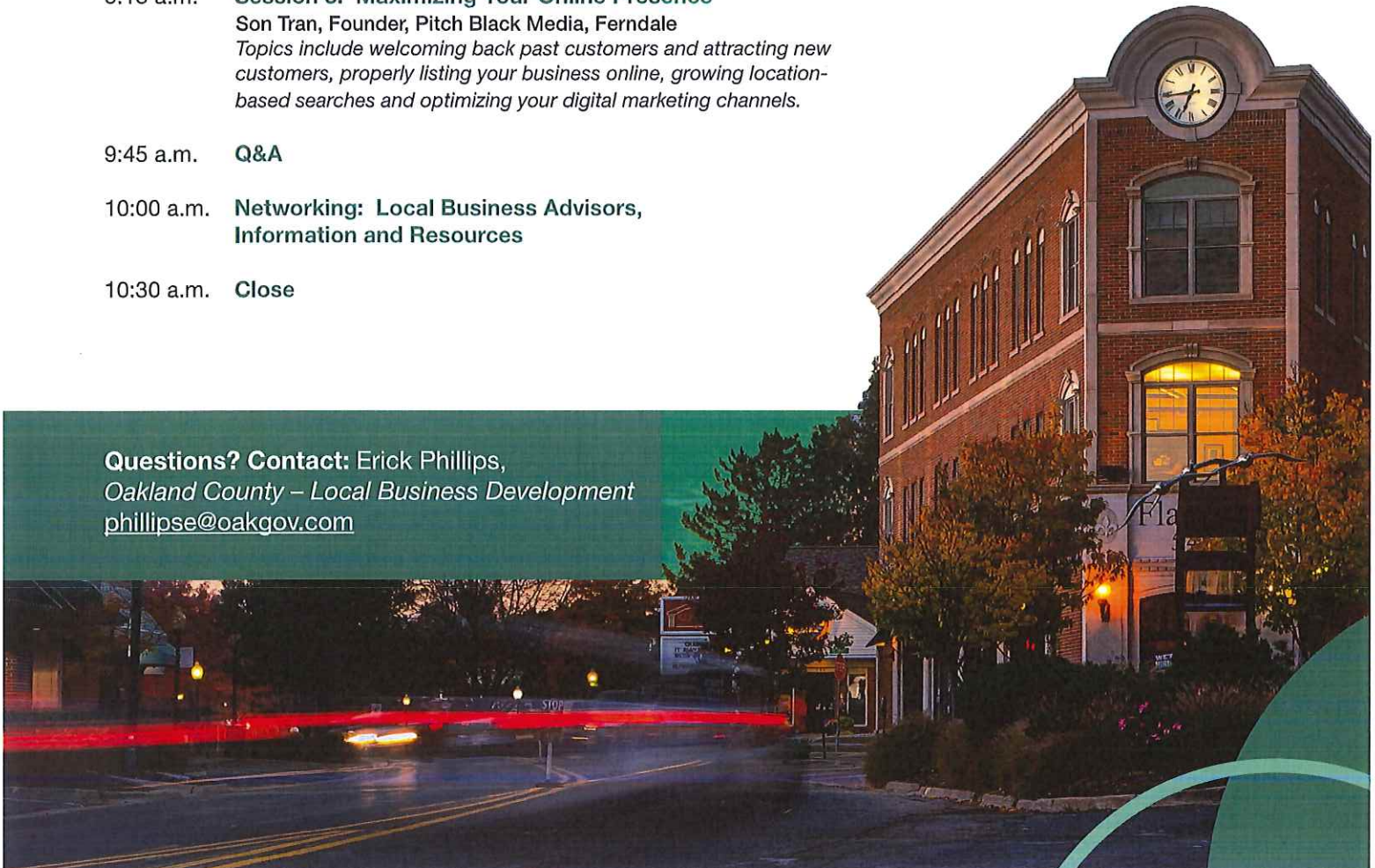
Agenda



OAKLAND
COUNTY MICHIGAN
ECONOMIC DEVELOPMENT
DAVID COULTER
OAKLAND COUNTY EXECUTIVE

- 7:30 a.m. **Doors Open**
- 8:00 a.m. **Welcome**
- Oakland County Leadership
 - Local Hosts
- 8:10 a.m. **Introduction of Valuable Small Business Contacts**
- Workforce Development Representative
 - Economic Development Representative
 - Other Small Business Support Organizations Representatives
- 8:15 a.m. **Session 1: Financial Management**
Meri Dembrow, Senior Business Consultant, Michigan Small Business Development Center, Lansing
Topics include some quick tips on planning and budgeting, important reasons to have a 3-month detailed budget along with a 5-year target and examples of financial analysis for marketing and pricing and their impact on your bottom line.
- 8:45 a.m. **Session 2: A Short, Action-Oriented Business Plan**
Diana Dimitroff, Senior Business Consultant, Michigan Small Business Development Center, Lansing
Topics include re-visiting your business plan to see if some new action steps are needed as you emerge from the pandemic, including a look at customer messaging and changes to operations.
- 9:15 a.m. **Session 3: Maximizing Your Online Presence**
Son Tran, Founder, Pitch Black Media, Ferndale
Topics include welcoming back past customers and attracting new customers, properly listing your business online, growing location-based searches and optimizing your digital marketing channels.
- 9:45 a.m. **Q&A**
- 10:00 a.m. **Networking: Local Business Advisors, Information and Resources**
- 10:30 a.m. **Close**

Questions? Contact: Erick Phillips,
Oakland County – Local Business Development
phillipse@oakgov.com



**City of the Village of Clarkston
City Manager Report
July 12, 2021**

City Sign Sale

I am happy to report that the sale of our used City Signs has raised \$5,100. This will enable us to replace all of the remaining ugly and warped wood sign poles in the city with new black poles to match the new street sign poles. It should even allow for the purchase of a few extra poles for replacements. Please join me in thanking our Sign Committee for all their efforts to make both the new sign installation and the fund-raising sale a success!

Soil Erosion Permit Closed Out

I am also happy to report that the Water Resource Commission agreed with my request – now that our front lawn has taken root - to close-out the City Hall Soil Erosion Permit that was required when the City Hall renovation and expansion work was performed. This allowed us to remove the silt fence and other staking in front of the City Hall this week - - as well as end the quarterly WRC inspection fees.

Respectfully submitted, **Jonathan Smith, City Manager, July 8, 2021**



City of the Village of Clarkston
 Artemus M. Pappas Village Hall
 375 Depot Road
 Clarkston, Michigan 48346
City Council Regular Meeting Minutes
 06 14 2021 Final **Minutes**

6/14/2021 - Minutes

1. Call To Order

@ 7:04 by Mayor ProTem Wylie.

2. Pledge Of Allegiance

3. Roll Call

Avery, Bonser, Kneisc Wylie - Present all calling in from Clarkston. Due to Technical Difficulties Mayor Haven joined in (from Clarkston) @ 7:09pm, Gary Casey joined (in route to Clarkston form Auburn Hills) @ 7:12pm . Due to conflicting schedule Joe Luginski joined in @ 7:26 PM (from Clarkston).

4. Approval Of Agenda - Motion

Motion by Kneisc Second by Avery to accept the Agenda with the removal of 10a RPDD Planning Commission Recommendation to Council. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Luginski - Absent. Motion Carries.

5. Public Comments:

By Chet Pardee

6. FYI:

6.a. Vaccine Clinics

@ Groveland Fire Dept. June 15th 9am -1pm and Springfield Fire Station # 2 on June 17th from 3pm - 7pm.

6.b. 41st Annual Concerts In The Park

Started Friday June 11th and will run every Friday until July 16th. No restrictions and no need to obtain tickets for entry.

7. Sheriff Report For May 2021

8. City Manager Report

9. Motion Acceptance Of The Consent Agenda As Presented

Motion by Wylie Second by Avery to accept the Consent Agenda as presented. Haven, Avery, Bonser, Casey, Luginski, Wylie - Yes. Kneisc - Did not vote due to technical difficulties. Motion Carries.

10. Old Business

10.a. RPDD Proposal

Removed from Agenda during Agenda Approval.

10.b. Short Term Rentals

Discussion provided by Ben Carlisle, summarizing the current direction of the Planning Commission. The Planning Commission will next make final refinements to the proposed ordinance, hold a Public Hearing and return to Council.

10.c. Discussion: Mains Street Speed Data

Discussion with CJ Savik and Glenn Gualdoni.

10.d. Discussion In Person Meetings

With all state wide Pandemic rules lifted the City of Clarkston will let the local Covid State of Emergency expire on June 30th and all committee and commission meetings will go back to in person beginning July 1st.

10.e. Resolution: Paid Parking And Parking Enforcement

Motion by Avery Second by Casey That Paid Parking in the Main & Washington lot will resume July 1st, 2021 and parking Enforcement throughout the City will resume July 15th. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.

11. New Business

11.a. Resolution: Millage Rate

Motion by Avery Second by Luginski to Resolve that the City Council authorizes City Treasurer Gregory Cote to proceed with the printing of the July 2021 tax bills, assuming the Millage Rate of 5.7115 plus 4.9766 mills for debt retirement. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carried.

11.b. Discussion: November 2nd, 2021 Election Updates

Clerk Jennifer Speagle discussed November 2021 Election deadlines.

11.c. Resolution: Budget Amendment

Motion by Wylie Second by Casey that the City of the Village of Clarkston hereby authorized the City Treasurer to complete a Budget Amendment in the Amount of \$1,800.00 (\$1,300.00 realigning excess Workman's Compensation budget to the Clerk Publications budget and \$500.00 realigning excess Technology & Internet Expense budget to DTE Street Lighting budget) Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.

12. Adjourn

Motion by Wylie Second by Avery to adjourn @ 8:58pm. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie. Motion Carried.

Respectfully Submitted by Jennifer Speagle, City Clerk.



City of the Village of Clarkston
 Artemus M. Pappas Village Hall
 375 Depot Road
 Clarkston, Michigan 48346
City Council Regular Meeting Minutes
 06 28 2021 **Draft Minutes**

6/28/2021 - Minutes

1. Call To Order

@ 7:02pm by Mayor ProTem Wylie.

