

1. City Council Regular Meeting Agenda

Documents:

[11-18-14 REVISED FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents:

[11-18-14 COUNCIL PACKET.PDF](#)

3. Zoning Ordinance Draft

Documents:

[04-ORD. NO. 1232 DRAFT_TEXT_11-11-14.PDF](#)



Revised – 11/17/14

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
Tuesday, November 18, 2014
7:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Brown	P A	Council Member Robb	P A
Council Member Murdock	P A	Council Member Vogt	P A
Mayor Pro-Tem Richardson	P A	Mayor Edmonds	P A

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. PRESENTATIONS –

Proclamation recognizing former Mayor Paul T. Schreiber – Mayor Edmonds

VIII. ORDINANCES – FIRST READING -

Ordinance No. 1232

1. Zoning Map and Text Amendments – Citywide
To consider proposed adoption of a significant amendment to both the zoning map and the zoning text of the Zoning code, in accordance with the recently adopted Master Plan ("Shape Ypsi")

- A. Resolution No. 2014-260, determination.
- B. Open public hearing.
- C. Resolution No. 2014-261, close public hearing.

Ordinance No. 1233

2. An ordinance to amend the Ypsilanti City Code to add clarifying language and provide rules and procedures for garnishment of penalties, sanctions, and remedies for Blight Violations, to make it an offense for failure to pay fines and costs ordered for certain Blight Violations, and to clarify that II the remedies available in Section 1-15(4) regarding Blight Violations may be used to enforce an Administrative Hearing Officer's Order.

- A. Resolution No. 2014-262, determination.
- B. Open public hearing.
- C. Resolution No. 2014-263, close public hearing.

Ordinance No. 1234

3. An ordinance to amend Ypsilanti City Code Chapter 86 "Solid Waste," Article III "Yard Waste," by amending Section 86-87 to a Blight Violation and to make the appeal process consistent with other Sections of the Code; and to amend Chapter 110 "Vegetation," Article IV "Weed Control," by amending Section 110-83 to a Blight Violation and Section 110-86 to make the appeal process consistent with other Sections of the Code; and to simplify the wording in all sections.
 - A. Resolution No. 2014-264, determination.
 - B. Open public hearing.
 - C. Resolution No. 2014-265, close public hearing.

Ordinance No.1235

4. An ordinance to amend Ypsilanti City Code Chapter 18 "Buildings and Building Regulations," Article III "State Construction Code," by adding Section 18-53 "Eligibility for building permits, certificates of use and occupancy, and variances," to make certain applicants ineligible if the person or owner is delinquent in paying a civil fine, costs, or a justice system assessment imposed by the City of Ypsilanti's Administrative Hearings Bureau.
 - A. Resolution No. 2014-273, determination.
 - B. Open public hearing.
 - C. Resolution No. 2014-274, close public hearing.

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2014-266, approving the minutes of November 10, 2014

XII. CONSENT AGENDA –

Resolution No. 2014-267

1. Resolution No. 2014-268, approving *Ordinance No. 1231* prohibiting smoking in the City's tot-lot playgrounds, at Second and Final Reading.
2. Resolution No. 2014-269, approving appointment of Kenneth Dobson II, and Brienne Willcock to the Ypsilanti Downtown Development Authority (YDDA).

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2014-270, rejecting existing bids and approving the solicitation of new bids for the construction of the Ypsilanti Heritage Bridge and Trail; and the River's Edge Linear Park and Trail.
2. Resolution No. 2014-271, adopting the "80/20 Cap" health care option.

XIV. LIASON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban County
- E. Freight House
- F. Parks and Recreation

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION –

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT -

Resolution No. 2014-272, adjourning the City Council meeting.



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REQUEST FOR LEGISLATION
November 13, 2014

From: Bonnie Wessler, Planner II

Subject: Zoning Ordinance Adoption

SUMMARY & BACKGROUND:

Since October of 2013, the Planning Department, along with consultants funded by the HUD Sustainability Grant through Washtenaw County, has rewritten the City's Zoning Ordinance. After several rounds of community engagement and drafts, the Planning Commission unanimously recommended adoption of the revised zoning ordinance on October 29, 2014. The recommended draft shows proposed changes in red and blue font (depending on when in the process it was added) and proposed deletions in strike out font (*example*).

The revisions to the Zoning Ordinance are a direct implementation of the Shape Ypsi master plan, and the strongest and most effective tool for doing so. The draft zoning ordinance merges the best aspects of new (form-based) and old (use-based) styles of zoning; it suits the character and context of the neighborhoods and business areas within the community; it allows for more diverse and more innovative uses, while still controlling density; it serves economic development by being logically consistent, easier to read, and having a more streamlined approval process; and overall lays the groundwork for a safe, diverse, and sustainable Ypsilanti.

The revisions use the framework of neighborhoods, corridors, centers and districts laid out in the Master Plan as the basis for zoning districts. In areas of the city built before World War II, the zoning ordinance regulates the type of building as well as the uses allowed to protect the diversity of buildings and lots size in older areas, the essence of a form-based code. The previous zoning code, although use-based, laid forth setbacks in many of these districts which created nonconformities. In areas of the city built after World War II, the use of buildings is regulated more heavily than the form and type of building- the essence of a use-based code. Use is still regulated in every zoning district, but categories are less detailed to allow for technological changes while still controlling the intensity of uses. For instance, retail is now regulated by how large the use is- not by whether the retailer is selling notions or selling pet food.

Please review the attached document, Zoning Overview, before reading the ordinance. When reading the ordinance for allowable uses and setbacks, you may find it useful to turn to page 86 (§122-251) of the Draft Zoning Ordinance and have the Draft Zoning Map available at the same time. Information on how nonconformities are generally handled can be found beginning on page 77 (§122-201). Previous versions of the draft ordinance, as well as answers to some frequently-asked questions, can be found online at cityofypsilanti.com/ZoningUpdate2014. The current adopted zoning ordinance and map is available at cityofypsilanti.com/zoning. Please do not hesitate to contact me with any questions, comments, or concerns at 734-483-9646 or via email at wesslerb@cityofypsilanti.com.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Zoning Overview
Draft Zoning Code Text
Draft Zoning Map (one-page version)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2014 - 260
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti has adopted a comprehensive Master Plan, "Shape Ypsi;" and

Whereas, the City of Ypsilanti is desirous of fulfilling the goals of the Master Plan; and

Whereas, the Zoning Ordinance will help to implement those goals of creating a safe, sustainable, and diverse Ypsilanti;

Now therefore be it resolved that the Ypsilanti City Council approves the amendments to Chapter 122 of the City's Code of Ordinances on FIRST READING.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Proposed Zoning Ordinance & Map

City Council Overview of Zoning Districts

What is zoning?

- Rules for
 - What type of activity can occur
 - Where on a property a building can be built
 - How big a building can be (height & mass)
 - What the street must look like
 - What kind of building or what it look like on the outside
 - What other things must be on site
 - What other things may be on site

Purpose:

Guarantee everyone is a good neighbor
Make doing business easy

What makes a good zoning ordinance?

It is predictable

It makes the vision of the community happen

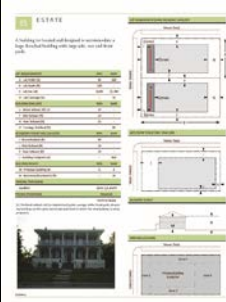
Frequently Asked Questions

- What does this zoning change mean?
 - Varies from case to case
- When does this affect my property?
 - Change the use of your property
 - Change the size of your building
 - Damage to your building (fire or natural disaster)
- Will the zoning change affect my taxes?
 - No

Frequently Asked Questions

- Can a property be rented or not?
 - Zoning cannot prevent rentals. It does control the type of buildings and number of dwelling units, which sometimes are more likely to be rentals
- If my property is nonconforming, what happens?
 - Everything is still legal as long as the use and structure remain the same, no matter if the owner changes. May affect financing options.

Core Neighborhood



Group Residence:

- Cooperative
- Sororities & Fraternities

Same set of rules

It is NOT:

- Group day care
- Halfway house
- Boarding House
- Rooming House



Core Neighborhood

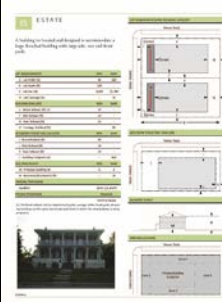
Current:
Special Land Use,
no limit on number

Proposed:
4-6 people:
Just move in
(permitted use)

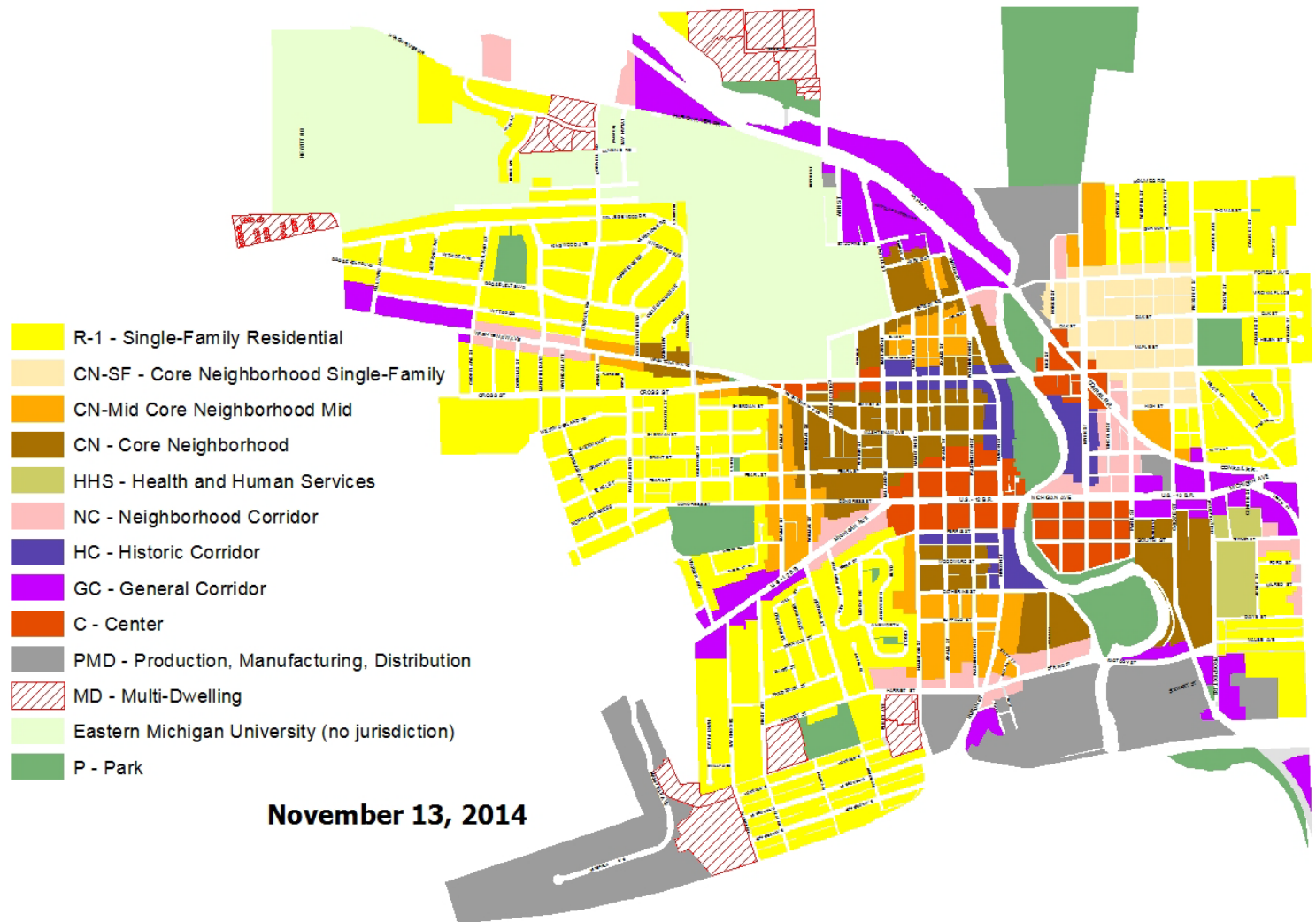
7 or more:
Public notified &
Planning Commission
decides (special land
use)

Rental inspection (at
least once every 2
years) will check

Responsible party for
group on file in building
dept.



Proposed Zoning



Two kinds of zones

SETBACK BY DISTRICT

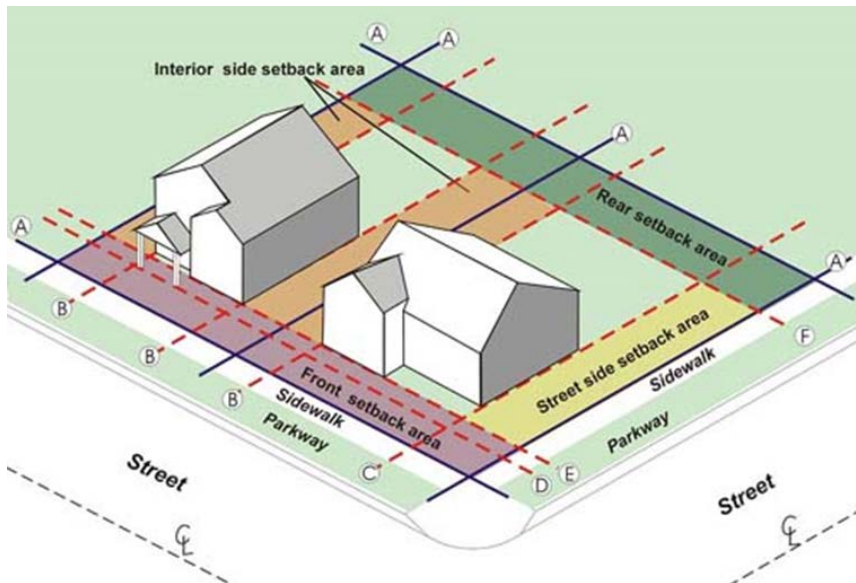


Image from Ontario, CA Public Information
Accessed at www.ci.ontario.ca.us/index.cfm/22615/2718

SETBACK BY BUILDING

ES

ESTATE

A building lot located and designed to accommodate a large detached building with large side, rear and front yards.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	80	120
B - Lot Depth (ft)	120	—
C - Lot Size (sf)	9,600	21,780
D - Lot Coverage (%)	—	30

BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft) (1)	20	—
F - Side Setback (ft)	10	—
G - Rear Setback (ft)	25	—
H - Frontage Buildout (%)	—	80

ACCESSORY STRUCTURE ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	—
J - Side Setback (ft)	10	—
K - Rear Setback (ft)	10	—
L - Building Footprint (sf)	—	900

BUILDING HEIGHT	MIN	MAX
M - Principal Building (ft)	1	2
N - Accessory Structure(s) (ft)	—	30

PARKING PROVISIONS

Location: Zone 2, 3, and 4

PRIVATE PROVISIONS

Required: Porch or Stoop

(1) The front setback will be determined by the average of the front yards of existing buildings on the same street side and block in which the new building is being proposed.

LOT REQUIREMENTS AND BUILDING ENVELOPE

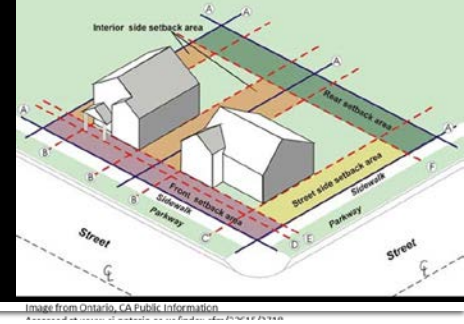
ACCESSORY STRUCTURE ENVELOPE

BUILDING HEIGHT

PARKING LOCATION

EXAMPLE

P Park

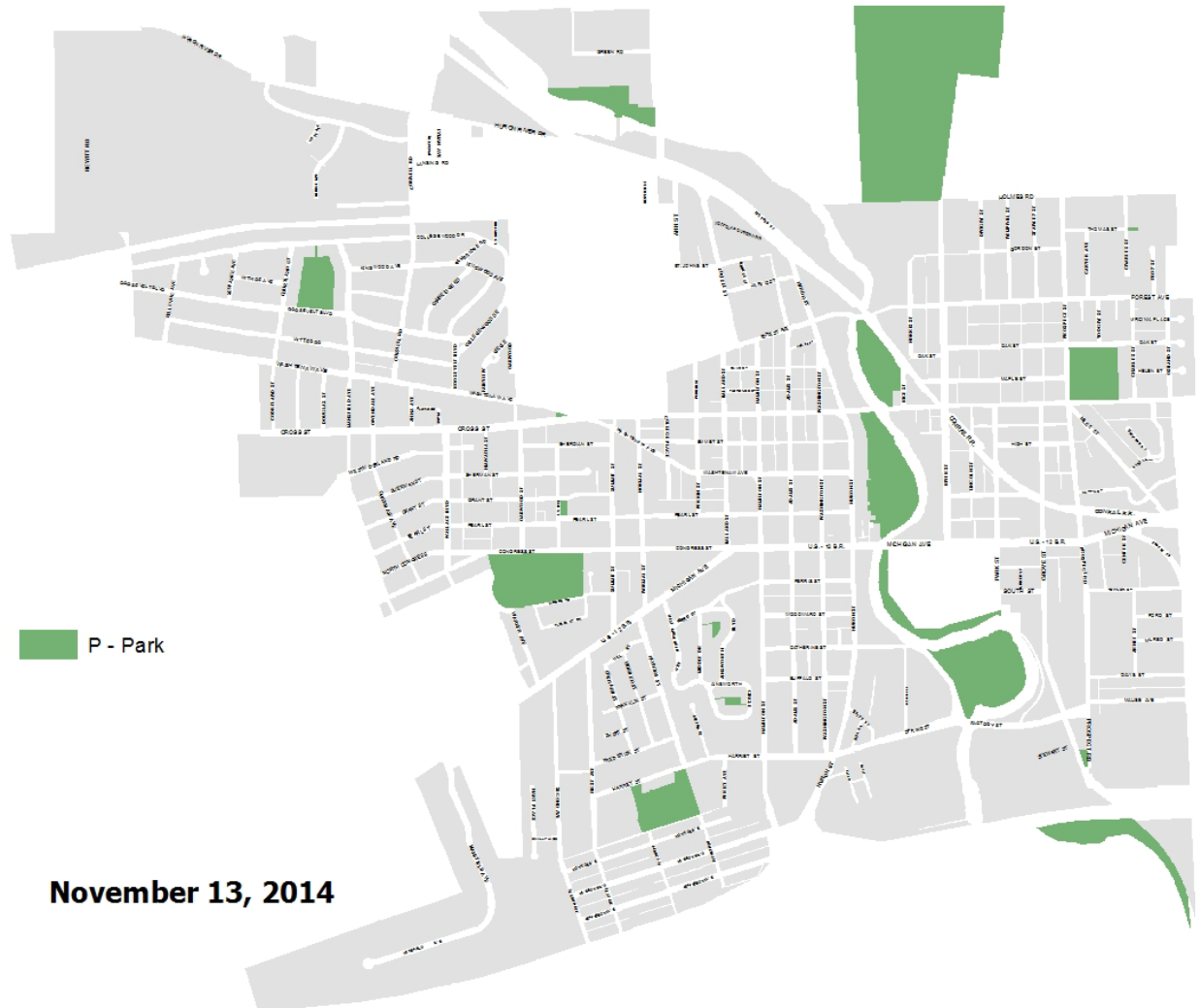


Current District: PL
Permitted
Parks
Outdoor & indoor
education*
Swimming pools
Preserves
Gardens
Zoos
Cemetery
Food Concessions*
Greenhouse, Hoophouse