2. Pledge Of Allegiance

3. Roll Call

Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Present (all calling in from Clarkston Mi) Haven - Absent

4. Approval Of Agenda - Motion

Motion By Avery Second by Casey to approve the Agenda as presented. Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Yes. Motion Carried.

5. Public Comments:

By Chet Pardee

6. FYI:

6.a. Planning Commission Public Hearing 07 19 2021

6.b. City Of The Village Sign Auction

6.c. CIDL Vote For The Best

6.d. Clarkston Area Farmers Market

7. City Manager Report

8. Motion Acceptance Of The Consent Agenda As Presented

Motion By Caey Second by Luginski to approve the Consent Agenda as presented. Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Yes. Motion Carried.

9. Old Business

9.a. Resolution: 2021-2022 FY Budget

Motion By Casey Second by Bonser to approve the 21-22 FY Budget Proposal, including the General Appropriations Act and 5-year Capital Improvement Plan, and Authorizes the City Manager and Treasurer to implement the budget effective July 1st, 2021. Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Yes. Motion Carried.

10. New Business

10.a. Discussion/Motion: Policies And Procedures Manual Updates

Motion by Avery Second by Luginski to approve the amended Policy and Procedures Manual to include Juneteenth as a recognized holiday and add the following under Section 25: Work Rules - Pandemics, During a wide-spread pandemic recognized by the State of Michigan, The City Manager is authorized to issue temporary work rules and/or operational changes to ensure safety of the staff and visitors. Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Yes Motion Carried.

11. Adjourn

Motion by Avery Second by Bonser to Adjourn @ 8:00pm. Wylie, Avery, Bonser, Casey, Kneisc, Luginski - Yes Motion Carried.

Respectfully Submitted by Jennifer Speagle, City Clerk.

TREASURER'S REPORT FOR CITY COUNCIL MEETING:

7/12/2021

Treasurer's Report:

.. Disbursements from 06/01/2021 -6/30/2021

101 General Fund	\$	83,642.98
202 Major Streets	\$	434.91
203 Local Street	\$	967.09
231 Parking Meter Fund	\$	265.16
236 Friends of Depot Park	\$	-
295 Mill Pond Lake	\$	-
401 Capital Projects Fund	\$	1,181.79
590 Sewer Fund	\$	452.24
Total	\$	86,944.17

II. Invoices for review and payment approval

Carlisle Wortman - Master Plan, Bldg Adm, Planner & Other	\$	-
Carlisle Wortman - Master Plan, Bldg Adm, Planner & Other	\$	-
Tom Ryan - Professional Services (May Invoice)	\$	1,662.50
Tom Ryan - Clarkston Court Prosecution (May Invoice)	\$	95.00
Total	\$	1,757.50

III. Other Checks for Review

	\$	-
	\$	-
Total	\$	-
GRAND TOTAL	\$	88,701.67

07/07/2021

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON
CHECK DATE FROM 06/01/2021 - 06/30/2021

Check Date	Check #	Payee	Description	Account	Dept	Amount
06/02/2021	10251	COMCAST	TELEPHONE EXPENSE	850.000	264	584.13
06/02/2021	10252	THOMAS J RYAN PC	LEGAL FEES	803.000	266	1,235.00
06/02/2021	10252	THOMAS J RYAN PC	LEGAL FEES	803.000	266	190.00
		CHECK GEN 10252 TOTAL FOR FUND 101:				1,425.00
06/02/2021	10253	SHERMAN PUBLICATIONS, INC	PUBLICATIONS	901.000	215	572.70
06/02/2021	10254	DOUG WEAVER	BLDG INSPECTORS' SALARIES	703.004	371	195.00
06/02/2021	10255	JEFF SHAFER	BLDG INSPECTORS' SALARIES	703.004	371	195.00
06/02/2021	10256	MERLE WEST	BLDG INSPECTORS' SALARIES	703.004	371	195.00
06/02/2021	10257	INDEPENDENCE TOWNSHIP DELQ	V DUE TO INDEPENDENCE TOWNSHIP	226.000	000	106.48
06/09/2021	10258	BEDROCK EXPRESS LTD	PARK MATERIALS	728.000	265	50.85
06/09/2021	10259	CARLISLE/WORTMAN ASSOC INC	PLANNING COMMISSION	717.000	721	472.50
06/09/2021	10260	CONSUMERS ENERGY	VH - UTILITIES CONSUMERS	921.000	265	38.82
06/09/2021	10261#	DTE ENERGY	DETROIT EDISON-VH	920.000	265	20.21
06/09/2021	10261	DTE ENERGY	DETROIT EDISON-VH	920.000	265	12.22
06/09/2021	10261	DTE ENERGY	DETROIT EDISON-VH	920.000	265	156.51
06/09/2021	10261	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	19.70
06/09/2021	10261	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	15.33
06/09/2021	10261	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	101.59
06/09/2021	10261	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	14.95
06/09/2021	10261	DTE ENERGY	DTE STREET LIGHTING	926.000	448	1,222.42
		CHECK GEN 10261 TOTAL FOR FUND 101:				1,562.93
06/09/2021	10262	ECONO SIGNS LLC	DPW SUPPLIES	750.000	441	560.54
06/09/2021	10263	HOME DEPOT CREDIT SERVICES	PARK MATERIALS	728.000	265	482.22
06/09/2021	10264	MAZZA AUTO PARTS	MATERIAL & OUTSIDE LABOR-LIFT	861.004	446	13.95
06/09/2021	10265	RICOH USA, INC	OFFICE SUPPLIES	727.000	264	178.10
06/09/2021	10266	CHARTER TOWNSHIP OF INDEPEND	FUEL & OIL FOR EQUIPMENT	862.000	446	278.79
06/09/2021	10267*#	CARDMEMBER SERVICE	DUES & CONFERENCES	958.000	215	50.00
06/09/2021	10267	CARDMEMBER SERVICE	SUPPLIES	726.000	253	165.00
06/09/2021	10267	CARDMEMBER SERVICE	TECHNOLOGY/INTERNET EXPENSE	852.000	264	15.89
06/09/2021	10267	CARDMEMBER SERVICE	SUPPLIES-VH BUILDING	726.004	265	189.07
		CHECK GEN 10267 TOTAL FOR FUND 101:				419.96
06/09/2021	10268	CARLISLE/WORTMAN ASSOCIATES,	1 BLDG DEPT PROFESSIONAL FEES	809.000	371	1,500.00
06/09/2021	10269	21ST CENTURY MEDIA - MICHIGAN	DUES & CONFERENCES	958.000	215	247.00
06/09/2021	10270	GREAT LAKES ACE HARDWARE	SUPPLIES-VH BUILDING	726.004	265	228.86
06/16/2021	10271	ADVANCED MARKETING PARTNERS	SUPPLIES	726.000	253	176.50
06/16/2021	10272	OAKLAND COUNTY TREASURER	COMPUTER SUPPORT	853.000	253	279.00

*#-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND
#-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT

Thomas J. Ryan, P.C.

2055 Orchard Lake Road
Sylvan Lake, MI 48320

Invoice submitted to:
Jonathan Smith
City Manager
City of the Village of Clarkston
375 Depot Road
Clarkston, MI 48346

July 01, 2021

Invoice #10974

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
6/1/2021 Review correspondence from Ashley Henderson; Review correspondence from Mr. Strong, Building Official, re: issues with 35 Madison Court	1.00 95.00/hr	95.00 ✓
6/3/2021 Review Circuit Court Order by Judge Grant re: Order Reinstating Appeal re: Lehman vs. Clarkston	0.50 95.00/hr	47.50 ✓
6/4/2021 Review correspondence from Mr. Strong re: meeting with attorney at 35 Madison Court on 6/8/21; Phone call from Mr. Kostin; Phone conference with Mr. Strong and Mr. Kostin re: 35 Madison Court	1.00 95.00/hr	95.00 ✓
Review correspondence from Mr. Mulvihill re: filing stipulated order to adjourn brief due dates; contacting the Judge re: setting a scheduling conference; Correspondence to Mr. Mulvihill re: agreeable to stipulated order and contacting Judge's chambers re: scheduling conference; Review correspondence from Mr. Mulvihill to Court; Review correspondence from Judge Grant's clerk re: adjourning briefing schedule; Review correspondence from Mr. Mulvihill re: will prepare stipulated order and forward for review; Correspondence to City Manager and Mr. Meloche re: Order entered reinstating Claim of Appeal	1.50 95.00/hr	142.50 ✓
6/9/2021 Review correspondence from Mr. Mulvihill re: transcript of 9/25/21 (Lehman vs. Clarkston HDC)	0.50 95.00/hr	47.50 ✓
Review Motion to Set Briefing and Scheduling Dates on Appeal; Preparation of Answer to Motion to Set Briefing and Scheduling Dates on Appeal; Efile with Circuit Court re: Lehman vs. Clarkston/HDC; Email copy to City Manager and Mr. Meloche, HDC Chair	1.50 95.00/hr	142.50 ✓
6/10/2021 Phone call from Mr. Meloche re: HDC meeting on 6/8/21 re: 177 N. Main and questions regarding 42. W. Washington Circuit Court appeal	0.50 95.00/hr	47.50 ✓
Phone call from City Manager re: miscellaneous city matters and 6/14/21 City Council Agenda	0.50 95.00/hr	47.50 ✓

	<u>Hrs/Rate</u>	<u>Amount</u>
6/10/2021 Review correspondence from City Clerk re: new lawsuit filed; Phone call with City Clerk; Phone call to MML representative; Phone call to Plaintiff's attorney; Prepare and file Appearance with Court re: Kay Valley v Clarkston	2.00 95.00/hr	190.00 ✓
6/14/2021 Review Council packet for 6/14/21 Council Meeting	0.50 95.00/hr	47.50 ✓
Attend Council Meeting, via zoom, by audio only	2.00 95.00/hr	190.00 ✓
6/15/2021 Review correspondence from Judge Grant re: Lehman motion set for 6/16/21 - no oral argument (42 W. Washington)	0.50 95.00/hr	47.50 ✓
6/16/2021 Review correspondence from Ms. Henderson re: 35 Madison Court	0.50 95.00/hr	NO CHARGE ✓
Review filed Stipulated Order to Set Scheduling Dates on appeal (Lehman vs. Clarkston HDC)	0.50 95.00/hr	NO CHARGE ✓
6/22/2021 Review Conference Report from Administrative Law Judge re: McLean vs. Clarkston HDC	0.50 95.00/hr	47.50 ✓
Phone conference with Mr. Bagley and Administrative Law Judge re: McLean vs Clarkston HDC	0.50 95.00/hr	47.50 ✓
6/23/2021 Correspondence to City Manager and HDC Chair, Mr. Meloche, re: Conference Report (McLean vs. Clarkston HDC); next phone conference on 7/1/21	0.50 95.00/hr	47.50 ✓
6/25/2021 Review correspondence from Mr. Mulvihill re: status of record for Appeal	0.50 95.00/hr	47.50 ✓
6/28/2021 Review Council Meeting packet for 6/28/21 Council Meeting	0.50 95.00/hr	47.50 ✓
Attend City Council Meeting (virtually)	1.00 95.00/hr	95.00 ✓
6/29/2021 Phone call from Ms. Winn at MML re: assigning counsel for Oakland County Circuit Court litigation (Valley vs. Clarkston)	0.50 95.00/hr	NO CHARGE ✓
Phone call from City Manager re: miscellaneous city matters	0.50 95.00/hr	NO CHARGE ✓
Correspondence to Ms. Gines at MML re: provided Summons and Complaint; assign to adjuster (Valley v Clarkston); contacting Plaintiff's attorney; copy to City Manager	0.50 95.00/hr	47.50 ✓
Phone call from/to Mr. Kiepschutz re: Valley vs. Clarkston litigation	0.50 95.00/hr	47.50 ✓

	<u>Hrs/Rate</u>	<u>Amount</u>
6/29/2021 Phone call to MML adjuster re: response to Oakland County Circuit Court lawsuit (Valley v Clarkston)	0.50 95.00/hr	47.50
6/30/2021 Correspondence to Mr. Mulvhill re: certifying the record (Lehman vs. Clarkston HDC appeal)	0.50 95.00/hr	47.50
For professional services rendered	<u>19.50</u>	<u>\$1,662.50</u>

Balance due

\$1,662.50

JS

101-266-803.000

Planning Commission Recommendation to Council – Align the RPDD Ordinance Language, Scope and Standards With The Master Plan

1. Background

In 2019, the Planning Commission prepared a new Master Plan for adoption and approval by City Council. That plan contained a Future Land Use map which recommended Residential Mixed Use (RMU) for certain parcels. It went on to describe possible densities of 6 to 8 units per acre for new developments.

More recently, it was determined that the City's Residential Planned Development District zoning designation was out of date and not compatible with the future vision.

In response, City Council gave the Planning Commission the green light to research other communities and recommend Ordinance changes to improve development potential and provide clear standards for new construction. The new Ordinance language will align the Master Plan with the Zoning Ordinance.

2. The Public Hearing

On May 17, 2021, the PC held a Public Hearing to review the new RPDD language and explain the link between the Master Plan and Article 8 of the Ordinance.

3. The New Ordinance Language

Attached are 3 documents to help explain the new changes as we prepare for Council approval:

- A. A Carlisle/Wortman memo explaining the scope and intent of the changes (previously reviewed by Council).
- B. A clean copy of the Article 8 RPDD language.
- C. A marked-up copy of the Article 8 RPDD language.

4. Recommendation

The PC recommends that you accept the Ordinance changes and authorize the PC to move forward to implement them.

Submitted to Council for the PC on 10 June 2021.

Rich Little Chair – Planning Commission



Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: City Council, The City of the Village of Clarkston
Jonathon Smith, City Manager
Rich Little, Planning Commission Chair

FROM: Richard K. Carlisle, FAICP
Ben Carlisle, AICP

DATE: February 3, 2021

RE: Residential Planned Development District (RPDD) Ordinance Review and Recommended Amendments

Recently the Planning Commission and Historic District Commission considered a concept plan for a Residential Planned Development District (RPDD) multiple family development at the southeast corner of Waldon Road and Main Street. The RPDD is an existing valuable zoning tool in the zoning ordinance that permits flexibility in zoning regulations to permit for more creative and innovative development. While the Planning Commission acknowledged that the proposed density for the development was too intense, it was noted that the current RPDD allowed for limited zoning flexibility and offered few incentives for its use to allow for more creative development.

With that recognition, Carlisle|Wortman Associates was asked to review the RPDD regulations and suggest amendments for Planning Commission consideration. The Planning Commission considered the recommended amendments at three separate meetings. At their February 1, 2021 meeting, the Planning Commission voted 5-0 to forward the following amendments to the City Council for their consideration. Please note that the Planning Commission has not drafted revised ordinance language but will do so once they receive direction from the City Council.

Many of the recommended amendments are procedural; however, the Planning Commission recommends three substantial amendments:

1. Allowance for mixed use;
2. Increased allowable height; and
3. Increased allowable density.

Existing Regulations:

There are three different districts that permit multiple family residential, all with varying density allowances:

District			Density		
RM, Residential	Multiple Family		Efficiency/1 Bedroom (6000 sq/ft per unit) = 7.3 units/acre	2-Bedroom (8000 sq/ft per unit) = 5.5 units/acre	3-Bedroom (10000 sq/ft per unit) = 4.4 units/acre

VC, Village Commercial	No set cap in the ordinance. Density would be limited by height, setback, and parking requirements.
RPDD, Residential Planned Development District	Based on underlying zoning district.

Please note that density is also controlled through other various zoning regulations including parking, height, and setbacks. These in combination with set density restrictions also limit density. For example, both the VC-Village Commercial and RM-Multiple Family Residential is capped at 2.5 stories. In addition, RM, Multiple Family Residential has a variety of setbacks from property lines and building-to-building setbacks that may also greatly restrict density. Although the VC, Village Commercial does not have a set cap, density is regulated through other zoning regulations.

As for RPDD-Residential Planned Development District, the maximum density shall comply with the dimensional standards of the underlying zoning district. For sites such as the corner of Waldon and Main which is zoned R-1-Low Density Single Family, the maximum density is 2.7 units per acre. Furthermore, the PUD Ordinance permits very limited discretionary authority for the Planning Commission to recommend and for the City Council to permit greater density through the PUD process. In other words, the City would have to have a strong basis for deviating from Ordinance requirements. Thus, the PUD has little incentive as written because it does not allow density increases and offers very little deviations to the underlying zoning with regards to setbacks, lot areas, and widths.

Like Communities:

As part of our analysis we reviewed similar communities in southeast Michigan for comparison. Similar to Clarkston, many of the “Downtown” or “Mixed Use” districts do not have a set cap regarding density with regards to units per acre; however they have an artificial cap through the height restrictions, setback restrictions, or parking requirements that in essence restrict density.

Most communities cap density in multiple family residential districts by a unit per acre factor. The range varies from 4.4 units / per acre to 24 units per acre.

Municipalities	District	Density
Plymouth	B2, Downtown	No set cap in the ordinance
	RM-2, High Density Residential	16.1 to 24.2 units/acre (based on bedroom type)
Northville	CBD, Central Business District	No set cap in the ordinance
	R4, High Density Residential	4.4 units / per acre
Saline	C-1, Central Area District	No set cap in the ordinance
	R3, Multiple Family residential	5.6 units / per acre
Howell	MXD, Mixed Use District	No set cap in the ordinance
	R-M, Multiple Family Residential District	6 to 10 units / per acre (based on bedroom type)
Rochester	CBD, Central Business District	No set cap in the ordinance
	RM-1, Multiple Family Residential District	11.6 to 19.4 units / per acre (based on bedroom type)
Holly	CBD, Central Business District	No set cap in ordinance

	RM, Moderate Density	7.3 to 10.9 units/acre (based on bedroom type)
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Looking at like communities, we find that Clarkston’s density provisions for multiple family are consistent. However, a cap of 4.4 units per acre for 3-bedrooms and 5.5 units per acre for 2-bedrooms are lower than comparable communities.

Proposed Regulatory Consideration:

The details to these recommendations are listed below in the table. The left column is the identified issue to be addressed. The middle column in the existing ordinance language (actual language in italics). The right column is the suggested amendment.

Issue to be addressed:	Existing Ordinance (section)	Proposed Revisions
The only uses allowed in RPDD are residential	<i>Detached single-family dwelling units: open space or cluster housing projects with one or more types of residential uses. (8.03)</i>	Consider allowing for mixed-use development which may include office or commercial and residential. To establish a parameter, add language that states for site that are master planned as residential or mixed use residential, non-residential uses may only account for 10% of the overall floor area.
Height in a RPDD is limited to 2.5 stories and 35-feet	<i>The maximum height of buildings in the RPDD district shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet. (8.18.D)</i>	Consider allowing up to 3 stories and 40-feet if contextually appropriate. Contextually appropriate can included consideration of: <ol style="list-style-type: none"> 1. Height of adjacent structures 2. Topography 3. Architectural style 4. Public benefit achieved as a result of increased height The increase in height is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.
Deviations for density and bulk regulations are very limited with current regulations	<i>Maximum density, minimum floor area and maximum height shall comply with the dimensional standards of the underlying zoning district, but the lot area, setback and width requirements may be reduced</i>	Amend Section 8.03: <ol style="list-style-type: none"> 1. Allow density consistent with future land use plan (for mixed use residential that would between 6 to 8 units and acre) and permit a