Accessory
Alternative Energy*
Stormwater control*

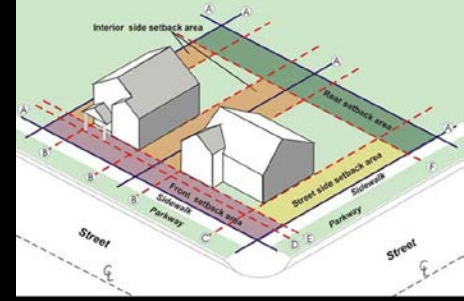
Special Land Use
Crematory

*New use



November 13, 2014

R-1 Single Family Residential



Current District: R-1, R-2

Permitted

Single-family houses
Park
Community garden
Essential Services

Accessory

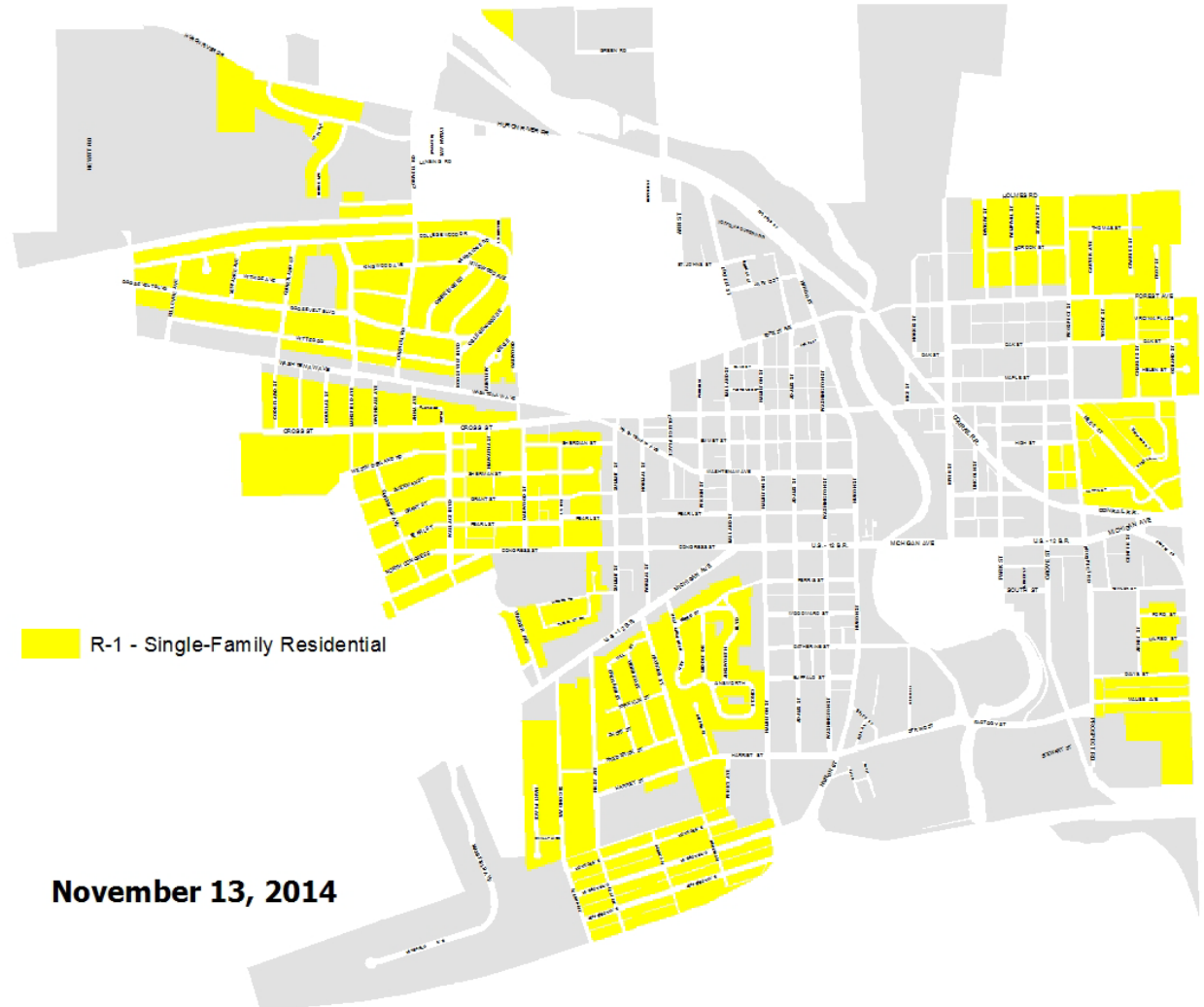
Home occupation
Family child care home
Adult foster care
family home
Farmers' Market to Non-Res**
Alternative Energy*
Stormwater control*
Communication devices
Toolsheds
Passive solar structure*

Special Land Use

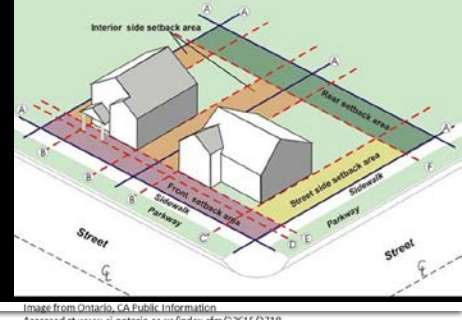
Schools
Religious Institutions
Gov. Buildings
Bed & Breakfast
Group Child Care Home

* New use

**Added to Oct draft



R-1 Single Family Residential

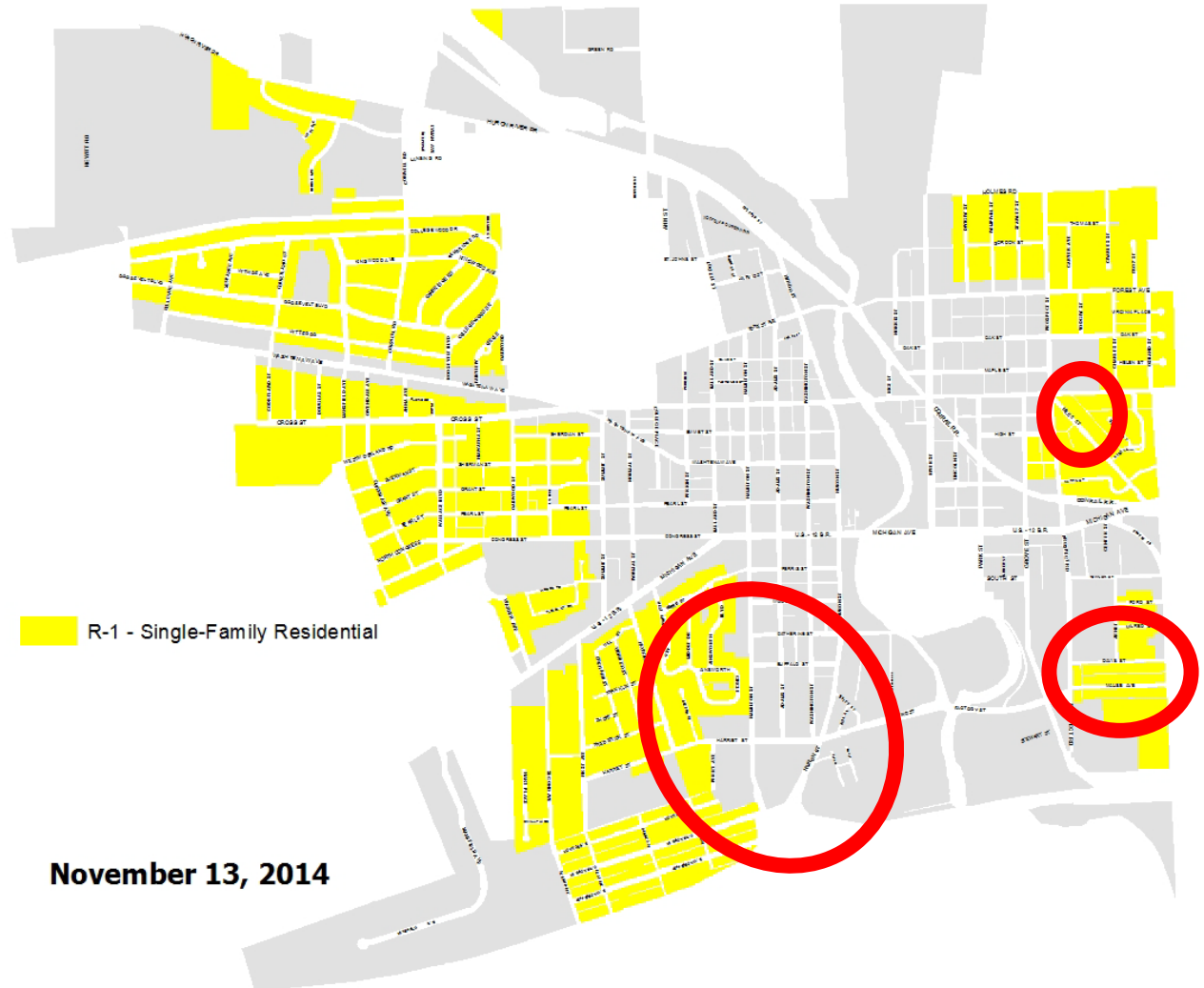


Areas circled:

- Heritage Park
- Miles Street area
- Prospect Gardens

Duplexes currently allowed

Proposed to be single-family only



Analysis of R2 to R1 areas

Why change?

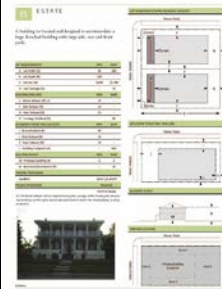
Areas are:

- Mostly single-family
- Small lot size
- Small dwelling unit size



Light Green: 2 Family
Bright Green: 3 Family
Cross Hatch: Owner-occupied
Gray: Non-residential

Core Neighborhood Single Family



Current District: R-1

Permitted

Single-family houses
Community garden
Parks
Essential Services

Accessory

Home occupation
Family child care
home

Adult foster care

family home

Public Art*

Farmers' Market to

Non-Res**

Alternative Energy*

Stormwater control*

Communication

devices

Toolsheds

Passive solar

structure*

Special Land Use

Schools

Religious Institutions

Gov. Buildings

Bed & Breakfast

Group Child Care

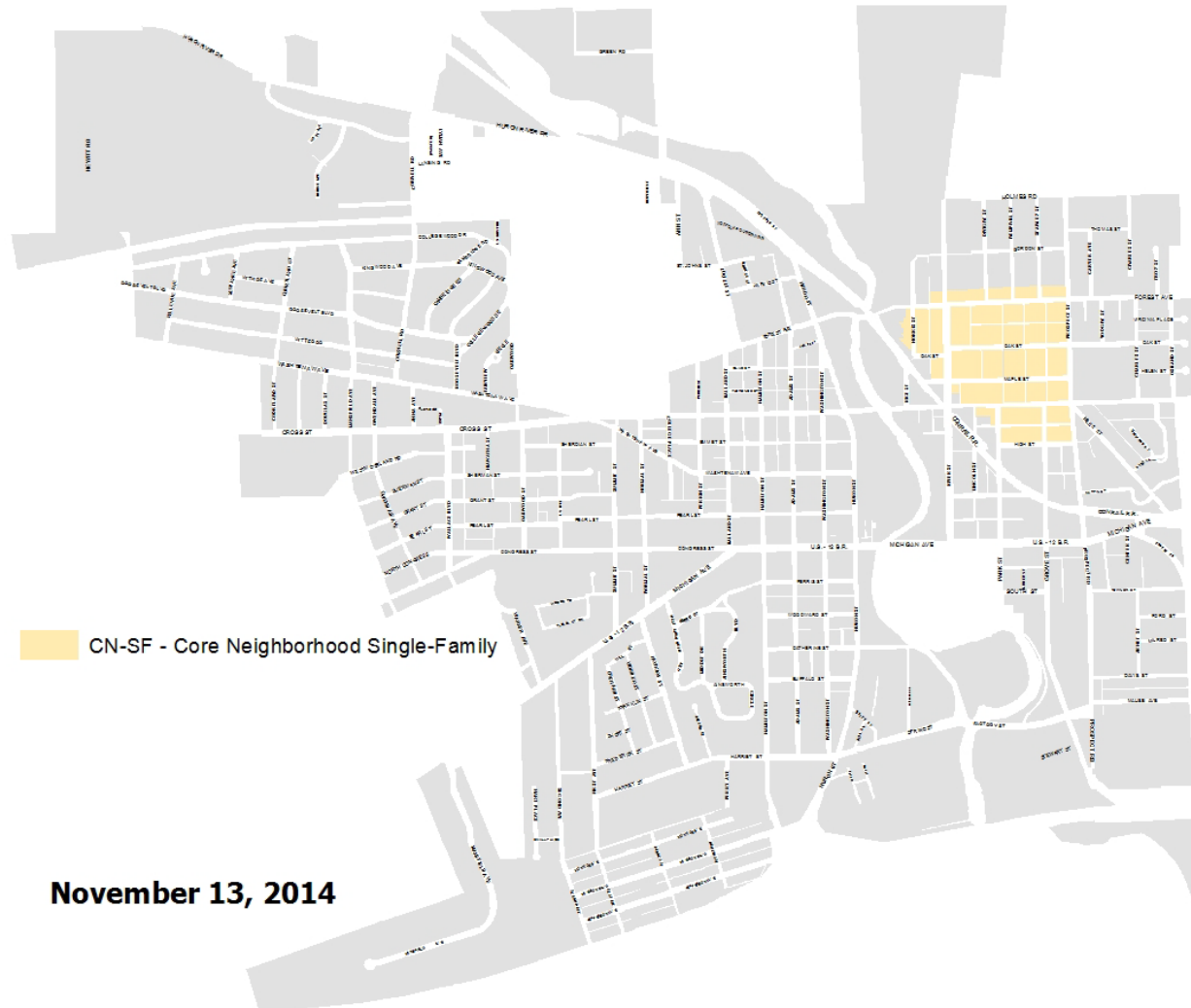
Home

Food Store (>15K sq.
ft.)*

Gas Station*

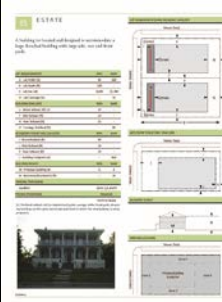
*New use

**Added to Oct draft



November 13, 2014

Core Neighborhood Single Family



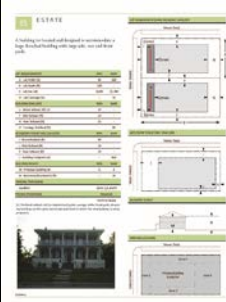
Prospect Party Store

Limited location of
building type

Special land use
required for any
expansion



Core Neighborhood Single Family



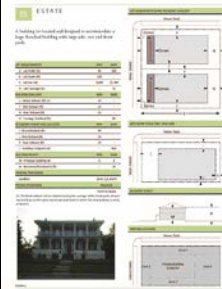
Building types
allowed anywhere



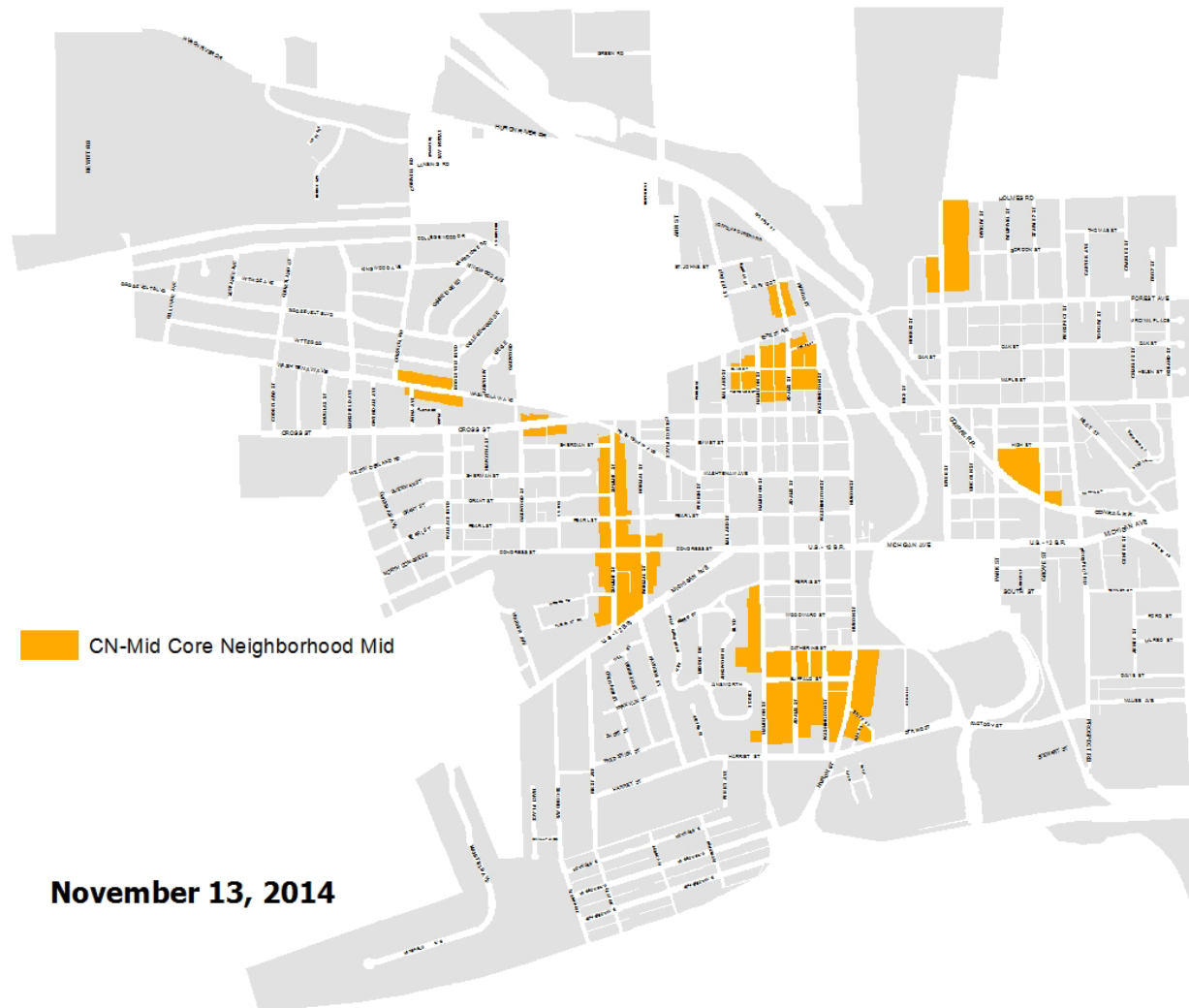
Building types limited
to where exist now