	<p><i>by up to twenty percent (20%) with the resultant area preserved as open space. (8.03)</i></p>	<p>density increase to that of up to 25%.</p> <p>2. Allow greater flexibility to reduce lot area, setback, and width requirements.</p> <p>A density of 6 to 8 units would be in-line with like communities.</p> <p>The allowable density increase is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.</p>
<p>The application process requires the “contractual agreement” to occur after the rezoning and the preliminary site plan is approved. Most ordinances require the “contractual agreement” as part of the initial rezoning approval.</p>	<p>A. <i>The application process for a RPDD involves: Request for rezoning to appropriate RPDD designation and a conceptual (preliminary) site plan.</i></p> <p>B. <i>A Final Site Plan(s). City of the Village of Clarkston VIII-3 Article VIII Zoning Ordinance Residential Planned Development District</i></p> <p>C. <i>A Contractual Agreement between the applicant and the City.</i></p> <p>D. <i>A Final Site Plan review for each building or project phase, where appropriate. (8.04)</i></p>	<p>Make contractual agreement as part of Step A and rename it “RPDD Agreement.”</p>
<p>Application process seems superfluous. Unsure of the purpose of having the Clerk forward to City Council, who then forwards to the Planning Commission.</p>	<p><i>D. The petition shall be filed with the City Clerk who shall transmit the petition and the area plan to the City Council. The City Council shall forward the petition to the Planning Commission. (8.05.D)</i></p>	<p>Once filed with City Clerk, allow Clerk to forward to the Planning Commission.</p>
<p>Unnecessary timeline review requirements</p>	<p>Multiple sections of the ordinance (8.05.E, 8.05.F, 8.05.H, 8.16.A) put time requirements on when the Planning Commission or City Council must consider an application.</p>	<p>Overall we recommend on eliminating any requirement that the Planning Commission or City Council must review the application within a certain timeframe. Due process is important and necessary, but we find no legitimate purpose on putting an unnecessary “shot clock” on the Planning Commission or City Council.</p>

<p>The application process requires the “contractual agreement” to occur after the rezoning and the preliminary site plan is approved. Most ordinances require the “contractual agreement” as part of the initial rezoning approval. Same issue as noted in Section 8.04</p>	<p><i>Upon approval of the Final RPDD Site Plan, the applicant shall submit a written agreement setting forth the conditions upon which the RPDD approval was based, as specified, including a specific list of any approved deviations from the standards of this Ordinance. The Planning Commission shall review the agreement, with assistance from the City Attorney. The agreement City of the Village of Clarkston VIII-5 Article VIII Zoning Ordinance Residential Planned Development District shall be recorded in the office of Oakland County, Register of Deeds at the expense of the applicant. (8.08)</i></p>	<p>Amend Section 8.08 to make Contractual Agreement to be reviewed and approved by the City Council as part of the RPDD and Conceptual Site Plan approval.</p>
<p>RPDD review standards</p>	<p>There are seven standards for Planning Commission and City Council to consider when reviewing a RPDD (8.11)</p>	<p>Amend Section 8.11 (Standards for Approval of Conceptual RPDD Site Plan) to strengthen standards for the Planning Commission and City Council to apply when considering a RPDD.</p>
<p>There is no provision in the existing ordinance that sets forth the procedure if an applicant desires or is required (often due to engineering issues) to amend the RPDD after preliminary site plan approval and prior to final site plan approval</p>	<p><i>Upon approval of the Conceptual RPDD Site Plan by the City Council, the property shall be rezoned to an appropriate Residential Planned Development District Zoning District, with the underlying zoning district noted on the Official Zoning Map for a Residential Planned Development District. (8.12)</i></p>	<p>Amend Section 8.12 (Approval of Conceptual RPDD Site Plan) to give authority to the Planning Commission to determine if a requested change is major or minor. Add provision that any major change to the approved RPDD will require a resubmittal and public hearing with the Planning Commission and approval by the City Council.</p>
<p>How to measure elevation changes</p>	<p>Minor Changes to approved RPDD: <i>Horizontal and/or vertical elevations may be altered by up to five percent (5%). (8.16.B.4)</i></p>	<p>Not sure to measure percent change in elevations. Amend language to use “consistency” as a standard for elevation change.</p>
<p>There is no requirement of a performance guarantee in existing</p>	<p>Not Applicable</p>	<p>Add provision to the RPDD that notes that a performance guarantee may</p>

language. Performance guarantee is a financial commitment from the developer to ensure the project will be completed as approved.		be required in accordance with Section 15.20.
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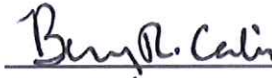
The purpose of these amendments is to (1) protect Clarkston's historic character, (2) ensure high quality development standards, and (3) encourage creative development that is complementary to the single-family fabric of the community. Please note that the Planning Commission has not drafted revised ordinance language but will do so once they receive direction from the City Council.

I look forward to discussing these options at an upcoming meeting. Please let me know if you have further questions.

Yours Truly,



CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, AICP
President



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

ARTICLE VIII

RPDD, RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

SECTION 8.00 PURPOSE

Residential Planned Development District (RPDD) standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas. The RPDD standards are not intended to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

For properties approved for RPDD designation, these RPDD standards provide the residential developer with flexibility in design and permit variation of the specific bulk, area, and in some specified situations the density requirements of this Ordinance on the basis of the total RPDD plan, subject to the approval of the RPDD plan by the Planning Commission and City Council in accordance with the requirements as herein set forth.

SECTION 8.01 QUALIFYING CONDITIONS

The following provisions shall apply to all Residential Planned Development Districts:

- A. The RPDD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. A RPDD zoning classification may be initiated only by a petition.
- C. A minimum size of one (1) acre of contiguous land is required.
- D. The site shall have significant natural or historic features which will be preserved through development under the RPDD standards, as determined by the Planning Commission, or the RPDD will provide a complementary mixture of uses, a variety of housing types or a design that preserves common open space, which is not possible under the standards of another zoning district.
- E. The site shall be served by a sanitary sewer system.
- F. The RPDD will create a more desirable environment than would be possible through the application of strict zoning requirements applied in other sections of this Ordinance.

SECTION 8.02 RESIDENTIAL RPDD ZONING DESIGNATION

A property meeting the qualifying conditions may be rezoned to a Residential RPDD District, based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a RPDD Conceptual Plan. The RPDD designation shall be noted in the application, and on the Official Zoning Map upon approval.

SECTION 8.03 CITY OF THE VILLAGE OF CLARKSTON RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

District Name	Type of District	Permitted Uses	Special Land Uses	
Residential Planned Development District (RPDD)	Overlay of a residential district	<p>Detached single-family dwelling units: open space or cluster housing projects with one or more types of residential uses .</p> <p>For sites that are identified in the Future Land Use Plan of Master Plan as Village Commercial or Residential Mixed Use, non-residential uses may only account for 10% of the overall floor area.</p>	Same as underlying residential district	

- A. **Common Property in the Planned Development.** Common property in the RPDD District consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such

common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

SECTION 8.04 APPLICATION AND REVIEW PROCEDURE

The application process for a RPDD involves:

- A. Request for rezoning to appropriate RPDD designation and a conceptual (preliminary) site plan.
- B. A Final Site Plan(s), with a RPDD Contractual Agreement between the applicant and the City.
- C. A Final Site Plan review for each building or project phase, where appropriate.

SECTION 8.05 APPLICATION PROCEDURE AND ZONING APPROVAL PROCESS

Process for rezoning to appropriate RPDD designation and Conceptual RPDD Plan.

- A. General. Whenever any Planned Development District or an area plan for such District is proposed, before any building permit for the erection of a permanent building in such district shall be granted, and before any subdivision of any point thereof may be filed in the office of the City Clerk, the developer or his authorized agent shall apply for and secure approval of such RPDD District and the area plan for such District in accordance with the following procedures.
- B. An optional preapplication workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a RPDD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- C. A petition for a RPDD district classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel.
- D. The complete petition shall be filed with the City Clerk. Once determined that the petition is complete as set forth in Section 8.10, the City Clerk shall transmit the petition and the area plan to the Planning Commission.
- E. The applicant shall prepare and submit to the City Clerk a request for rezoning to the appropriate RPDD designation, including twelve (12) copies of a Conceptual RPDD Site Plan meeting the submittal requirements of Article XVII. The Conceptual RPDD Site Plan shall illustrate uses within each component lots, road layout, parking areas and open space. Materials shall be submitted at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; at least fourteen (14) days for an

applicant who has had a preapplication workshop session on the proposal within one hundred twenty (120) days of the Conceptual RPDD Site Plan submittal.

- F. The Planning Commission shall, at the meeting at which it receives the petition and area plan from the Clerk, establish a public hearing on the petition and area plan,] The Planning Commission shall give notice of the public hearing as required by P.A. 110 of 2006, as amended.
- G. The Planning Commission shall review the rezoning request, and the Conceptual RPDD Site Plan, conduct a public hearing, and make a recommendation to the City Council based on the review standards of this Article.
- H. After receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing on the requested RPDD rezoning and the Conceptual RPDD Site Plan and either approve, deny or approve with a list of conditions made part of the approval. The City Council may require submittal of the Conceptual RPDD Site Plan reflecting the conditions for approval by the Code Officer (prior to submittal of a RPDD Final Site Plan).

SECTION 8.06 EXPIRATION

Approval of the Conceptual RPDD Site Plan by the City Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final RPDD Site Plan approval is not requested within this time period, resubmittal of the application shall be required. The City Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

SECTION 8.07 PROCESS FOR FINAL RPDD SITE PLAN(S)

- A. The applicant shall submit twelve (12) copies of a detailed Final Site Plan for the entire approved Conceptual RPDD Site Plan to the City Clerk at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- B. Upon submission of all fees as established by the City Council and required materials required by Article XVII, the Planning Commission shall hold such hearings as may be required by law, and shall approve, deny, or approve with conditions in accordance with the standards and regulations of Article XVII, Site Plan Review.
- C. If the Final RPDD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the City Clerk for approval prior to the issuance of any building permits.

SECTION 8.08 RPDD AGREEMENT

As part of the Final RPDD Site Plan, the applicant shall submit a written agreement setting forth the conditions upon which the RPDD approval was based, as specified, including a specific list of any approved deviations from the standards of this Ordinance. The Planning Commission shall review the agreement, with assistance from the City Attorney. The RPDD Agreement shall be approved as part of the Final RPDD Site Plan as set forth in Section 8.13. Once approved the RPDD Agreement shall be recorded in the office of Oakland County, Register of Deeds at the expense of the applicant.

SECTION 8.09 FINAL SITE PLANS

A Final Site Plan review for each building or project phase shall be submitted according to the procedures and standards contained within this Ordinance.