Core Neighborhood Mid

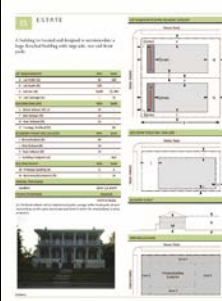


<u>Current District:</u> R-2	Passive solar structure*
<u>Permitted</u>	<u>Special Land Use</u>
Single-family houses	Schools
Two-family dwelling units	Religious Institutions
Community garden*	Gov. Buildings
Parks	Bed & Breakfast
Essential Services	Group Child Care Home
<u>Accessory</u>	Adult Foster Care
Accessory Dwelling Unit*	Group Home
Home occupation	Multiple Family 2-4 units
Family child care home	Funeral Homes
Adult foster care family home	Nursing Homes
Public Art*	Food Store (>15K sq. ft.)*
Farmers' Market to Non-Res**	Gas Station*
Alternative Energy*	Medical & Dental Offices
Stormwater control*	* New use
Communication devices	**Added to Oct draft
Toolsheds	



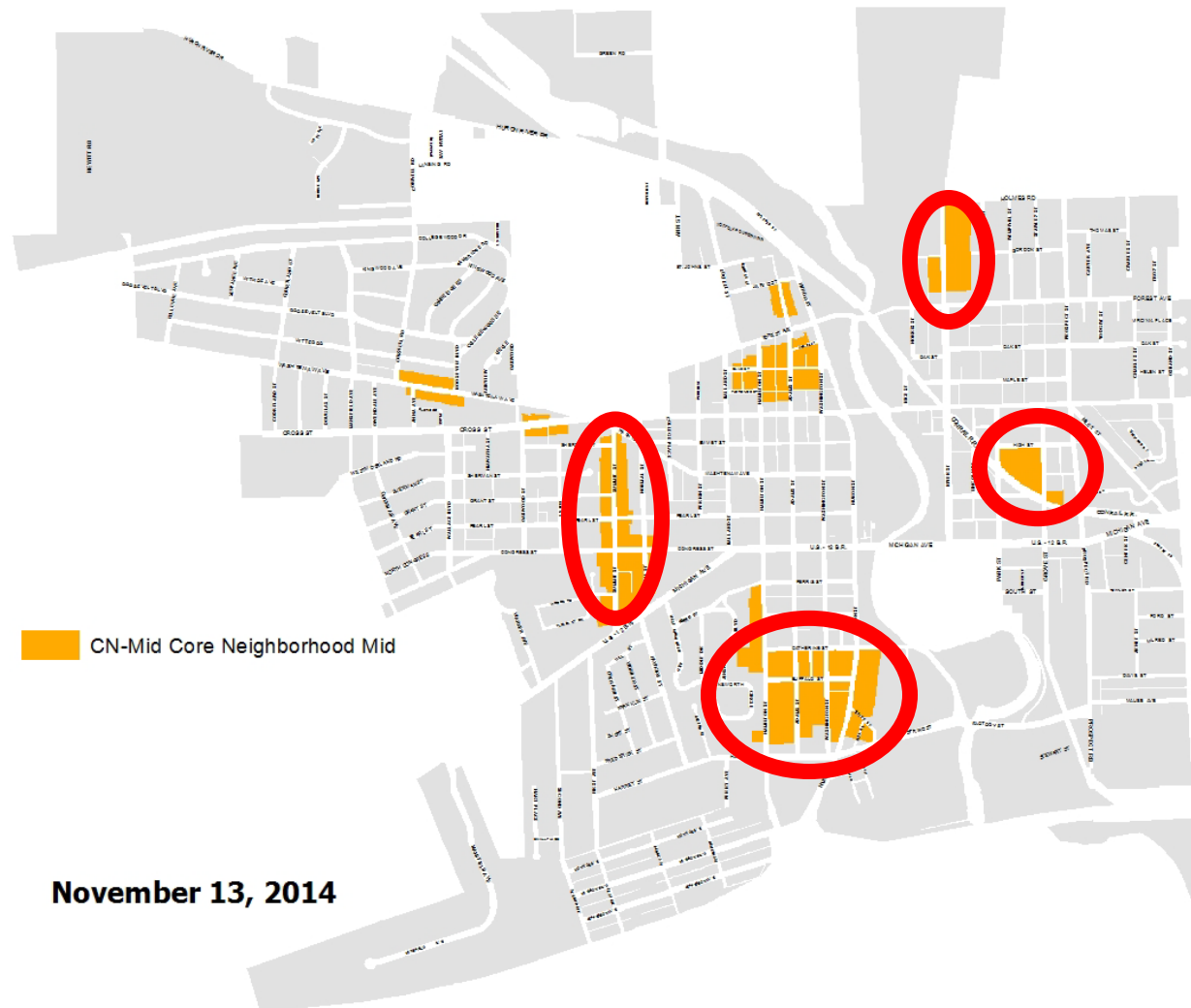
November 13, 2014

Core Neighborhood Mid



Areas circled:

- Historic South Side
- Summit St Area (Transition)
- Norris near Corner Brewery (Transition)
- Former Boys & Girls club site

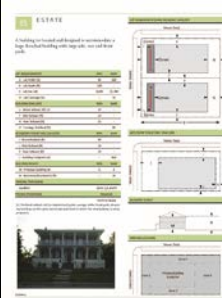


November 13, 2014

100



Core Neighborhood



Current District: R3 & R4

Permitted

Single-family houses
Multiple Family 2-4 units
Community garden
Apt. over store*
Group residence (6 or less*)
Parks
Outdoor recreation
Essential Services

Accessory

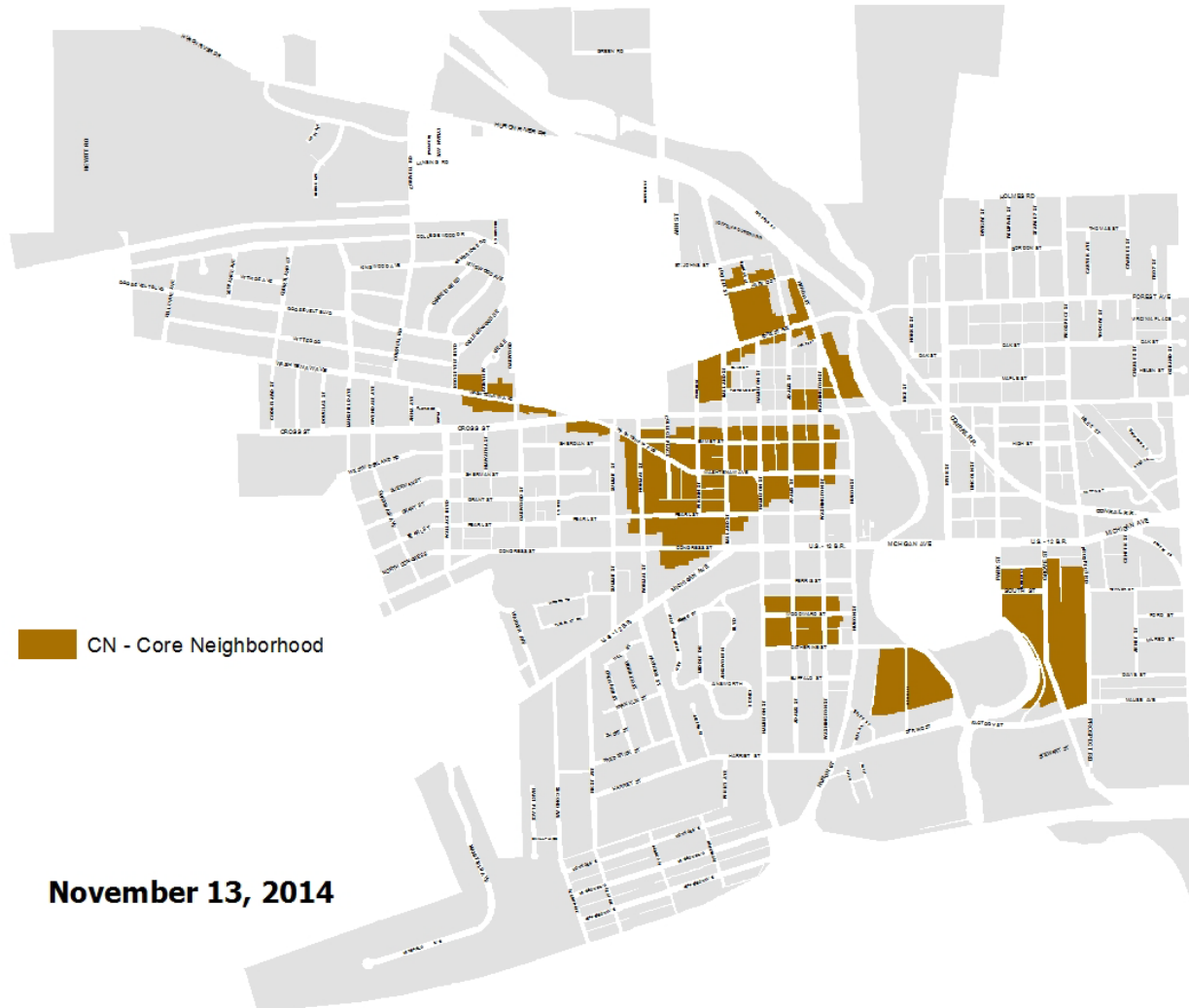
Accessory Dwelling Unit*
Car share parking**
Home occupation
Family child care home
Adult foster care family home
Outdoor Recreation
Public Art*
Farmers' Market to Non-Res**
Alternative Energy*
Stormwater control*
Communication devices
Toolsheds
Passive solar structure*

Special Land Use

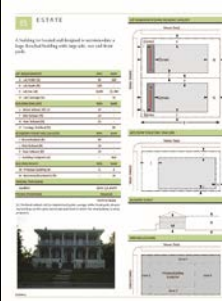
Schools
Religious Institutions
Gov. Buildings
Bed & Breakfast
Group Child Care Home
Adult Foster Care Group Home
Multiple Family 4-6 units
Funeral Homes
Nursing Homes
Food Store (>15K sq. ft.)*
Gas Station*
Roominghouse**
Group residence (7 or more*)
Halfway Houses
Banquet Halls
Arts & crafts studios
Medical & dental offices
Carry-out restaurant**
Coffee shop**

*New use

**Added to Oct draft

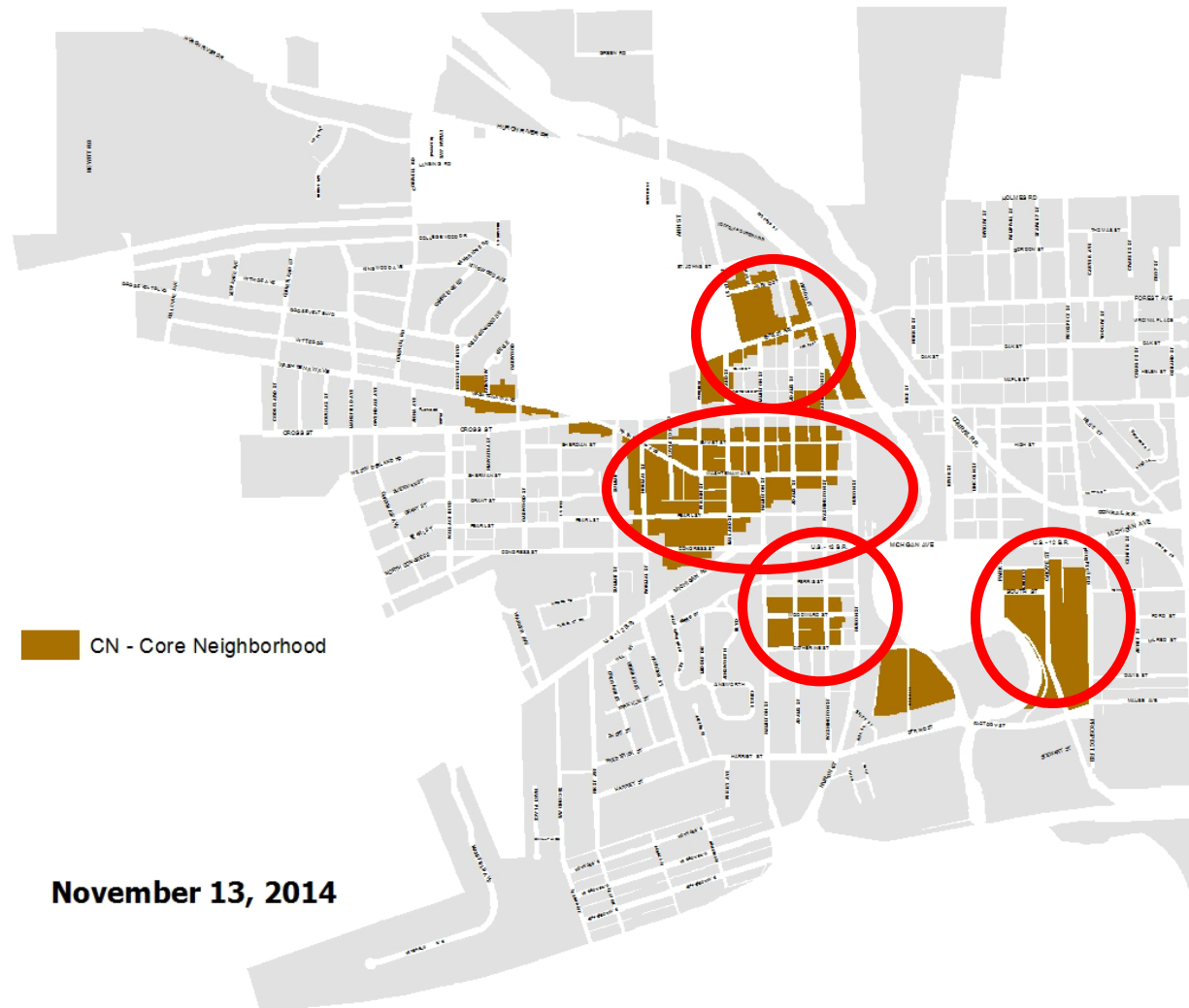


Core Neighborhood



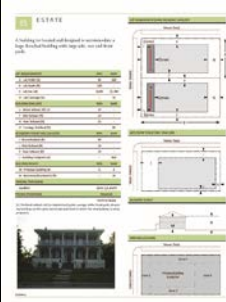
Areas Circled:

- Nr. Campus neighborhoods including
 - Riverside
 - Midtown
- South of Downtown
- Grove / Prospect area

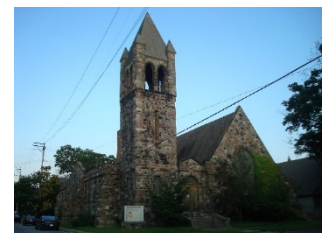


November 13, 2014

Core Neighborhood



Building types
allowed anywhere



Building types
limited to where
exist now



MD Multiple Dwelling Residential

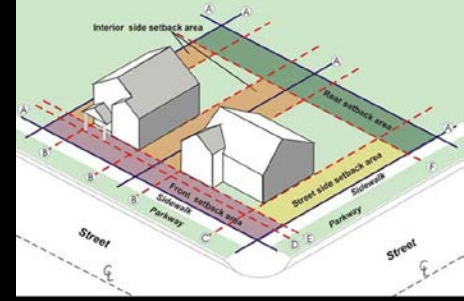


Image from Ontario, CA Public Information
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Current District: R4

Permitted
Park

Two-family houses
Family child care home
Adult foster care family home
Multiple Family 3-6 units
Community garden
Group residence (6 or less*)
Essential Services

Accessory
Car share parking**
Home occupation
Family child care home
Adult foster care family home
Outdoor Recreation
Social facility
Public Art*
Farmers' Market**
Alternative Energy*
Stormwater control*
Communication devices
Toolsheds
Passive solar structure*

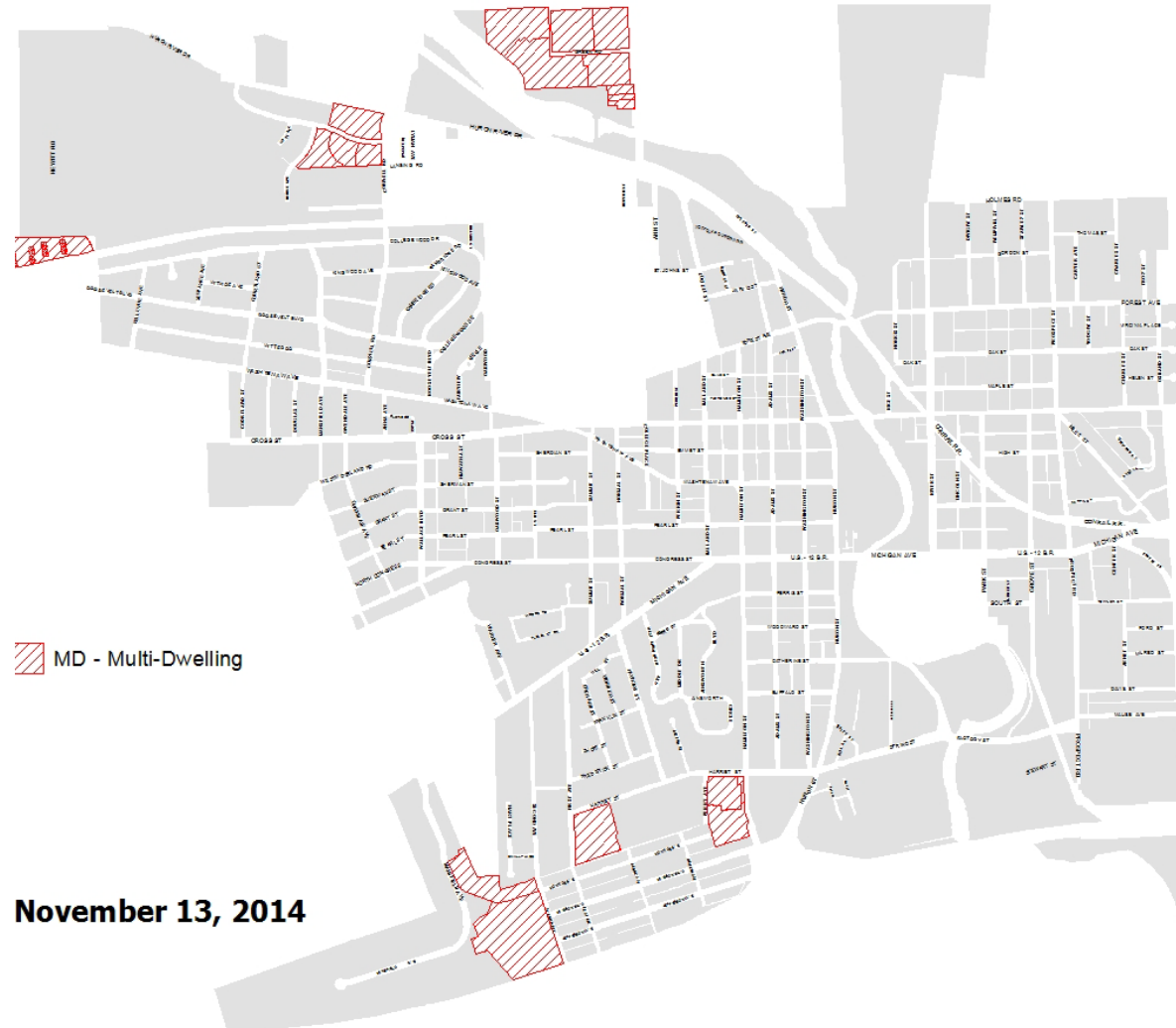
Special Land Use

Schools
Religious Institutions

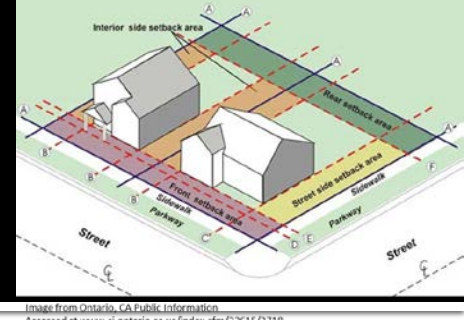
Gov. Buildings
Bed & Breakfast
Group Child Care Home
Adult Foster Care Group Home
Child Care Center**
Multiple Family 4-6 units
Nursing Homes
Food Store (>15K sq. ft.)*
Group residence (7 or more*)
Group living w/ support staff
Halfway Houses
Medical & dental offices
Bank*
Carry-out restaurant*
Coffee shop*

*New use

**Added to Oct draft



MD Multiple Dwelling Residential



New Special Land Uses

Child Care Center

Food Store (>15K sq. ft.)

Bank

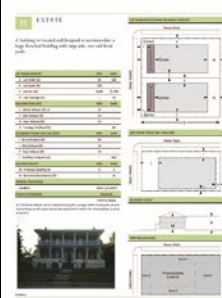
Carry-out restaurant

Coffee shop

Allow for daily needs in MD

“Within the MD district, the proposed special land use will help to allow residents to access everyday needs by foot, if a similar service is not currently provided within a quarter mile walking distance.”

Historic Corridor



Current District: R1, RO, RC, R3, R4, B3, PL

Permitted

- Parks
- Single-family houses
- 2-family house
- Multiple Family up to 4 units
- Apt. over store*
- Group residence (6 or less*)
- Essential services
- Museum & libraries (15K sq. ft. or less)
- Arts & crafts studios
- Office (15K sq. ft. or less)
- Banks (15K sq. ft. or less)
- Personal service est. (15K sq. ft. or less)
- Catering services (15K sq. ft. or less)
- Café (indoor & outdoor)
- Restaurants (<50 seats)**
- Bed & Breakfast
- Medical & dental offices**

Stormwater control

Public Art*

Passive solar structure*

Outdoor cafes

Car share parking**

Special Land Use

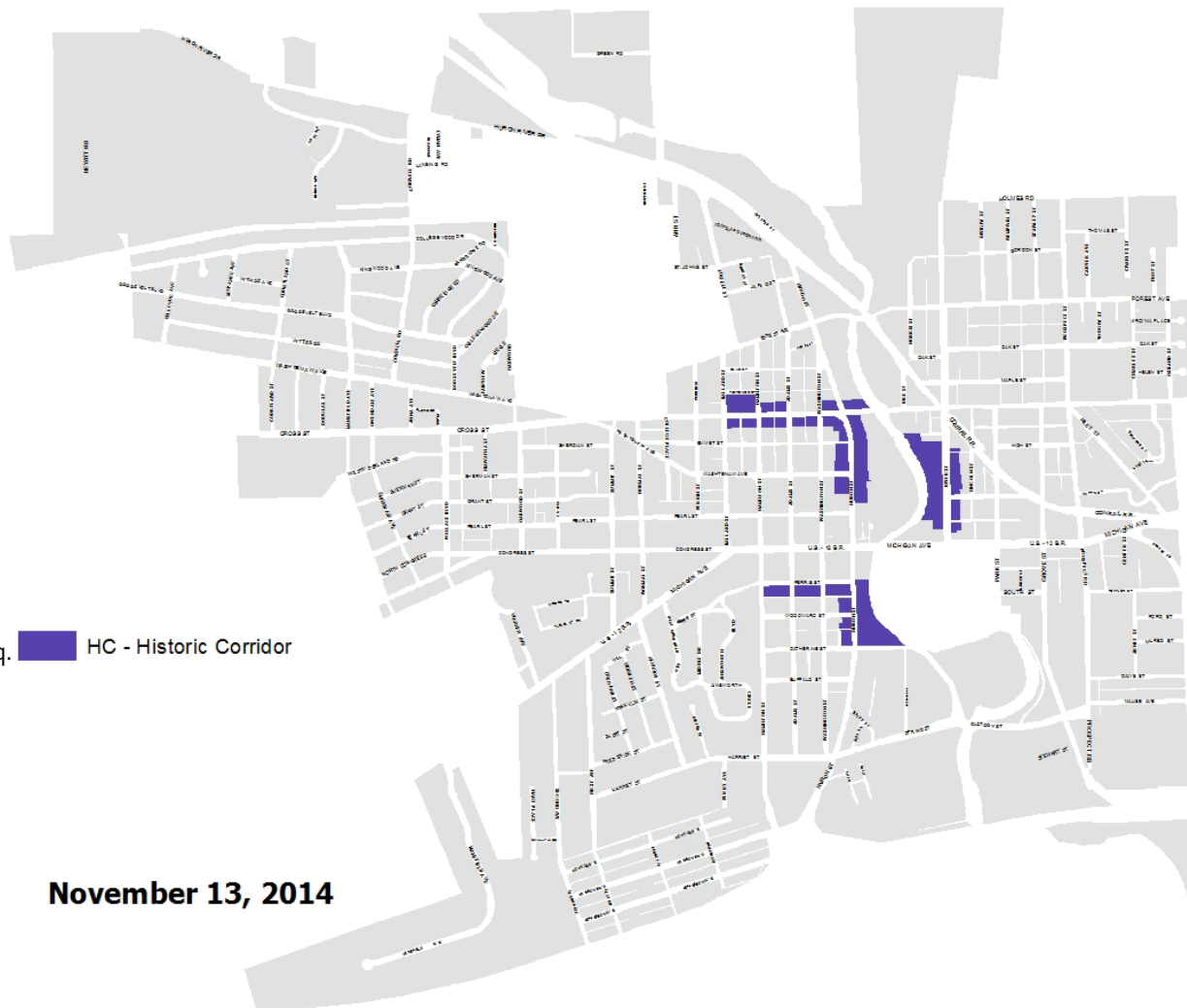
- Multiple Family 5+ units
- Museums & libraries (>15K sq. ft.)
- Schools
- Religious Institutions
- Gov. Buildings
- Funeral Homes
- Nursing Homes
- Medical & dental clinics**
- Child Care Centers
- Retail Store (15K sq. ft. or less)
- Food Store (15K sq. ft. or less)
- Banquet Halls
- Wholesale (less than 16K sq. ft.)

Accessory

- Accessory Dwelling Unit*
- Home Occupation
- Family child care home
- Adult foster care home
- Group child care home
- Communication devices
- Alternative energy

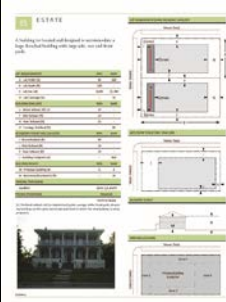
*New use

**Added to Oct draft



November 13, 2014

Historic Corridor



Building types
allowed anywhere



Building types
limited to where
exist now

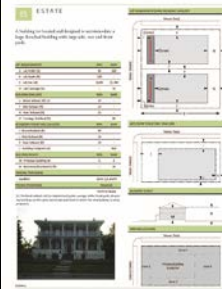


[illegible]

Allow for easy re-use with historic preservation



Neighborhood Corridor



Current District: B1

Permitted

Parks
2-family house
Multiple Family up to 4 units
Community garden
Apt. over store*
Group residence (6 or less*)
Museum & libraries (15K sq. ft. or less)
Gov. Buildings
Office (15K sq. ft. or less)
Banks (15K sq. ft. or less)
Personal service est. (15K sq. ft. or less)
Retail Store (15K sq. ft. or less)
Resale store**
Arts & crafts studio**
Catering services (15K sq. ft. or less)
Indoor recreation (15K sq. ft. or less)
Food store (15K sq. ft. or less, no alcohol)
Dry cleaner (15K sq. ft. or less)
Child care center
Resale store
Medical & dental offices**
Farmers market
Carry-out restaurant
Sit down restaurant (50 seat max.)
Café (indoor & outdoor)
Temp use in vacant storefront
Food truck
Craft production (less than 16K sq. ft.)
Microbrewer (less than 16k sq. ft.)**
Essential services

Accessory

Home Occupation
Family child care home
Adult foster care home
Group child care home
Communication devices

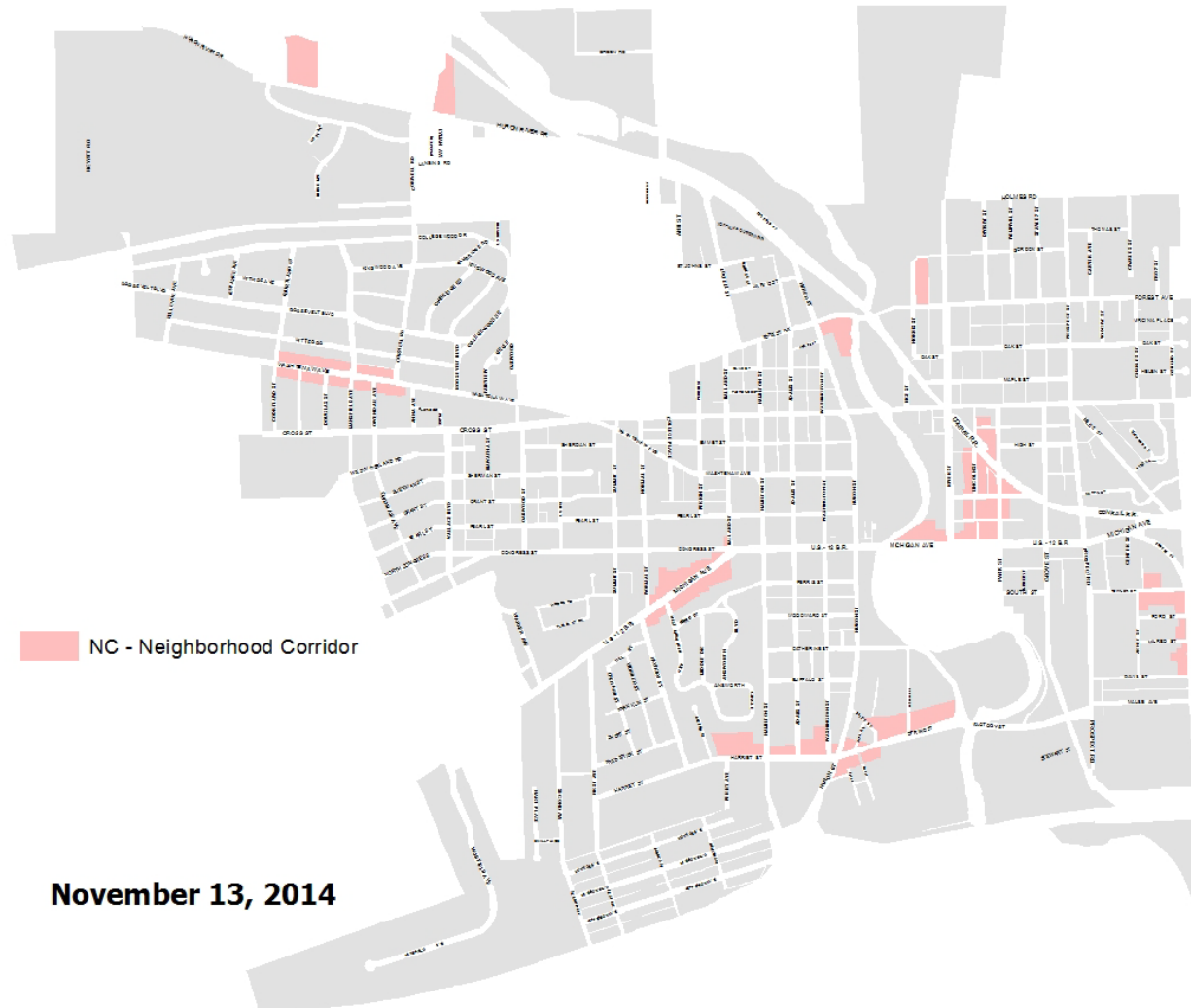
Alternative energy
Stormwater control
Community Garden**
Public Art*
Passive solar structure*
Outdoor cafes
Car share parking**

Special Land Use

Multiple family, 5+ units**
Group residence (7+)**
Museums & libraries (>15K sq. ft.)
Schools
Religious Institutions
Outdoor recreation
Office (>15K sq. ft.)
Banks (>15 sq. ft.)
Skilled trade office
Printing services**
Bed & Breakfast**
Funeral Homes
Medical & dental clinics**
Vet hospital & clinic**
Food Store (sale of alcohol, less than 15K sq. ft.)
Banquet Halls
Bar
Tasting room for alcohol
Fast food
Gas station
Wholesale (less than 16K sq. ft.)
Outdoor retail sales**
Drive-through
Outdoor storage
Operating 2 a.m. – 6 a.m.

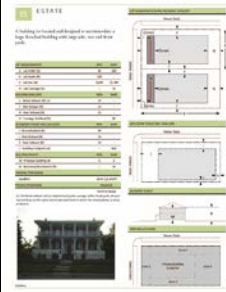
*New use

**Added to Oct draft



November 13, 2014

Neighborhood Corridor



Building types
allowed anywhere



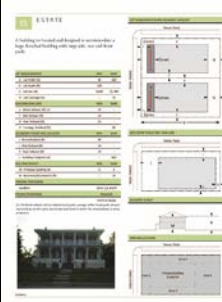
Safety

Requiring “eyes on the street”



First floor 60% windows & doors, door facing the street, 2 feet between windows & doors, 2.5 feet maximum from street to window bottom

Neighborhood Corridor



Allow mix of uses to flow within corridor:

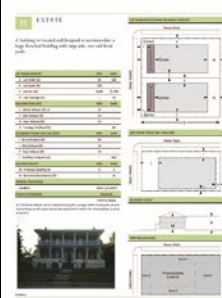
- Residential
- Retail (includes temporary)
- Office
- Small scale production

More buildings being used

More jobs



Health & Human Services



Current District: RO

Permitted

Park
Two-family houses
Multiple Family 3-6 units
Apt. over non-res.*
Group residence (6 or less*)
Group living w/ support staff
Adult foster care & congregate care
Adult drop in center**
Homeless shelter**
Personal service est.*
Child care center**
Nursing Home
Indoor recreation
Gov. Buildings
Offices
Banks
Medical & Dental Offices & Clinics
Laboratories**
Hospital
Food Store (no alcohol)*
Retail Store (15K sq. ft. or less)*
Farmers Market*
Catering service
Carry-out restaurant
Coffee shop
Laboratories