SECTION 8.10 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the City. Submittal requirements are listed below.

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the City Clerk and an application fee. A separate escrow deposit may be required for administrative charges to review the RPDD submittal.
- C. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale.
- D. Cover Sheet providing:
 - 1. The applicant's name, address, telephone/fax number(s);
 - 2. The name of the development;
 - 3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect, indicating license in the State of Michigan;
 - 4. Date of preparation and any revisions;
 - 5. North arrow;
 - 6. Property lines and dimensions;

7. Complete and current legal description and size of property in acres;
 8. Small location sketch of the subject site and area within one-half mile; and scale;
 9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the RPDD site;
 10. Lot lines and all structures on the property and within one hundred (100) feet of the RPDD property lines;
 11. Location of any access points on both sides of the street within one hundred (100) feet of the RPDD site along streets where access to the RPDD is proposed.
- F. A Plan Sheet(s) labeled "Existing Site Conditions," including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one hundred (100) feet of the site.
- G. A Conceptual RPDD Site Plan Sheet including:
1. Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths and identification signs.

Note: *Useable area* is total area less public road rights-of-way, year-round surface water bodies, and MDEQ regulated wetlands.
 2. Building setbacks and spacing.
 3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight (8) inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the RPDD.
 4. A preliminary layout of contemplated stormwater drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.

5. A list of any requested deviations from the dimensional standards of the Zoning Ordinance that otherwise would apply (permitted deviations include: minimum lot width, area or setbacks; private road standards; and sign standards).
6. If a multi-phase Residential Planned Development District is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.

SECTION 8.11 STANDARDS FOR APPROVAL OF CONCEPTUAL RPDD SITE PLAN

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed Residential Planned Development District.

- A. The proposed development shall conform to the intent and all regulations and standards of the Residential Planned Development District.
- B. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- C. The proposed development is consistent to the adopted Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan.
- D. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
- E. Sewer facilities are available or shall be provided for by the developer as part of the site development.
- F. The proposed development shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. Review and approval by the Fire Chief is required.
- G. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

- H. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.
- I. Noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.

The City Council may impose additional reasonable conditions, 1) to ensure that public services and facilities affected by a Residential Planned Development District will be capable of accommodating increased service and facility loads caused by the Residential Planned Development District, 2) to protect the natural environment and conserve natural resources and energy, 3) to ensure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.

SECTION 8.12 APPROVAL OF CONCEPTUAL RPDD SITE PLAN

Upon approval of the Conceptual RPDD Site Plan by the City Council, the property shall be rezoned to an appropriate Residential Planned Development District Zoning District, with the underlying zoning district noted on the Official Zoning Map for a Residential Planned Development District.

SECTION 8.13 FINAL RPDD SITE PLAN SUBMITTAL PROCEDURES AND APPROVAL

The purpose of the RPDD final review is to consider the Final Site Plan for the entire RPDD which is consistent with the approved Conceptual RPDD Site Plan. Receipt of a building permit shall require final approval by the City Council.

The final submittal shall include the materials required by Article XVII, Site Plan Review, and the following:

- A. A proposed written agreement specifying all the terms and understanding of the RPDD development, in compliance with Section 8.08
- B. The Planning Commission may determine that a hydrologic impact assessment is needed describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.

For projects over ten (10) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general

landscaping; with more detailed site plans submitted for the first building or project phase. Each detailed site plan shall be reviewed according to the procedures and standards of Article XVII, Site Plan Review.

The final site plan shall be reviewed by the Planning Commission, which shall make recommendations to City Council, according to the procedures outlined in Article XVII, Site Plan Review and Impact Assessment. The impact assessment for an individual phase or site may consist of minor modifications to the material submitted for the overall RPDD if the proposed uses are consistent with the approved RPDD Plan.

SECTION 8.14 CONDOMINIUM PROJECTS

For any condominium section of a RPDD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the City Council. The condominium documents shall provide limits on use of common areas or open space for accessory structures, such as swimming pools, decks, playground equipment and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

Following approval of the Final RPDD Site Plan, the applicant shall submit a written agreement to the City Attorney for review and approval by the City Council. The agreement shall:

- A. Set forth the conditions upon which the approval is based, with reference to the approved Final RPDD Site Plan.
- B. When open space or common areas are indicated in the RPDD plan for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated for the useful life of the residences, and retained as open space for park, recreation or other common uses.
- C. Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
- D. Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper-for-caliper basis.
- E. Assure the construction and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) through bonds or other satisfactory means, for any and all phases of the RPDD. In the case of phased RPDDs this requirement shall be reviewed at the time of any final site plan approval.
- F. Address any other concerns of the City regarding construction and maintenance.

SECTION 8.15 SCHEDULE OF CONSTRUCTION

Final site plan approval of a RPDD, RPDD phase, or a building within a RPDD shall be effective for a period of three (3) years. Further submittals under the RPDD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

In the development of a RPDD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple-family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five percent (25%) or more of the total housing stock proposed for the RPDD. Non-residential structures designed to serve the RPDD residents shall not be built until the RPDD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

SECTION 8.16 AMENDMENTS AND DEVIATIONS FROM APPROVED CONCEPTUAL AND FINAL RPDD SITE PLAN

Deviations from the approved Conceptual or Final RPDD Site Plan may occur only when an applicant or property owner who was granted Conceptual or Final RPDD Site Plan approval notifies the Code Officer of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final RPDD Site Plan.

- A. **Procedure.** Upon receipt of a request to amend the Conceptual or Final RPDD Site Plan, the Code Officer shall determine whether the change is major, warranting review by the Planning Commission, and City Council or minor, allowing administrative approval, as noted below.

- B. **Minor Changes.** The Code Officer may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Code Officer shall inform the Planning Commission of such approval in writing. The Code Officer shall consider the following when determining a change to be minor.
 - 1. For residential buildings, the size of structures may be reduced or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
 - 2. Gross floor area of non-residential buildings may be decreased or increased by up to five percent (5%) or ten thousand (10,000) square feet, whichever is smaller.
 - 3. Floor plans may be changed if consistent with the character of the use.

4. Minor alterations to horizontal and/or vertical elevations that are consistent with approved elevations. Minor alterations cannot include any changes in material of lesser quality, architectural style, roof pitches, reduction in fenestration, or significant revisions as deemed by the Code Officer.
 5. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 6. Designated "areas not to be disturbed" may be increased.
 7. Plantings approved in the Final RPDD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction must be replaced by at least two (2) trees of the same or similar species.
 8. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 9. Changes of building materials to another of higher quality, as determined by the Code Officer.
 10. Slight modification of sign placement or reduction of size.
 11. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 12. Changes required or requested by the City, County or State for safety reasons.
- C. **Major Changes.** Where the Code Officer determines the requested amendment to the approved Conceptual or Final RPDD Site Plan is major, resubmittal to the Planning Commission and City Council with applicable fees shall be required. Should the Planning Commission determine that the modifications to the Conceptual or Final RPDD Site Plan significantly alter the intent of the Conceptual RPDD Site Plan, a revised conceptual RPDD Site Plan shall be submitted.

SECTION 8.17 APPEALS AND VIOLATIONS

The Board of Zoning Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the City Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the RPDD site plan or written agreement.

Violations of any RPDD plan or agreement approved under this Section, or failure to comply with any requirements of this Section, including any agreements and conditions attached to any approved plan, shall be considered a violation of this Ordinance as provided in Section 15.09.

SECTION 8.18 REGULATIONS AND STANDARDS

A. **General.** All uses, structures, and properties shall comply with all regulations and requirements of this Zoning Ordinance, and other City specifications and standards, except as provided in this Article.

B. Density:

1. The maximum permitted residential density for a Residential Planned Development District shall not exceed the average residential density for the area included in the Residential Planned Development District as shown on the adopted Master Plan.
2. The Planning Commission may grant an increase in average lot density up to twenty-five (25%) percent. Such increase in density shall be commensurate with public benefit provided. Such public benefit may include, but is not limited to, preservation, restoration and enhancement of natural resources; increased open space; public dedication of land; or sustainable building and site design.

C. Lot Area and Width, and Setbacks.

1. Minimum Lot Area and Lot Width. There shall be no minimum lot area or lot width for a RPDD provided, however, the Planning Commission shall find that the lot area and width for any proposed development is consistent with the district that is most similar to the proposed development. Such finding shall take into account the lot size required for similar developments in other districts and compliance with the City's Master Plan.
2. Setbacks:
 - a. The required setbacks shall not exceed that which is allowed in the zoning district that is most similar to the proposed development.
 - b. Setback requirements may be reduced or waived when approved by the City Council upon recommendation of the Planning Commission.
 - c. Wetland setbacks may not be reduced. Wetlands and land without perkable soils shall be credited as twenty-five percent (25%) of their area for purposes of calculating overall density.

D. Distances Between Buildings.

1. The distance between residential dwelling structures shall be determined on a case-by-case basis by the Planning Commission.
2. The location of buildings and uses, and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.

3. Distances between buildings shall comply with all federal, state, and local building codes.

Height. The base height of buildings in the RPDD district is two and one-half (2½) stories or thirty-five (35) feet. The City Council based on a recommendation from the Planning Commission may permit up to three (3) stories and 40-feet if contextually appropriate. Contextually appropriate includes consideration of:

1. Height of adjacent structures
2. Topography
3. Architectural style
4. Public benefit achieved as a result of increased height.

The increase in height is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.

E. Circulation and Access.

1. Each lot or principal building in a RPDD district shall have vehicular access from a public street or from a private street.
2. Each lot or principal building in a RPDD district shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council. All parts and phases of the RPDD shall be interconnected by a sidewalk system which will provide the necessary, safe and convenient movement of pedestrians. A bicycle path system shall also be provided in the RPDD and may be part of the sidewalk system, where approved by the City Council. Said system shall be connected to the public sidewalk system.
3. Public and private streets shall be designed and constructed according to standards established for public streets. If, in the future, private streets in a RPDD are to be dedicated to a public agency, the owners shall first fully agree to bear the full expense of construction or any other action required to make streets suitable for public acceptance.
4. An individual dwelling unit in any single-family, two-family townhouse, or similar residential structure shall not have direct access to a collector or arterial street.