Food concessions
Essential services

Accessory

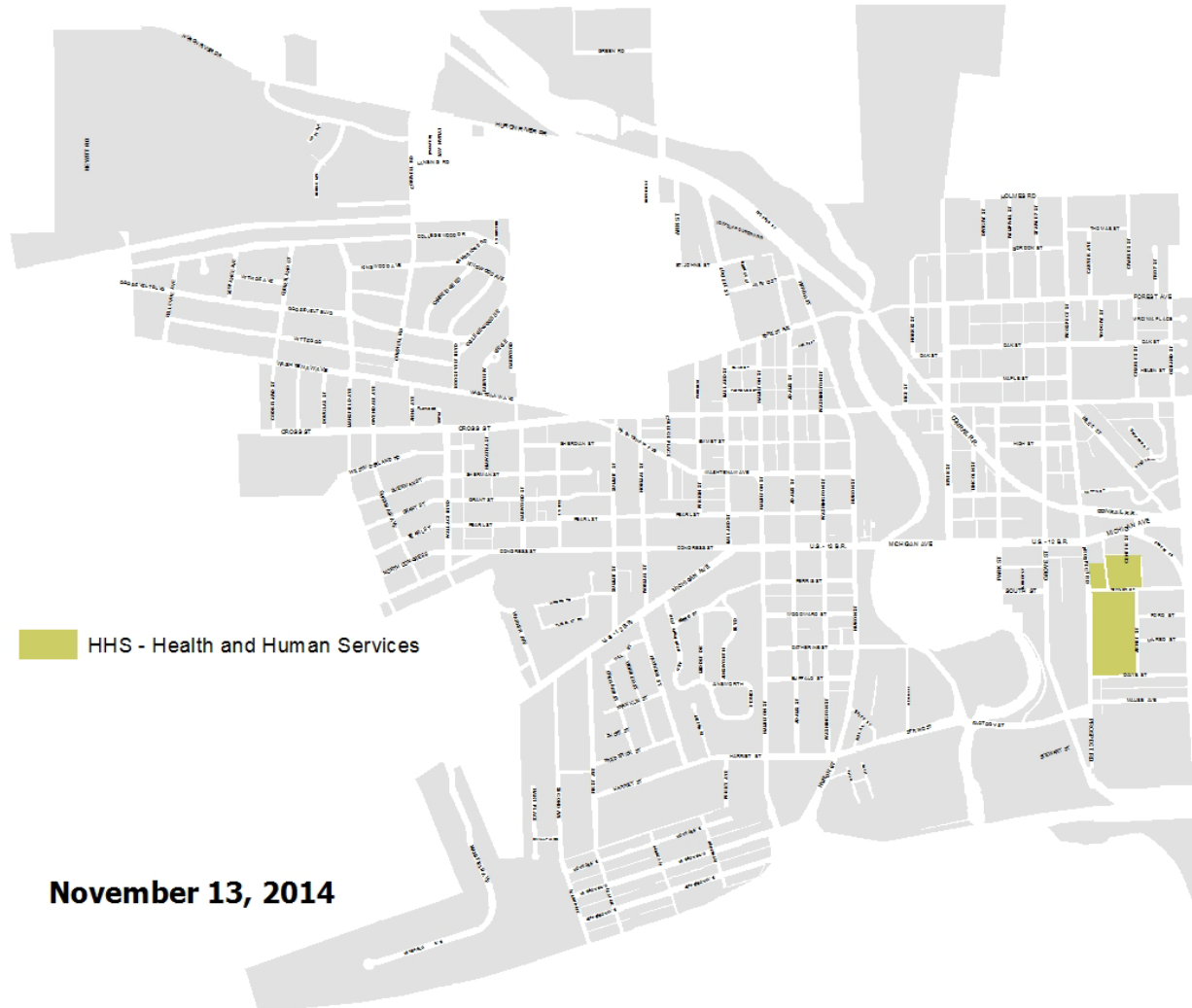
Home Occupation
Family child care home
Adult foster care home
Group child care home
Outdoor recreation**
Communication devices
Alternative energy
Stormwater control
Community Garden**
Public Art*
Toolsheds**
Passive solar structure*
Outdoor cafes
Car share parking**
Cafeteria**

Special Land Use

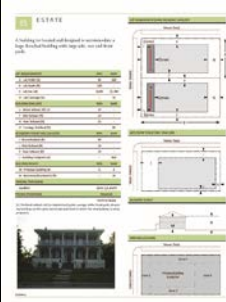
Roominghouse**
Multiple Family 7+ units
Post-secondary education
Funeral Homes
Substance Abuse Treatment
Halfway house**
Parking garage
Operating 2 a.m.-6a.m.

*New use

**Added to Oct. draft



Residential Office

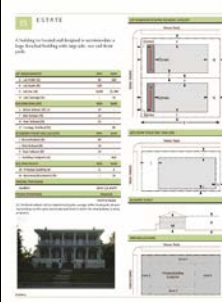


Building types
allowed anywhere

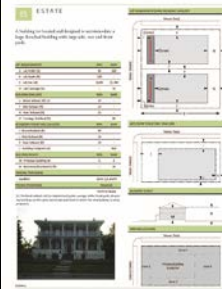


Residential Office

Create walkable area
integrated into the
street grid



Center



Current District: B3

Permitted

Parks

Multiple Family

Apt. over non-res.

Museum & libraries

Gov. buildings

Indoor recreation

Theaters

Arts & crafts studios

Auction house

Office

Banks

Post-secondary education

Essential services

Hotel/motel

Personal service est.

Body art facilities

Catering services

Dry cleaner

Child care center

Retail store

Resale store

Farmers market

Carry-out restaurant

Sit down restaurant

Café (indoor & outdoor)

Bar

Microbrewery

Fast food

Food store (no alcohol)

Food store (more than 15K sq. ft. w/
sale of alcohol)

Medical & dental offices and clinics

Medical Marijuana dispensary

Temp use in vacant storefront

Food concessions

Operating 2 a.m.-6a.m.

Accessory

Home Occupation

Family child care home

Adult foster care home

Group child care home

Communication devices

Alternative energy

Stormwater control

Community Garden**

Public Art*

Passive solar structure*

Outdoor cafes

Car share parking

Catering services**

Tasting room w/ microbrewery

Special Land Use

Self-storage

Train & bus depots

Parking garage

Parking lot**

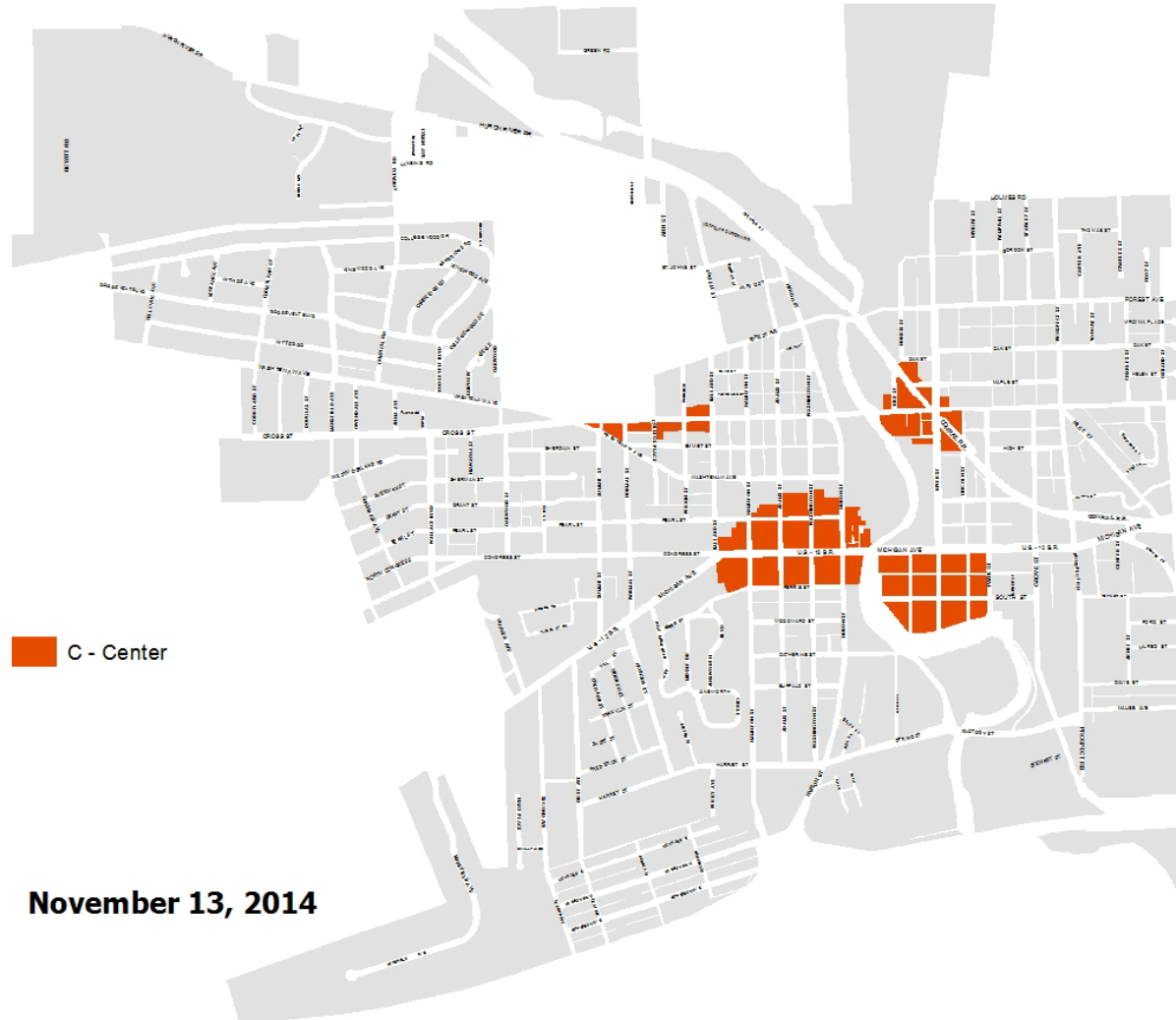
Printing services**

Food Store (sale of alcohol, less than
15K sq. ft.)

Sale of alcoholic beverage off site

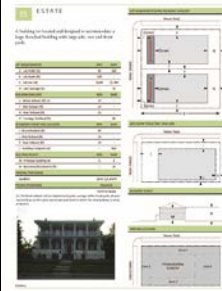
*New use

**Added to Oct. draft



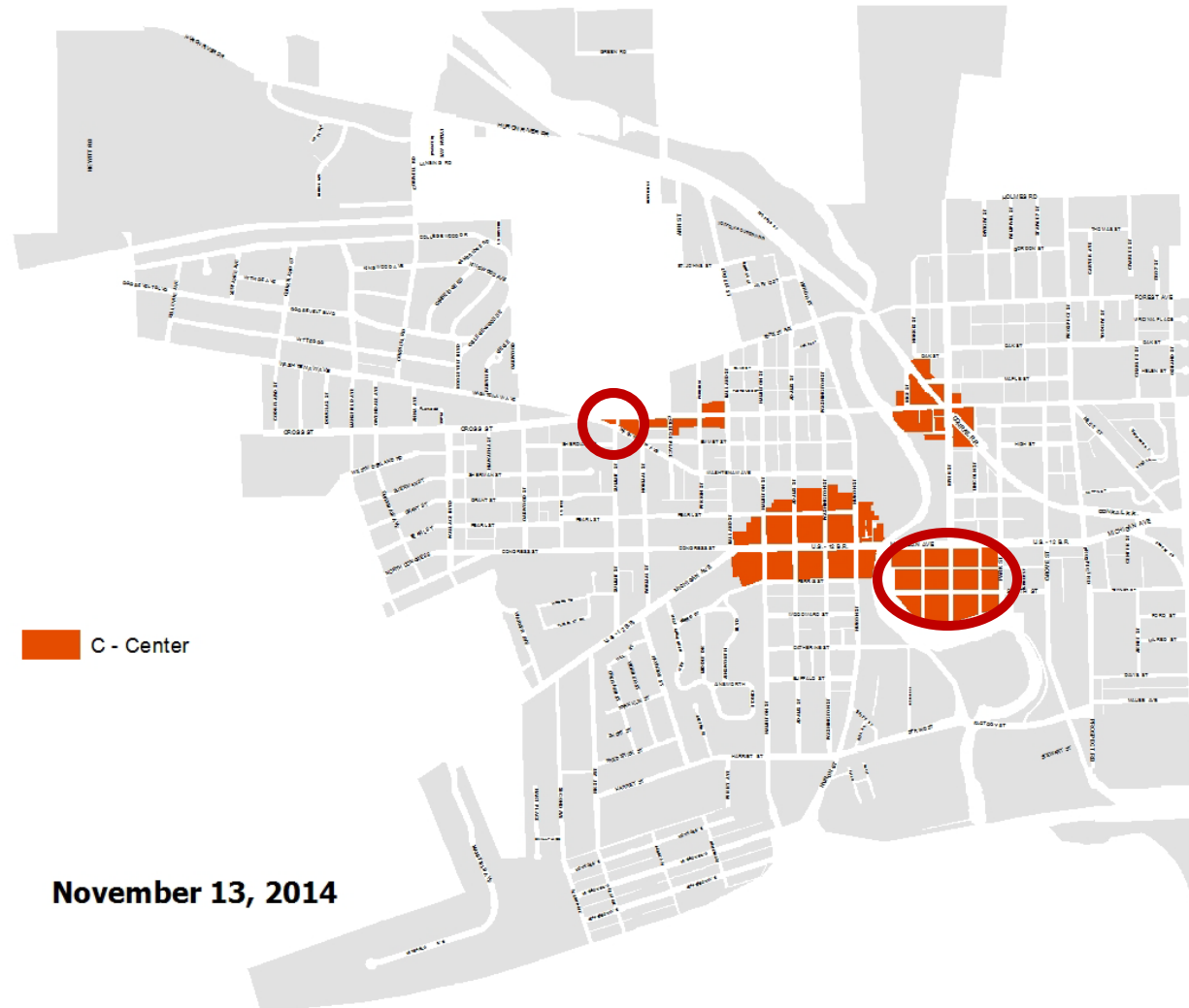
November 13, 2014

Center



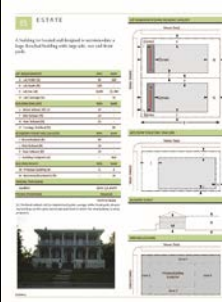
Areas circled:

- Water Street zoned Center, encouraging mixed use
- Cross & Washtenaw for developable land if streets are separated

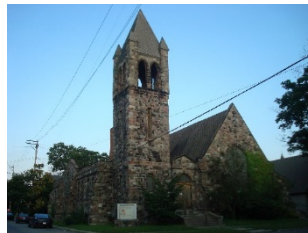


November 13, 2014

Center



Building types
allowed anywhere



Building types
limited to where
exist now or certain
locations on Water
Street
(House added to Oct. draft)



Safety

Requiring “eyes on the street”



First floor 60% windows & doors, door facing the street, 2 feet between windows & doors, 2.5 feet maximum from street to window bottom

Diversity

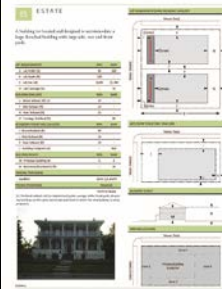
- Mixed use centers
- Different building types
- 2-story mixed use designed for re-use

Minimum 10'

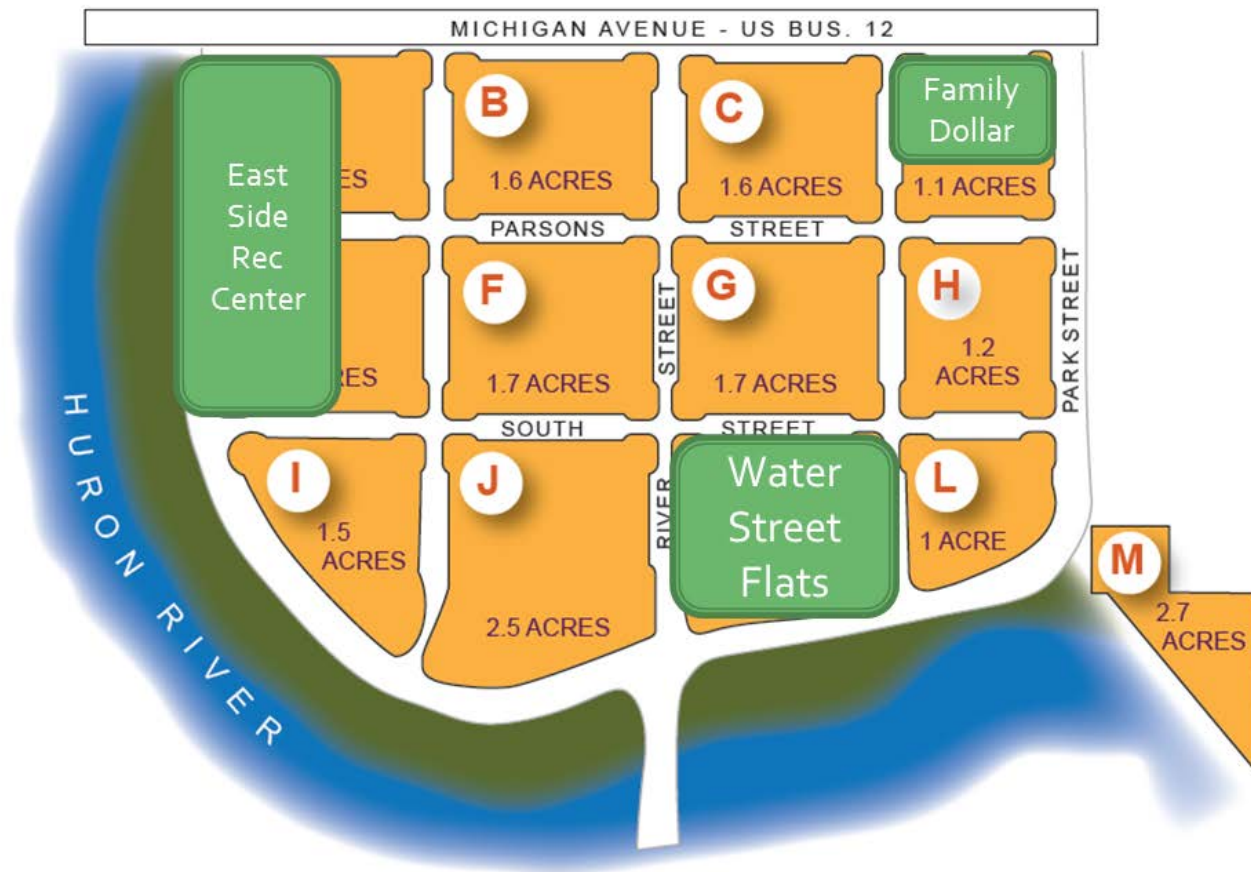
12' to 14'



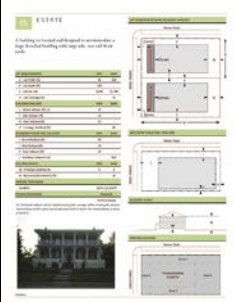
Center



Water Street Infrastructure Plan



Center



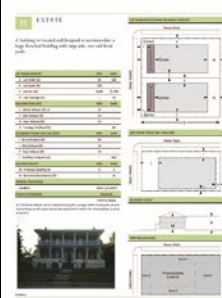
Water Street Building Types

Those listed are limited, and in addition to:

- Mixed Use small
- Mixed Use Medium
- Mixed Use Large
- Multiply story
- Institutional



General Corridor



Current District: B2, B4, RO, RC, WS, CI

Permitted

Parks
2-family house
Multiple Family, no limit
Community garden
Apt. over store*
Group residence (6 or less*)
Gov. Buildings
Essential services
Outdoor recreation
Arts & crafts studio
Homeless shelter
Body art
Hotel/motel
Office
Office of skilled trade
Banks
Personal service est.
Catering
Indoor and outdoor recreation
Dry cleaner
Child care center
Retail store
Resale store
Food store (all types)
Commercial greenhouse
Farmers market
Carry-out restaurant
Sit down restaurant
Café (indoor & outdoor)
Bar
Tasting room
Fast food
Microbrewery (less than 16K sq. ft.)
Self-storage
Medical & dental offices and clinics
Craft production (less than 16K sq. ft.)
Wholesale (less than 16K sq. ft.)
Temp use in vacant storefront
Food concessions

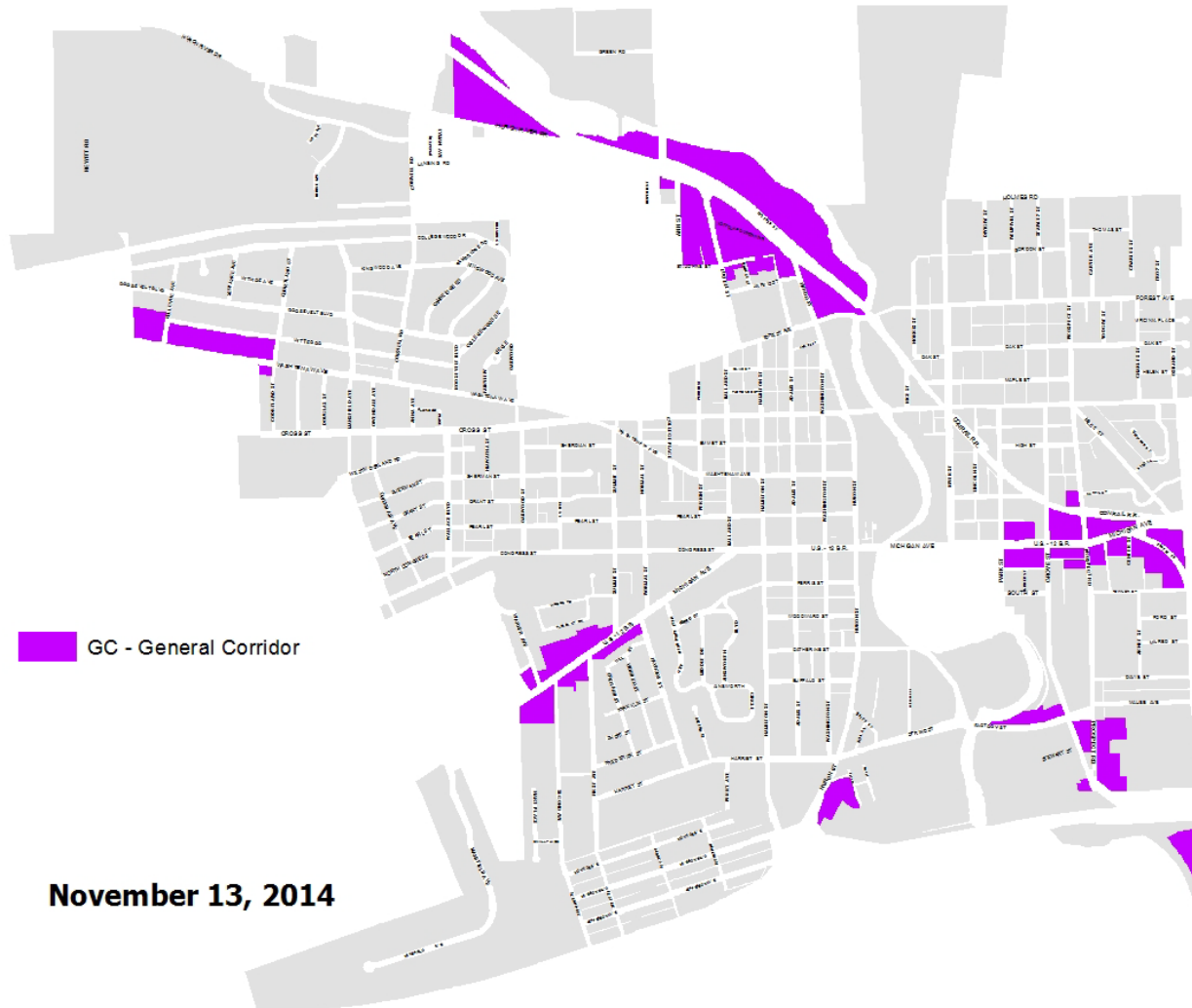
Adult foster care home
Group child care home
Communication devices
Alternative energy
Stormwater control
Community Garden**
Public Art*
Passive solar structure*
Outdoor cafes
Car share parking**

Special Land Use

Group residence (7+)**
Printing service*
Funeral homes
Nursing home
Vet hospital & clinic
Outdoor retail sales
Commercial kennel
Laboratories
Development & research
Substance abuse treatment facilities
Auto sales
Auto rental or share organization
Auto repair or service
Car wash
Drive through
Parking lot
Parking garage
Craft production (>16K sq. ft.)
Microbrewery (>16K sq. ft.)
Wholesale (>16K sq. ft.)
Gas station
Vehicle storage & towing
Medical Marijuana growing facility
Open 2 a.m.-6 a.m.
Outdoor storage

*New use

**Added to Oct. draft

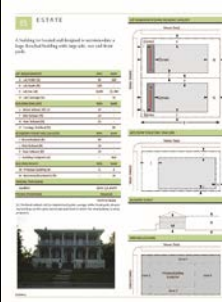


November 13, 2014

Accessory

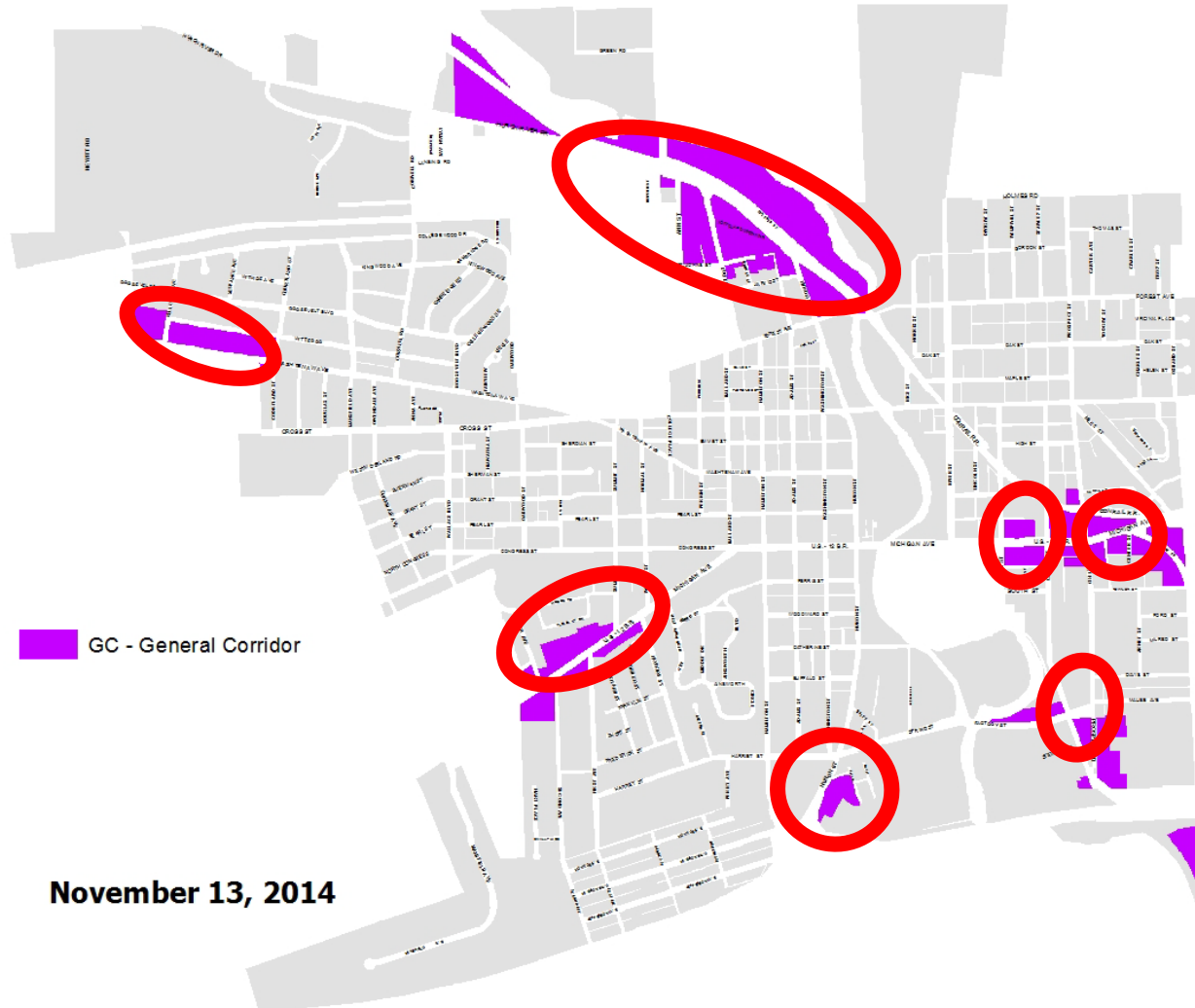
Home Occupation
Family child care home

General Corridor

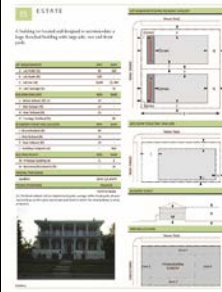


Areas circled:

- Near Railroad
- Huron River
- Portions of Washtenaw
- E. Michigan
- W. Michigan
- S. Grove
- S. Huron



General Corridor



Building types
allowed anywhere



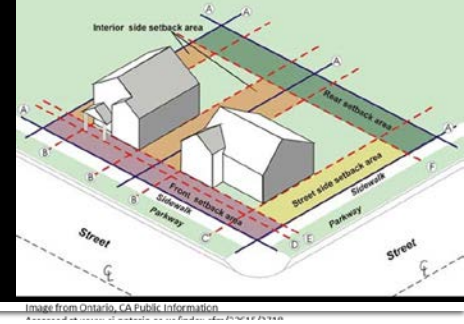
Safety

Requiring “eyes on the street”



First floor 60% windows & doors, door facing the street, 2 feet between windows & doors, 2.5 feet maximum from street to window bottom

PMD



Change from 2
districts to 1 district

- Pro: More opportunities for jobs
- Con: Potential neighborhood impacts
 - More special land uses, especially if by residential

PMD

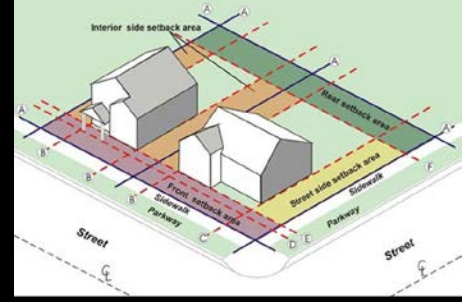


Image from Ontario, CA Public Information
Revised 10/10/10 10/10/10 10/10/10 10/10/10

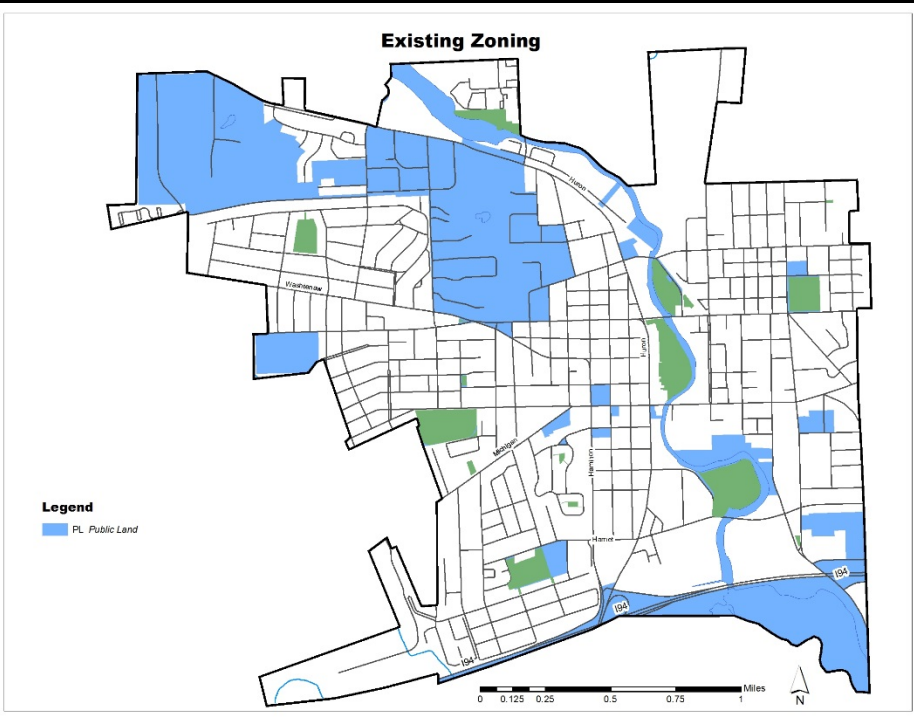
Update of uses &
sustainable energy
uses added



Current to Proposed Zoning

District by District

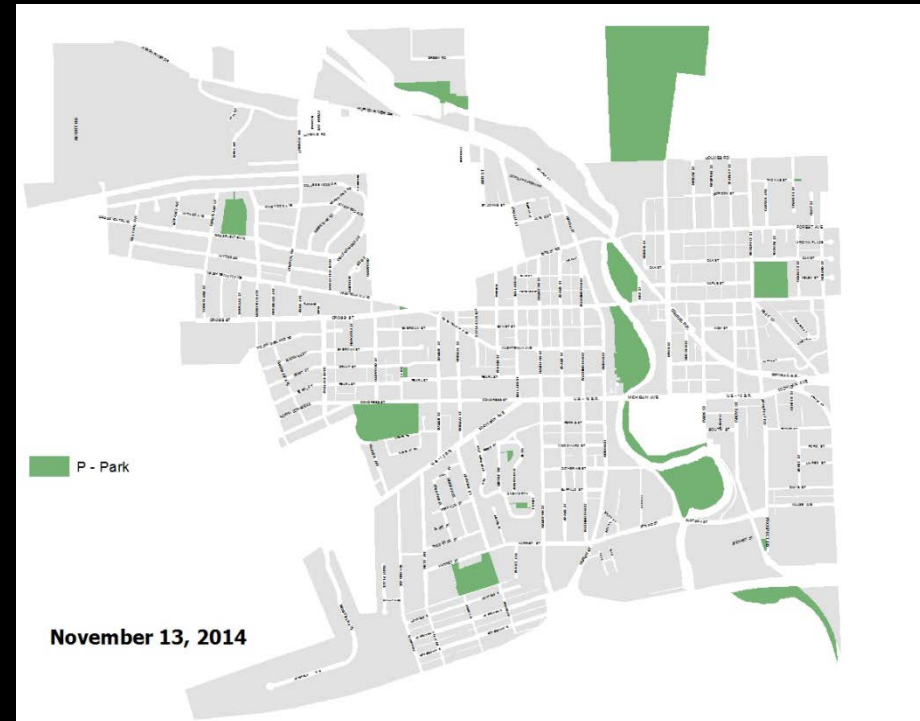
Public lands Current Zoning



Show EMU & I-94 ROW
(no jurisdiction)

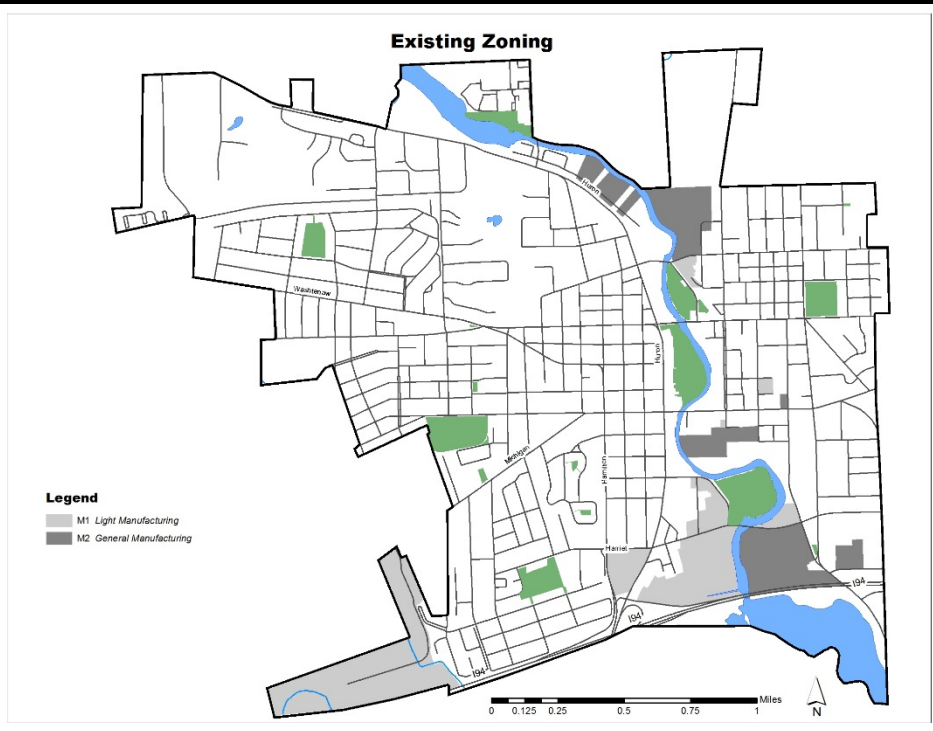
Extra layer of bureaucracy
for redevelopment

Proposed Parks Zoning



City-owned parks & cemetery
Water Street Center not public
All other public uses in zoning
districts (schools allowed in
neighborhoods & municipal
building in centers)