F. Utilities.

1. Each principal building in a RPDD district shall be individually connected to a sanitary sewer line.
2. Each site in a RPDD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted by the City Council under special circumstances. The standard shall be to provide an enclosed drainage system.

- 3 Electrical, telephone, and cable television lines shall be underground.

G. Open Space Regulations.

1. Buildings, parking lots, driveways, and similar improvements may be permitted in open space areas if related and necessary.
2. Open space areas shall be conveniently and equitably located through the RPDD in relation to the location of dwelling units and natural features.
3. Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
4. The City Council may require that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the RPDD
5. The City Council may require dedication for road rights-of-way, schools and/or parks, but it is under no obligation to do so.

Section 8.19 EXTENSION OF TIME LIMITS

Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission or City Council, whichever is applicable, in the case of area plans, and between the applicant and the Planning Commission, in the case of Conceptual and Final Site Plans.

Section 8.20 PERFORMANCE GUARANTEE

A performance guarantee may be required in accordance with Section 15.20.

ARTICLE VIII

RPDD, RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

SECTION 8.00 PURPOSE

Residential Planned Development District (RPDD) standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas. The RPDD standards are not intended to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

For properties approved for RPDD designation, these RPDD standards provide the residential developer with flexibility in design and permit variation of the specific bulk, area, and in some specified situations the density requirements of this Ordinance on the basis of the total RPDD plan, subject to the approval of the RPDD plan by the Planning Commission and City Council in accordance with the requirements as herein set forth.

SECTION 8.01 QUALIFYING CONDITIONS

The following provisions shall apply to all Residential Planned Development Districts:

- A. The RPDD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. A RPDD zoning classification may be initiated only by a petition.
- C. A minimum size of one (1) acre of contiguous land is required.
- D. The site shall have significant natural or historic features which will be preserved through development under the RPDD standards, as determined by the Planning Commission, or the RPDD will provide a complementary mixture of uses, a variety of housing types or a design that preserves common open space, which is not possible under the standards of another zoning district.
- E. The site shall be served by a sanitary sewer system.
- F. The RPDD will create a more desirable environment than would be possible through the application of strict zoning requirements applied in other sections of this Ordinance.

SECTION 8.02 RESIDENTIAL RPDD ZONING DESIGNATION

A property meeting the qualifying conditions may be rezoned to a Residential RPDD District, based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a RPDD Conceptual Plan. The RPDD designation shall be noted in the application, and on the Official Zoning Map upon approval.

SECTION 8.03 CITY OF THE VILLAGE OF CLARKSTON RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Development District (RPDD)	Overlay of a residential district	Detached single-family dwelling units; open space or cluster housing projects with one or more types of residential uses <u>For sites that are identified in the Future Land Use Plan of Master Plan as Village Commercial or Residential Mixed Use, non-residential uses may only account for 10% of the overall floor area.</u>	Same as underlying residential district	Maximum density, minimum floor area and maximum height shall comply with the dimensional standards of the underlying zoning district , but the lot area, setback and width requirements may be reduced by up to twenty percent (20%) with the resultant area preserved as open space. Wetland setbacks may not be reduced. Wetlands and land without perkable soils shall be credited as twenty-five percent (25%) of their area for purposes of calculating overall density.

- A. **Common Property in the Planned Development.** Common property in the RPDD District consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such

common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

SECTION 8.04 APPLICATION AND REVIEW PROCEDURE

The application process for a RPDD involves:

- ~~A.~~ Request for rezoning to appropriate RPDD designation and a conceptual (preliminary) site plan.
- ~~A.~~
- ~~B.~~ A Final Site Plan(s) with a RPDD.
- ~~C.~~ ~~B.~~ A Contractual Agreement between the applicant and the City.
- ~~D.~~ ~~C.~~ A Final Site Plan review for each building or project phase, where appropriate.

SECTION 8.05 APPLICATION PROCEDURE AND ZONING APPROVAL PROCESS

Process for rezoning to appropriate RPDD designation and Conceptual RPDD Plan.

- A. General. Whenever any Planned Development District or an area plan for such District is proposed, before any building permit for the erection of a permanent building in such district shall be granted, and before any subdivision of any point thereof may be filed in the office of the City Clerk, the developer or his authorized agent shall apply for and secure approval of such RPDD District and the area plan for such District in accordance with the following procedures.
- B. An optional preapplication workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a RPDD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- C. A petition for a RPDD district classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel.
- D. The complete petition shall be filed with the City Clerk. Once determined that the petition is complete as set forth in Section 8.10, the City Clerk shall transmit the petition and the area plan to the City Council. The City Council shall forward the petition to the Planning Commission.
- E. The applicant shall prepare and submit to the City Clerk a request for rezoning to the appropriate RPDD designation, including twelve (12) copies of a Conceptual RPDD Site

Plan meeting the submittal requirements of Article XVII. The Conceptual RPDD Site Plan shall illustrate uses within each component lots, road layout, parking areas and open space. Materials shall be submitted at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; at least fourteen (14) days for an applicant who has had a preapplication workshop session on the proposal within one hundred twenty (120) days of the Conceptual RPDD Site Plan submittal.

- F. The Planning Commission shall, at the meeting at which it receives the petition and area plan from the Clerk, establish a public hearing on the petition and area plan, ~~said hearing to be held within thirty-two (32) days of the receipt by the Planning Commission of the information required in subparagraph 8.10(D) below.~~ The Planning Commission shall give notice of the public hearing as required by P.A. 110 of 2006, as amended.
- G. The Planning Commission shall review the rezoning request, and the Conceptual RPDD Site Plan, conduct a public hearing, and make a recommendation to the City Council based on the review standards of this Article.
- H. ~~Within ninety (90) days following~~After receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing on the requested RPDD rezoning and the Conceptual RPDD Site Plan and either approve, deny or approve with a list of conditions made part of the approval. The City Council may require submittal of the Conceptual RPDD Site Plan reflecting the conditions for approval by the Code Officer (prior to submittal of a RPDD Final Site Plan).

SECTION 8.06 EXPIRATION

Approval of the Conceptual RPDD Site Plan by the City Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final RPDD Site Plan approval is not requested within this time period, resubmittal of the application shall be required. The City Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

SECTION 8.07 PROCESS FOR FINAL RPDD SITE PLAN(S)

- A. The applicant shall submit twelve (12) copies of a detailed Final Site Plan for the entire approved Conceptual RPDD Site Plan to the City Clerk at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- B. Upon submission of all fees as established by the City Council and required materials required by Article XVII, the Planning Commission shall hold such hearings as may be required by law, and shall approve, deny, or approve with conditions in accordance with the standards and regulations of Article XVII, Site Plan Review.

- C. If the Final RPDD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the City Clerk for approval prior to the issuance of any building permits.

SECTION 8.08 CONTRACTUAL RPDD AGREEMENT

~~Upon approval of the~~As part of the Final Final-RPDD Site Plan, the applicant shall submit a written agreement setting forth the conditions upon which the RPDD approval was based, as specified, including a specific list of any approved deviations from the standards of this Ordinance. The Planning Commission shall review the agreement, with assistance from the City Attorney. ~~The RPDD Agreement shall be approved as part of the Final RPDD Site Plan as set forth in Section 8.13. Once approved The agreement the RPDD Agreement~~ shall be recorded in the office of Oakland County, Register of Deeds at the expense of the applicant.

SECTION 8.09 FINAL SITE PLANS

A Final Site Plan review for each building or project phase shall be submitted according to the procedures and standards contained within this Ordinance.

SECTION 8.10 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the City. Submittal requirements are listed below.

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the City Clerk and an application fee. A separate escrow deposit may be required for administrative charges to review the RPDD submittal.
- C. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale.
- D. Cover Sheet providing:
 - 1. The applicant's name, address, telephone/fax number(s);
 - 2. The name of the development;

3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect, indicating license in the State of Michigan;
 4. Date of preparation and any revisions;
 5. North arrow;
 6. Property lines and dimensions;
 7. Complete and current legal description and size of property in acres;
 8. Small location sketch of the subject site and area within one-half mile; and scale;
 9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the RPDD site;
 10. Lot lines and all structures on the property and within one hundred (100) feet of the RPDD property lines;
 11. Location of any access points on both sides of the street within one hundred (100) feet of the RPDD site along streets where access to the RPDD is proposed.
- F. A Plan Sheet(s) labeled "Existing Site Conditions," including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one hundred (100) feet of the site.
- G. A Conceptual RPDD Site Plan Sheet including:
1. Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths and identification signs.

Note: *Useable area* is total area less public road rights-of-way, year-round surface water bodies, and MDEQ regulated wetlands.
 2. Building setbacks and spacing.
 3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight (8) inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the RPDD.

4. A preliminary layout of contemplated stormwater drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
5. A list of any requested deviations from the dimensional standards of the Zoning Ordinance that otherwise would apply (permitted deviations include: minimum lot width, area or setbacks; private road standards; and sign standards).
6. If a multi-phase Residential Planned Development District is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.

SECTION 8.11 STANDARDS FOR APPROVAL OF CONCEPTUAL RPDD SITE PLAN

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed Residential Planned Development District.

A. The proposed development shall conform to the intent and all regulations and standards of the Residential Planned Development District. The planned development district meets the qualification requirements.

A.B. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.

C. The proposed development is consistent to the adopted Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan. The planned development district is generally consistent with the goals, objectives and land use map of the future land use plan.

B.D. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.

C.E. Sewer facilities are available or shall be provided for by the developer as part of the site development.

D.F. The proposed development shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip

~~generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. Review and approval by the Fire Chief is required.~~

~~G. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.~~

~~H. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.~~

~~E.I. Noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.~~

The City Council may impose additional reasonable conditions, 1) to ensure that public services and facilities affected by a Residential Planned Development District will be capable of accommodating increased service and facility loads caused by the Residential Planned Development District, 2) to protect the natural environment and conserve natural resources and energy, 3) to ensure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.

SECTION 8.12 APPROVAL OF CONCEPTUAL RPDD SITE PLAN

Upon approval of the Conceptual RPDD Site Plan by the City Council, the property shall be rezoned to an appropriate Residential Planned Development District Zoning District, with the underlying zoning district noted on the Official Zoning Map for a Residential Planned Development District.

SECTION 8.13 FINAL RPDD SITE PLAN SUBMITTAL PROCEDURES AND APPROVAL

The purpose of the RPDD final review is to consider the Final Site Plan for the entire RPDD which is consistent with the approved Conceptual RPDD Site Plan. Receipt of a building permit shall require final approval by the City Council.

The final submittal shall include the materials required by Article XVII, Site Plan Review, and the following:

- A. A proposed written agreement specifying all the terms and understanding of the RPDD development, in compliance with Section 8.08.
- B. The Planning Commission may determine that a hydrologic impact assessment is needed describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.

For projects over ten (10) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted for the first building or project phase. Each detailed site plan shall be reviewed according to the procedures and standards of Article XVII, Site Plan Review.

The final site plan shall be reviewed by the Planning Commission, which shall make recommendations to City Council, according to the procedures outlined in Article XVII, Site Plan Review and Impact Assessment. The impact assessment for an individual phase or site may consist of minor modifications to the material submitted for the overall RPDD if the proposed uses are consistent with the approved RPDD Plan.

SECTION 8.14 CONDOMINIUM PROJECTS

For any condominium section of a RPDD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the City Council. The condominium documents shall provide limits on use of common areas or open space for accessory structures, such as swimming pools, decks, playground equipment and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

Following approval of the Final RPDD Site Plan, the applicant shall submit a written agreement to the City Attorney for review and approval by the City Council. The agreement shall:

- A. Set forth the conditions upon which the approval is based, with reference to the approved Final RPDD Site Plan.
- B. When open space or common areas are indicated in the RPDD plan for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated for the useful life of the residences, and retained as open space for park, recreation or other common uses.
- C. Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.

- D. Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper-for-caliper basis.
- E. Assure the construction and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) through bonds or other satisfactory means, for any and all phases of the RPDD. In the case of phased RPDDs this requirement shall be reviewed at the time of any final site plan approval.
- F. Address any other concerns of the City regarding construction and maintenance.

SECTION 8.15 SCHEDULE OF CONSTRUCTION

Final site plan approval of a RPDD, RPDD phase, or a building within a RPDD shall be effective for a period of three (3) years. Further submittals under the RPDD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

In the development of a RPDD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple-family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five percent (25%) or more of the total housing stock proposed for the RPDD. Non-residential structures designed to serve the RPDD residents shall not be built until the RPDD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

SECTION 8.16 AMENDMENTS AND DEVIATIONS FROM APPROVED CONCEPTUAL AND FINAL RPDD SITE PLAN

Deviations from the approved Conceptual or Final RPDD Site Plan may occur only when an applicant or property owner who was granted Conceptual or Final RPDD Site Plan approval notifies the Code Officer of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final RPDD Site Plan.

- A. **Procedure.** ~~Within fourteen (14) days of~~Upon receipt of a request to amend the Conceptual or Final RPDD Site Plan, the Code Officer shall determine whether the change is major, warranting review by the Planning Commission, and City Council or minor, allowing administrative approval, as noted below.
- B. **Minor Changes.** The Code Officer may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Code Officer shall inform the Planning

Commission of such approval in writing. The Code Officer shall consider the following when determining a change to be minor.

1. For residential buildings, the size of structures may be reduced or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
2. Gross floor area of non-residential buildings may be decreased or increased by up to five percent (5%) or ten thousand (10,000) square feet, whichever is smaller.
3. Floor plans may be changed if consistent with the character of the use.
4. Minor alterations to Hhorizontal and/or vertical elevations ~~may be altered by up to five percent (5%) that are consistent with approved elevations.~~ Minor alterations cannot include any changes in material of lesser quality, architectural style, roof pitches, reduction in fenestration, or significant revisions as deemed by the Code Officer.
5. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
6. Designated "areas not to be disturbed" may be increased.
7. Plantings approved in the Final RPDD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction must be replaced by at least two (2) trees of the same or similar species.
8. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
9. Changes of building materials to another of higher quality, as determined by the Code Officer.
10. Slight modification of sign placement or reduction of size.
11. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
12. Changes required or requested by the City, County or State for safety reasons.

C. **Major Changes.** Where the Code Officer determines the requested amendment to the approved Conceptual or Final RPDD Site Plan is major, resubmittal to the Planning Commission and City Council with applicable fees shall be required. Should the Planning Commission determine that the modifications to the Conceptual or Final RPDD Site Plan

significantly alter the intent of the Conceptual RPDD Site Plan, a revised conceptual RPDD Site Plan shall be submitted.

SECTION 8.17 APPEALS AND VIOLATIONS

The Board of Zoning Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the City Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the RPDD site plan or written agreement.

Violations of any RPDD plan or agreement approved under this Section, or failure to comply with any requirements of this Section, including any agreements and conditions attached to any approved plan, shall be considered a violation of this Ordinance as provided in Section 15.09.

SECTION 8.18 REGULATIONS AND STANDARDS

A. **General.** All uses, structures, and properties shall comply with all regulations and requirements of this Zoning Ordinance, and other City specifications and standards, except as provided in this Article.

B. Density:

1. The maximum permitted residential density for a Residential Planned Development District shall not exceed the average residential density for the area included in the Residential Planned Development District as shown on the adopted Master Plan.
2. The Planning Commission may grant an increase in average lot density up to twenty-five (25%) percent. Such increase in density shall be commensurate with public benefit provided. Such public benefit may include, but is not limited to, preservation, restoration and enhancement of natural resources; increased open space; public dedication of land; or sustainable building and site design.

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B.C. Lot Area and Width, and Setbacks.

1. Minimum Lot Area and Lot Width. There shall be no minimum lot area or lot width for a RPDD provided, however, the Planning Commission shall find that the lot area and width for any proposed development is consistent with the district that is most similar to the proposed development. Such finding shall take into account the lot size required for similar developments in other districts and compliance with the City's Master Plan.
2. Setbacks:
 - a. The required setbacks shall not exceed that which is allowed in the zoning district that is most similar to the proposed development.

b. Setback requirements may be reduced or waived when approved by the City Council upon recommendation of the Planning Commission.

~~The setbacks of the RPDD shall be~~

c. Wetland setbacks may not be reduced. Wetlands and land without perkable soils shall be credited as twenty-five percent (25%) of their area for purposes of calculating overall density.

~~1. established by the Planning Commission on a case-by-case basis. Traditional and historical setbacks of adjacent properties and the surrounding neighborhood will be used as benchmarks when establishing appropriate setbacks.~~

~~2. All required setbacks shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided herein.~~

C.D. Distances Between Buildings.

1. The distance between residential dwelling structures shall be determined on a case-by-case basis by the Planning Commission.
2. The location of buildings and uses, and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.
3. Distances between buildings shall comply with all federal, state, and local building codes.

~~D. **Height.** The maximum-base height of buildings in the RPDD district shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet. The City Council based on a recommendation from the Planning Commission may permit up to three (3) stories and 40-feet if contextually appropriate. Contextually appropriate includes consideration of:~~

1. Height of adjacent structures
2. Topography
3. Architectural style
4. Public benefit achieved as a result of increased height.

~~The increase in height is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.~~

E. Circulation and Access.

1. Each lot or principal building in a RPDD district shall have vehicular access from a public street or from a private street.
2. Each lot or principal building in a RPDD district shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council. All parts and phases of the RPDD shall be interconnected by a sidewalk system which will

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provide the necessary, safe and convenient movement of pedestrians. A bicycle path system shall also be provided in the RPDD and may be part of the sidewalk system, where approved by the City Council. Said system shall be connected to the public sidewalk system.

3. Public and private streets shall be designed and constructed according to standards established for public streets. If, in the future, private streets in a RPDD are to be dedicated to a public agency, the owners shall first fully agree to bear the full expense of construction or any other action required to make streets suitable for public acceptance.
4. An individual dwelling unit in any single-family, two-family townhouse, or similar residential structure shall not have direct access to a collector or arterial street.

F. Utilities.

1. Each principal building in a RPDD district shall be individually connected to a sanitary sewer line.
2. Each site in a RPDD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted by the City Council under special circumstances. The standard shall be to provide an enclosed drainage system.
3. Electrical, telephone, and cable television lines shall be underground.

G. Open Space Regulations.

1. Buildings, parking lots, driveways, and similar improvements may be permitted in open space areas if related and necessary.
2. Open space areas shall be conveniently and equitably located through the RPDD in relation to the location of dwelling units and natural features.
3. Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
4. The City Council may require that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the RPDD
5. The City Council may require dedication for road rights-of-way, schools and/or parks, but it is under no obligation to do so.

Section 8.19. EXTENSION OF TIME LIMITS

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Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission or City Council, whichever is applicable, in the case of area plans, and between the applicant and the Planning Commission, in the case of Conceptual and Final Site Plans.

Section 8.20 PERFORMANCE GUARANTEE

A performance guarantee may be required in accordance with Section 15.20.

**AGREEMENT FOR LOCAL ORDINANCE CODE ENFORCEMENT,
BUILDING ADMINISTRATION
AND INSPECTION CONSULTING SERVICES**

THIS AGREEMENT, Entered into this 12th day of July 2021, by the City of The Village of Clarkston, hereinafter referred to as the Client and Code Enforcement Services, a division of Carlisle/Wortman Associates, Inc. hereinafter referred to as the Consultant.

WHEREAS, The Client desires to engage the Consultant to provide consulting services in accordance with Section 1.0 of this contract.

NOW, THEREFORE, In consideration of the foregoing, and of the mutual agreement hereinafter set forth, the parties hereto legally intending to be bound hereby do agree for themselves and their respective successors and assigns as follows:

SECTION 1.0

SERVICES

1.1 The Consultant agrees to provide building code administration and back up building inspection services as needed (“Services”) in connection with the scope of work as described below. The Client retains the right to make changes within the general scope of the agreement at any time by a written order. If the changes add to or deduct from the extent of the services, the contract sum shall be adjusted accordingly. All such changes shall be executed under the conditions of the original agreement.