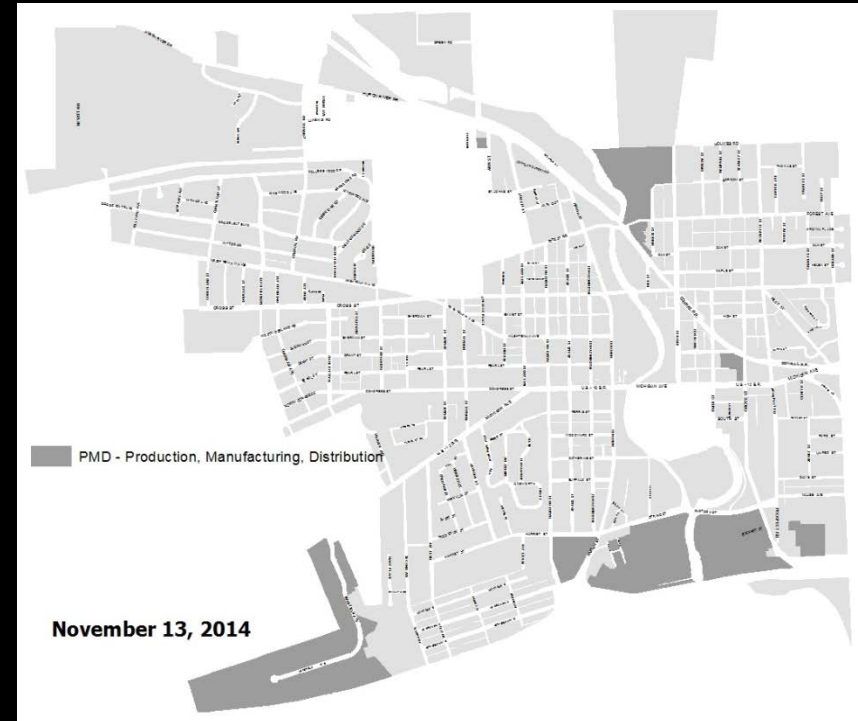
M1 & M2 Current Zoning



2 districts

Specific Use descriptions

PMD Proposed Zoning



Name change

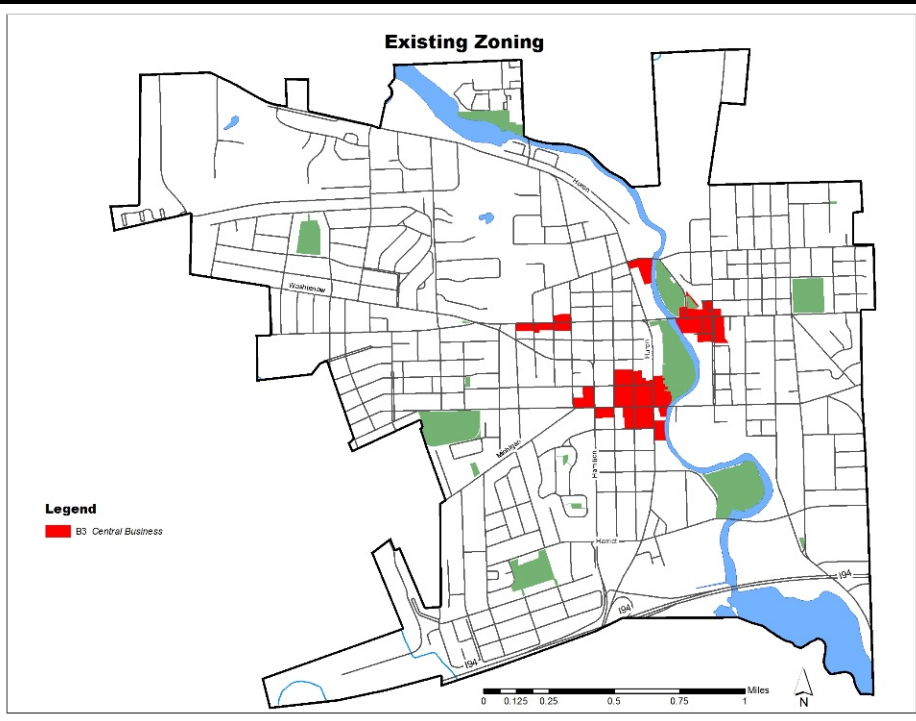
Single district

Broader use descriptions

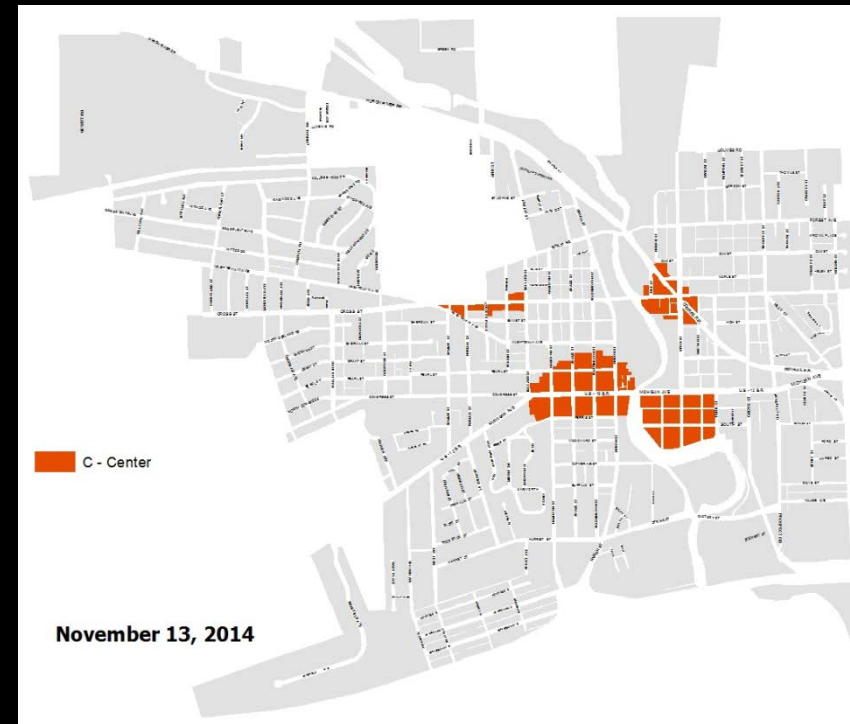
Incorporate areas into centers or corridors

Kramer Bell

B₃ Current Zoning



Center Proposed Zoning



1 district

Entirely in Historic District

Lot regulations by building type

Window & entrance requirements

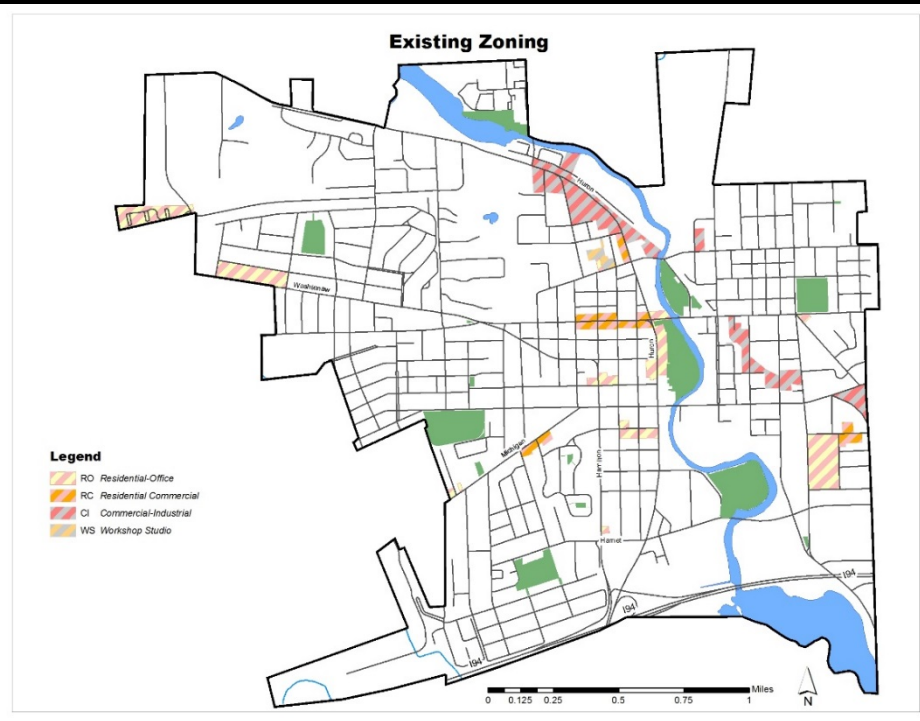
Add Water Street

Forest Street becomes Neighborhood Corridor

Extend Cross Street to Water Tower

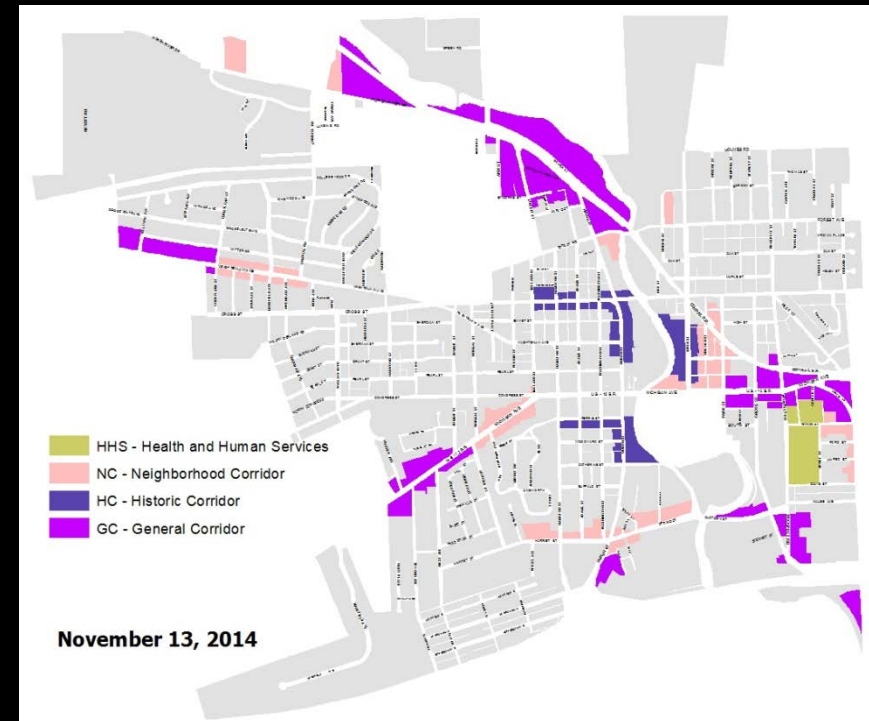
Simplify uses

Mixed Use Current Zoning



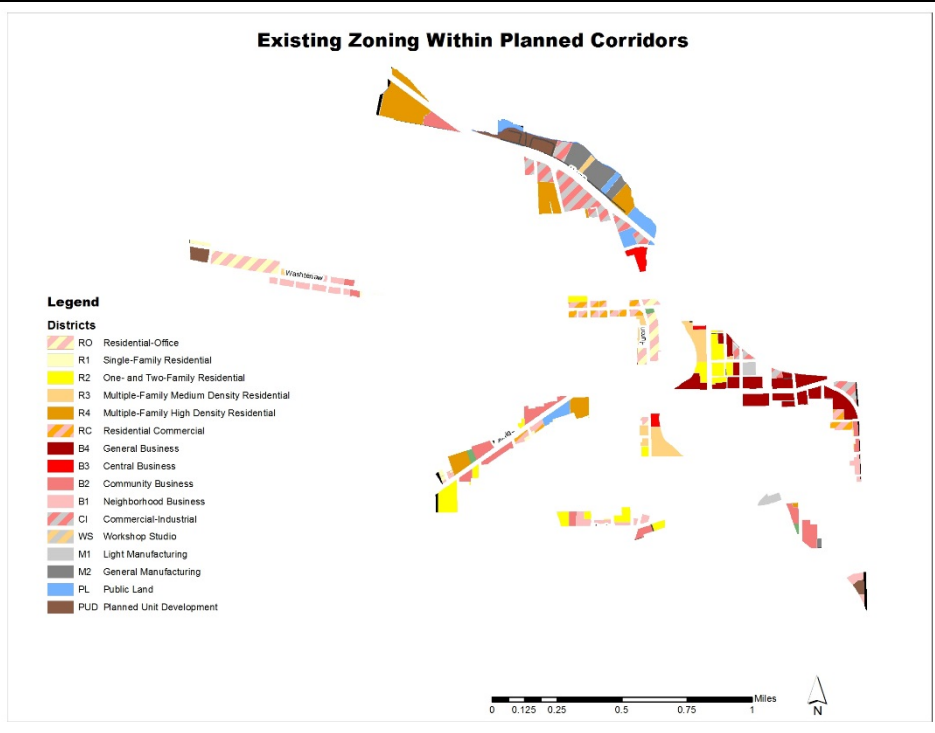
Throughout City
Challenging to preserve context

HHS & Corridor Proposed Zoning

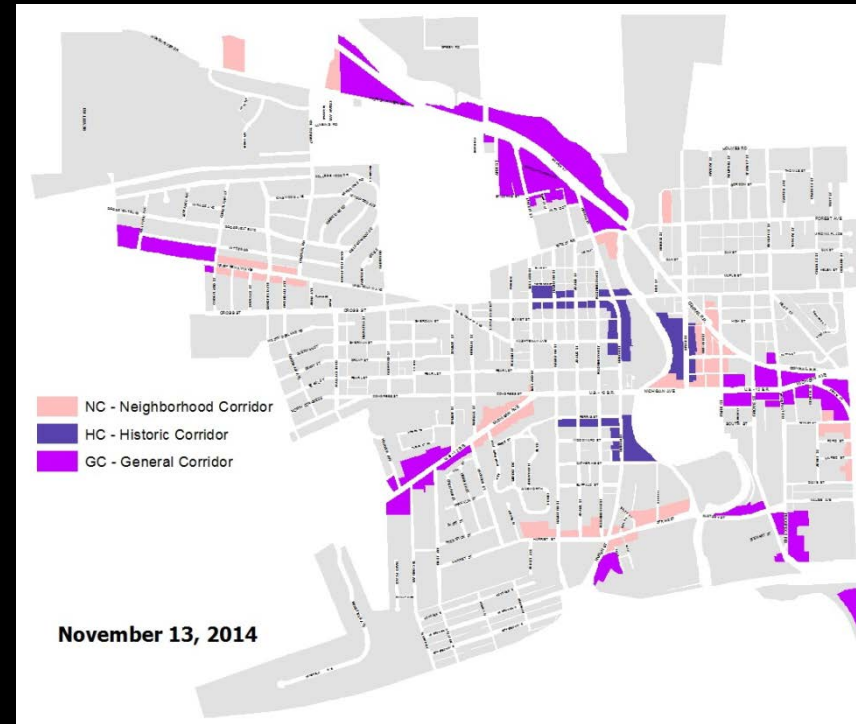


Limit HHS to Towner Area
Lot regulations by building type
Window & entrance
requirements
Maintain diversity of uses

Current Zoning



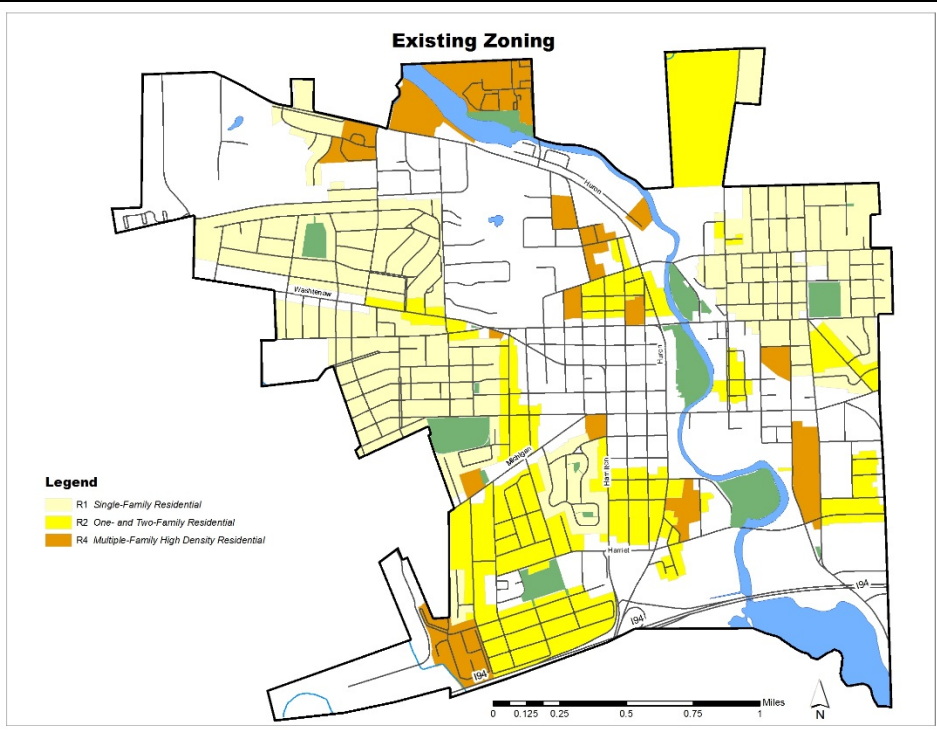
Corridors Proposed Zoning



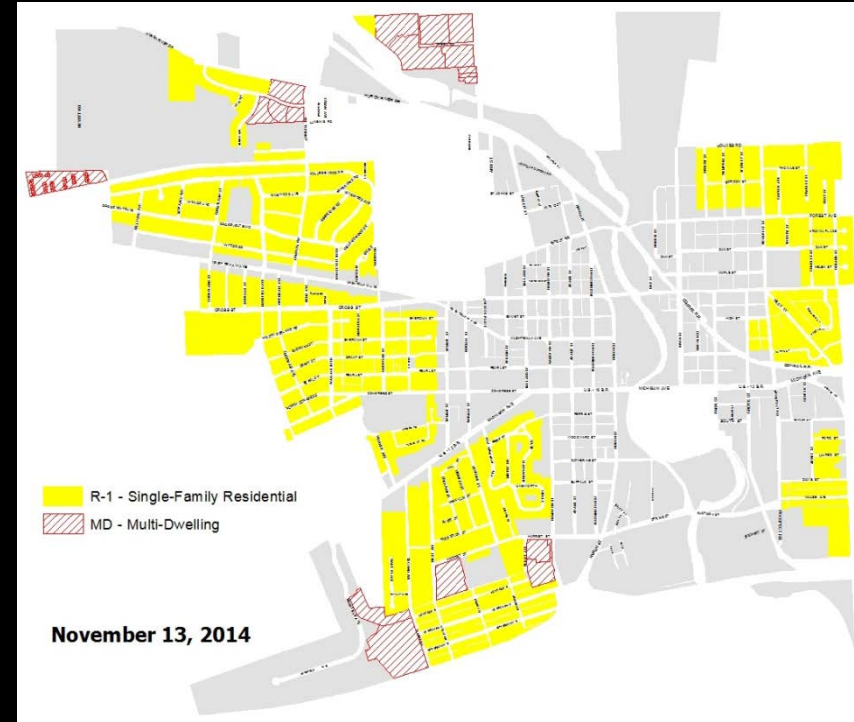
Hodgepodge
Not predictable

Lot regulations by building type
Window & entrance requirements
Allow same uses along the corridor