Specifically, the Consultant will retain trained staff and back up to provide the following services:

1. Receive and process building, sign, electric, plumbing, mechanical and other permit applications and assist the City with the collection fees. Distribute approved building plans to trade inspectors (building, plumbing, electrical, mechanical), as needed.
2. Review applications for completeness for submittal, assign a file number, and determine fees.
3. Process currently open permits.
4. Contractor will bill for and collect permit, re-inspection and other fees at the rates adopted by resolution of the Clarkston City Council, as may be amended from time to time.

5. Any fees or monies collected by Consultant on behalf of Client shall be processed pursuant to the terms of the City Treasurer.
 6. Review permit applications and all plans for zoning compliance.
 7. Receive requests for inspections and schedule each inspection with building, electric, plumbing, and mechanical inspectors, as appropriate.
 8. Monitor all inspectors' schedules and inspections to verify completeness and handle any technical or follow-up services needed.
 9. Receive phone calls, meet with builders and homeowners and answer administration, code, and technical questions.
 10. Provide monthly written financial, activity and inspection reports to the Client. The report form shall be agreed to by Client.
 11. Receive and respond to any FOIA requests, state complaints or similar matters. FOIA requests will be responded to under supervision of the City Clerk.
 12. Prepare and maintain files for each permit including complete inspection history, communication, plans and other pertinent information.
- 1.2** The Consultant agrees to perform plan review for all applicable codes and trades for code compliance. Typical plan review will be completed within 5 days with larger Commercial, multiple, or industrial projects being completed within 10 days. In cases where this is not possible, applicants will be notified with an explanation and an estimated completion date.
- 1.3** Quality of Services under this agreement shall be of the level of professional quality performed by experts regularly rendering this type of service.
- 1.4** The Consultant shall perform its Services in compliance with all applicable laws, ordinances, standards, and regulations.
- 1.5** The Consultant agrees to perform building department administration and inspection supervision and monitoring and enforcement services for the City from the Springfield Township Hall. The Consultant agrees to perform those services during the following days and times except when City offices are officially closed: Monday – Thursday 9:00 am to 4:00 pm and Fridays 9:00 am to 12 pm.
- 1.6** Client understands Consultant may provide similar services to other clients from the Springfield location which shall be allowed with prior approval of the City, approval of which shall not be unreasonably withheld.
- 1.7** Access to the facility by Consultant shall be limited to the normal business hours of the City except under circumstances with prior permission granted by the City Manager.
- 1.8** Consultant shall provide an individual certified by the State of Michigan as a Building Official and a Building Inspector to work in and with the City on a regular scheduled

basis. The individual shall be available within the City for as much time as is needed to fulfill the responsibilities and obligations of this agreement. Said time in the City shall include, at a minimum, 1 hour per week in the office.

- 1.9 Consultant shall make available trained staff capable of filling in for regular staff when illness, emergency or vacation require an absence of the regular staff.
- 1.10 Client shall provide building permit software and support. Consultant shall provide the necessary hardware, office supplies and fixtures.
- 1.11 Local Ordinance Code Enforcement (On site for one half days per week or as needed)
 - Patrol the City to enforce the City’s Zoning Ordinance
 - Receive complaints and respond accordingly
 - Issue municipal civil infractions when compliance not obtained
 - Appear in court as required
 - Maintain records using BS&A software

SECTION 2.0 **REPRESENTATION**

It is understood and agreed that Craig Strong or Richard K. Carlisle will represent the Consultant in all matters pertaining to this Agreement. From time to time, the Consultant may employ additional personnel or sub-consultants to assist in the execution of matters pertaining to this contract. Unless prior approval is granted by the Client the additional personnel or sub-consultants will not be charged to Client.

SECTION 3.0 **PAYMENT FOR SERVICES**

- 3.1 **Administrative Retainer Services** – For services described in Section 1.1, the Consultant shall be paid \$1,500 per month for the remainder of the 2021 calendar year. Note: This fee will increase at a rate of 3% each calendar year starting January 1, 2022 and each year thereafter for the term of the contract.
- 3.2 **Building Plan Review** – For building plan review described in Section 1.2, the Consultant shall be paid eighty (80%) percent of the City plan review fee.
- 3.3 **Code Enforcement** - \$45 per hour. Not to exceed an annual budget of \$7,000 or as modified by City Council.
Note: This rate will increase 3% each calendar year starting in 2022, for the term of the contract.
- 3.4 **Meeting Attendance** – For attendance at any scheduled Planning Commission, City Board, or Board of Appeals meetings requested by the Client in accordance with the services rendered in this contract, the Consultant shall charge the following rates:

Principal	\$95.00/hr.
Building Official	\$85.00/hr.
Code Enforcement Officer	\$55.00/hr.
Clerical	\$40.00/hr.

Meetings with City Officials during regular business hours are to be covered by the retainer.

3.5 Testimony – For any required court appearance or testimony on a state complaint or in relation to a subpoena or similar matter, consultant shall charge above listed hourly rates. If needed for testimony the consultant shall notify the City Manager prior to providing said testimony. It is recognized that in some instances notification of the Manager will not be possible prior to testimony due to time constraints. In these instances, the City Manager will be notified as soon as practical after said testimony.

3.6 Terms of Payment - The Consultant shall present the Client an invoice at the end of each month based on work performed. Invoices shall be paid within thirty (30) days after receipt by the Client.

SECTION 4.0

CLIENT RESPONSIBILITY

4.1 Client shall contract with sufficient numbers of certified Building, Plumbing, Electrical and Mechanical inspectors to conduct inspections within the City in a timely manner under the supervision of the Consultant. These independent contractor inspectors shall be paid by the City in accordance with contracts between the inspectors and the City.

SECTION 5.0

OWNERSHIP OF MATERIALS

All documents or other materials prepared by the Consultant under this Agreement shall be considered the property of the Client.

SECTION 6.0

INSURANCE AND LIMITATION OF LIABILITY

6.1 During the term of this agreement, the Consultant agrees to procure and maintain in effect insurance policies naming the City as an “Additional Insured” in the amounts and with the types of coverage shown below:

1. Professional liability insurance protecting the Consultant and its employees in an amount not less than \$1,000,000.
2. Workers Compensation Insurance in the form and amount required by Michigan law.
3. Commercial General Liability Insurance on an “Occurrence Basis” with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage.

6.2 The Client and the Consultant shall have no liability to each other for any claim relating to this agreement in excess of the fees and expenses paid to the Consultant except pursuant to indemnification obligations concerning third party claims under Section 6.0. In no event shall the Client and the Consultant be liable to each other for indirect, special,

incidental, or consequential damages, even if the Client and the Consultant have been advised of the possibility of such damages. Except as otherwise specifically provided in this agreement, neither party's liability to the other party under this Agreement shall exceed the total amounts paid or payable by the Client under this agreement.

SECTION 7.0

TERMS OF AGREEMENT

The term of this Agreement shall be for a period from July 13, 2021 through December 31, 2024, at which time both parties agree to re-evaluate the contract if needed.

This Agreement may be terminated by either the Client or Consultant individually or jointly upon ninety (90) days written notice. Compensation during the notice period would be paid by the Client to the Consultant if services are faithfully rendered to the Client.

IN WITNESS WHEREOF, the Consultant and the Client execute this Agreement as of the date first set forth in this Agreement.

WITNESS

CLIENT

Jonathan Smith, City Manager
City of the Village of Clarkston

Jennifer Speagle, Clerk
City of the Village of Clarkston

CONSULTANT

Richard K. Carlisle, AICP, PCP
President
**Code Enforcement Services, a Division
Of Carlisle/Wortman Associates, Inc.**

Craig E. Strong, Director
**Code Enforcement Services, a Division
Of Carlisle/Wortman Associates, Inc.**

Financial Workshop

In the June 14th City Council meeting, City resident Chet Pardee proposed during public comments that a facilitated Financial Workshop be held with City Council, the City Treasurer, the City Auditor and City Manager to discuss the City's current financial status and discuss funding alternatives, if desired, to the facilitate the projects identified in the 5-year Capital Improvement Plan.

Guidance from Council is needed on how (or if) to proceed:

1. Should we schedule a Financial Workshop?

YES, or

NO

2. If yes, should it be an offsite facilitated workshop or part of a Council Meeting?

Offsite Facilitated Workshop, or

Part of a Future Council Meeting

3. What topics should be addressed (check all that apply):

The Approved 21/22 FY Budget

The 5-Year Capital Improvement Plan (CIP)

Current & Projected Fund Balance

Overall Financial Status

Current Millage Rates

Library Millage

Special Assessment Districts

Possible New Revenue Sources

Other: _____

City of the Village of Clarkston

375 Depot Road
Clarkston, Michigan 48346

Resolution - 20/21FY Budget Amendment

WHEREAS, budget amendments are needed from time to time to resolve any department-level accounts where the costs to date exceed the budgeted amount, especially as the City approaches the Fiscal-Year end, and;

NOW THEREFORE, BE IT RESOLVED that the City of the Village of Clarkston hereby authorizes the City Treasurer to complete a 20/21 FY Budget Amendment in the amount of \$6,430.00, as detailed in the attached schedule.

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Resolution is Adopted

Resolution is Defeated

Jennifer Speagle, City Clerk

July 12, 2021

Date

City of the Village of Clarkston

20/21 FY Budget Amendment Request - July 12, 2021

No	Amount	From Account #	To Account #	Reason for Change
1	\$700.00	101-253-853.000	101-215-901.000	Realign excess Treasurer Computer Support budget to the Clerk Publications budget
2	\$920.00	101-264-852.000	101-448-926.000	Realign excess Technology & Internet Expense budget to DTE Street Lighting budget
3	\$1,710.00	101-266-803.000	101-301-802.000	Realign excess Legal Fees budget to Law Enforcement budget
4	\$2,850.00	101-266-803.000	101-336-802.001	Realign excess Legal Fees budget to Fire Protection budget
5	\$250.00	401-265-727.000	401-446-819.000	Realign excess City Hall / DPW Building budget to Street Signs & Posts budget
Total	\$6,430.00			