Current Zoning – R1, R2 & R4



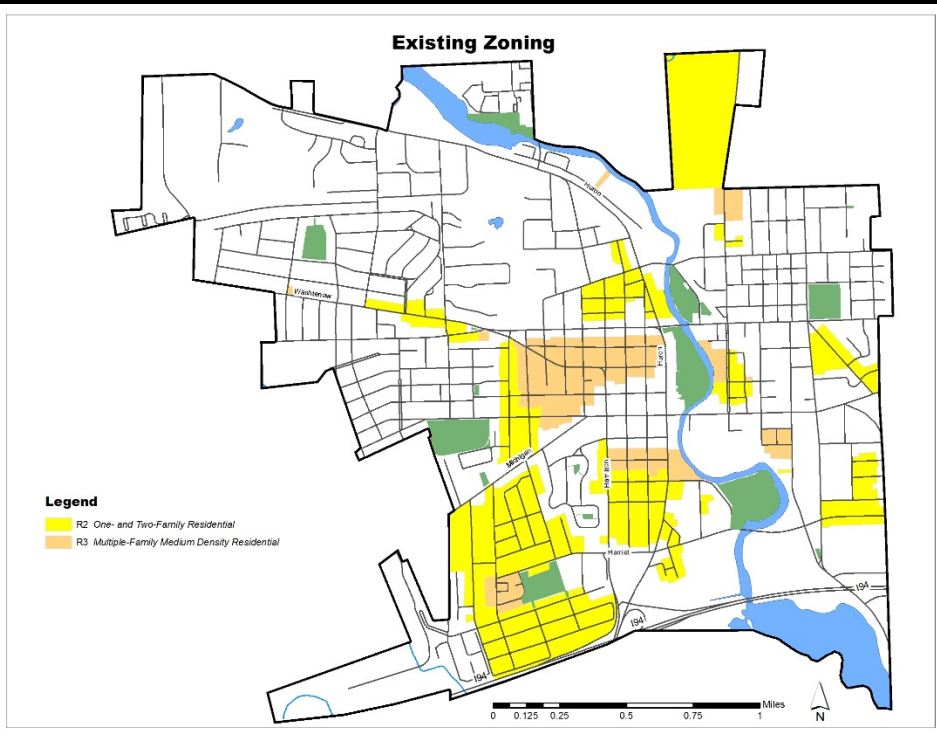
Proposed Zoning R1 & MD



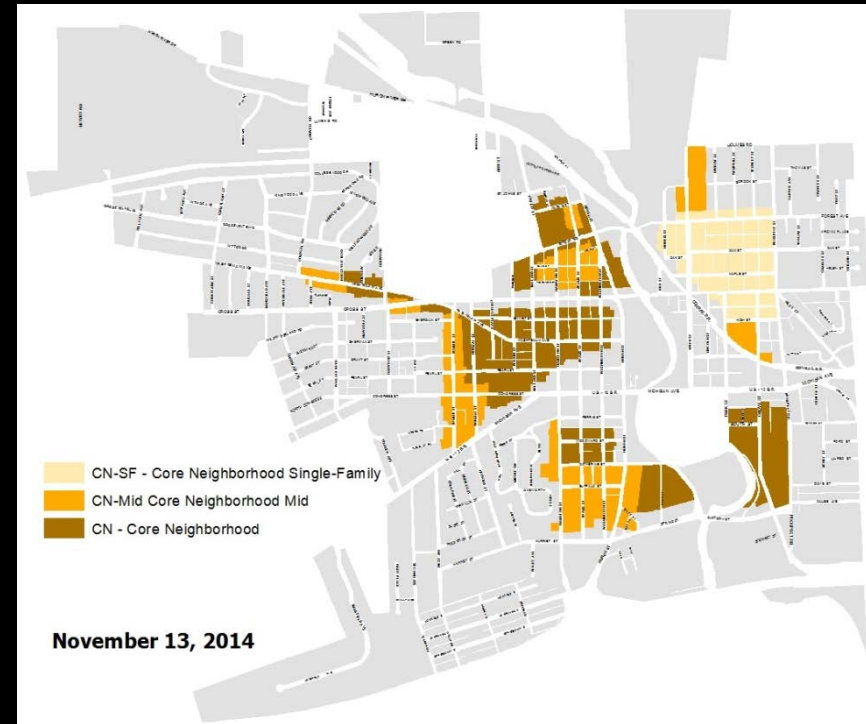
Use based
Same zoning for different
contexts
Some R-2 areas mostly single-
family

Change R4 to Multiple Dwelling
Neighborhoods with single use &
building type zoned R1
Duplexes existing non-conforming
Lot width 45' & area 4,500 sq. ft.

Current Zoning – R2 & R3



Proposed Core Neighborhoods

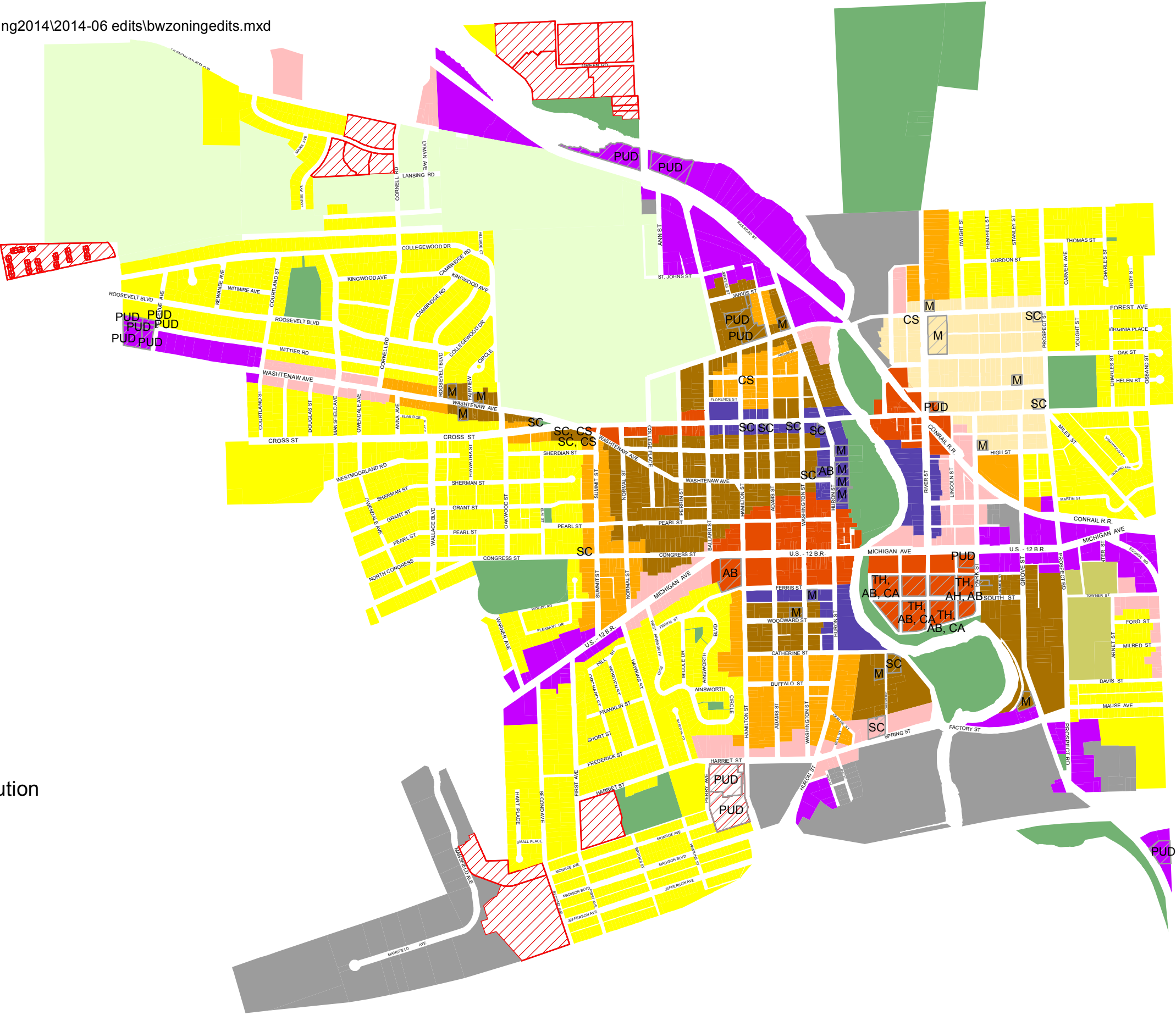


Use based
Same zoning for different contexts
Some R-2 areas mostly single-family

3 Core Neighborhood Districts
HESNA R-1 with building lot regulation
Historic Southside R-2 with building lot regulations
R-3, R-4 & R-2 on corridors R-3 with building lot regulations

Legend

- HHS - Health and Human Services
- R-1 Single Family Residential
- CN-SF Core Neighborhood Single-Family
- CN-Mid Core Neighborhood Mid
- CN - Core Neighborhood
- NC - Neighborhood Corridor
- HC - Historic Corridor
- GC - General Corridor
- C - Center
- PMD - Production, Manufacturing, Distribution
- MD - Multi-Dwelling
- Eastern Michigan University
- P - Park
- Limited Building Type or PUD



Zoning Ordinance Draft Text

Document is too large to print (288 pgs.). See Clerk's Office for hard copy or follow the link below.

[http://www.cityofpsilanti.com/Portals/0/docs/Mayor%20and%20City%20Council/04-Ord.%20No.%201232%20Draft Text 11-11-14.pdf](http://www.cityofpsilanti.com/Portals/0/docs/Mayor%20and%20City%20Council/04-Ord.%20No.%201232%20Draft%20Text%2011-11-14.pdf)



Resolution No. 2014-261
November 18, 2014

That the public hearing to consider proposed adoption of a significant amendment to both the zoning map and the zoning text of the City of Ypsilanti's Zoning code, in accordance with the recently adopted Master Plan ("Shape Ypsi") be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014-262
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS," SECTION 1-15 "PENALTIES, SANCTIONS, AND REMEDIES," SUBSECTION (4) "BLIGHT VIOLATION" TO ADD CLARIFYING LANGUAGE AND TO PROVIDE FOR RULES AND PROCEDURES FOR GARNISHMENT; AND TO AMEND CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," ARTICLE II "ADMINISTRATIVE HEARINGS BUREAU," SECTION 71-43 "VIOLATION OF ORDERS" TO ADD AN OFFENSE FOR FAILURE TO PAY A CIVIL FINE AND COSTS, AND TO AMEND SECTION 71-46 "ENFORCEMENT OF ADMINISTRATIVE HEARING OFFICER'S ORDER" TO INCLUDE ALL REMEDIES SET FORTH IN SECTION 1-15(4)" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

The City of Ypsilanti

Ordinance No. 1233

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS," SECTION 1-15 "PENALTIES, SANCTIONS, AND REMEDIES," SUBSECTION (4) "BLIGHT VIOLATION" TO ADD CLARIFYING LANGUAGE AND TO PROVIDE FOR RULES AND PROCEDURES FOR GARNISHMENT; AND TO AMEND CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," ARTICLE II "ADMINISTRATIVE HEARINGS BUREAU," SECTION 71-43 "VIOLATION OF ORDERS" TO ADD AN OFFENSE FOR FAILURE TO PAY A CIVIL FINE AND COSTS, AND TO AMEND SECTION 71-46 "ENFORCEMENT OF ADMINISTRATIVE HEARING OFFICER'S ORDER" TO INCLUDE ALL REMEDIES SET FORTH IN SECTION 1-15(4).

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 1 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "General Provisions," Section 1-15 "Penalties, sanctions, and remedies," subsection (4) "Blight violation" is hereby amended as follows:

(4) *Blight violation.* The term "blight violation" means an act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention as designated; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in Chapter(s) 18, 42, 50, 86, 94, 110, and 122.

a. The sanction for a violation that is a blight violation shall be a civil fine in the amount as provided this Code or any ordinance; provided, however, that a penalty of imprisonment cannot be imposed, and, except in cases to enforce the collection of any tax imposed and collected by the city, a fine in excess of \$10,000.00 exclusive of costs of enforcement and costs imposed to secure compliance with this Code, cannot be imposed.

1. Unless otherwise specifically provided for a particular blight violation by City Council, this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions.

2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) blight violation of the same requirement or provision committed by a person within any two-year period (unless some other period is specifically provided by this Code or any ordinance) and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided for by City Council, this Code or any ordinance for a particular blight violation, the increased fine for a repeat offense shall be as follows:

- i. The fine for any offense which is a first repeat offense shall be no less than \$150.00, plus costs.
 - ii. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$300.00, plus costs.
- b. In addition to the fine designated above, the Administrative Hearings Officer upon affirming an order or determination:
 - i. Shall impose a justice system assessment.
 - ii. May assess costs reasonably related to the instituting of the administrative adjudication proceeding.
 - iii. Issue orders that are consistent with the applicable provisions of this Code.
 - iv. May, to ensure that the blight violations are remedied and that fines are paid in a timely manner, require the person responsible of committing the blight violation to post a compliance bond with the city, or, as appropriate, to consent to the granting and recording of a lien against titled property, pursuant to the provisions of this Code.
- c. Each day that a blight violation occurs is a separate and distinct offense.
- d. In any case in which a person fails to comply with an administrative hearing officer's order to correct a blight violation or imposing a fine or other sanction as a result of a blight violation, any expenses incurred by the city to enforce the administrative hearing officer's order, upon compliance with the procedures set forth in this Code, is a debt due and owing the city
- e. If a defendant does not pay a civil fine or costs or an installment payment ordered by a hearing officer within 30 days after payment is due for a violation involving the use or occupation of land or a building or other structure, the city may, unless stayed by a valid appeal, obtain a lien against the land, building, or structure involved in the violation by recording a copy of the final decision and order requiring payment of fines and costs with the Washtenaw County register of deeds. A legal description of the property must be incorporated or attached to the order. In addition to all other remedies authorized by law, the city clerk may place the entire sum of this lien on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges will be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year, and will be a lien on the parcel until fully paid. The city may not commence an action to enforce a lien under this subsection if the city has commenced an action for a writ of garnishment with respect to the unpaid fine, costs, or payment under subsection (f) below.
- f. Garnishment. If after an administrative hearings officer orders the payment of a civil fine or costs, and if the defendant does not appeal the order within the time allowed by section 71-45, and if the city has not obtained a lien under subsection (f) above for the fine or costs, the city may file an action for a writ of garnishment in the appropriate court. The initial papers filed with the court must include a properly authenticated copy of the applicable order. The procedures and rules for the garnishment are as set forth in MCL 600.4027 including that a defendant or garnishee defendant in an action under this subsection may not raise in the action any issue that could have been appealed under section 71-45.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-43 "Violations of orders," is hereby amended as follows:

Sec. 71-43. Violations of orders and failure to pay civil fine and costs:

(a) Violation of orders.

(1) Elements of the offense. A person violates this subsection if he or she:

(i) Is served notice of a blight violation, and is afforded an opportunity to be heard under this Code; and

(ii) Knowingly fails to comply with an order issued by an administrative hearings officer under this chapter, including any requirement of a subpoena.

(2) Each day that the violation occurs is a separate and distinct offense.

(3) Sentence. A person convicted under this subsection is guilty of a misdemeanor and punishable by a period of jail not greater than 90 days, a fine of not more than \$500.00, and the costs of the enforcement.

(b) Failure to pay civil fine and costs.

(1) Elements of the offense. If the civil fine and costs imposed against a person by an administrative hearings officer are \$1,000.00 or more and the person does not pay the civil fine and costs imposed within 30 days after a final decision and order of the administrative hearings officer or of the circuit court.

(2) Sentence.

(i) 1st violation: For a first violation, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(ii) 2nd or subsequent violation: For a second or subsequent violation, a person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) Subsection (b) Failure to pay civil fine and costs does not apply to any of the following that becomes the owner of a property after foreclosure or after taking a deed in lieu of foreclosure:

(i) A government-sponsored enterprise. As used in this subsection, "government-sponsored enterprise" means the term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.

(ii) A financial institution. As used in this subsection, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(iii) A mortgage servicer. As used in this subsection, "mortgage servicer" means that term as defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(iv) A credit union service organization that is organized under the laws of this state or the United States.

(4) Subsection (b) Failure to pay civil fine and costs does not apply to the owner of a property if, at the time the civil fine and costs are imposed against the owner, the owner had filed a principal residence exemption affidavit as provided under section 7cc of the general property tax act, 1893 PA 206, MCL 211.7cc, certifying that the property is owned and occupied as a principal residence by the owner.

(5) An entity described in subsection (b)(3) above that becomes the owner of a property after foreclosure or after taking a deed in lieu of foreclosure must adhere to all ordinances relating to vacant property or blight violations adopted by the City of Ypsilanti.

(6) As used in subsection (b) failure to pay fine and costs, "person" means not only an individual, partnership, corporation, limited liability company, association, or other legal entity, but also includes the partners or members of a firm, a partnership, or an association and the officers of a corporation.

(c) Defenses. It is an affirmative defense to this section that a court of competent jurisdiction stayed the order issued by the administrative hearing officer before the effective date of the order and that the order is currently stayed.

(d) Prohibited defenses. It is not a defense to this section that a person:

(1) Came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or

(2) Sought judicial review of the order, but failed to obtain a stay of the order before the date the order by its terms required compliance.

(e) Venue. The city attorney must institute actions under this section in a court of competent jurisdiction.

~~(a) — *Elements of the offense.* A person violates this section if he or she:~~

~~(1) — Is served notice of a blight violation, and is afforded an opportunity to be heard under this Code; and~~

~~(2) — Knowingly fails to comply with an order issued by an administrative hearing officer under this chapter, including any requirement of a subpoena.~~

~~Each day that the violation occurs is a separate and distinct offense.~~

~~(b) — *Defenses.* It is an affirmative defense to this section that a court of competent jurisdiction stayed the order issued by the administrative hearing officer before the effective date of the order.~~

~~(c) — *Prohibited defenses.* It is not a defense to this section that a person:~~

~~(1) — Came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or~~

~~(2) — Sought judicial review of the order, but failed to obtain a stay of the order before the date the order by its terms required compliance.~~

~~(d) — Sentence. A person convicted under this section is guilty of a misdemeanor and punishable by a period of jail not greater than 90 days, a fine of not more than \$500.00 and the costs of enforcement.~~

~~(e) — Venue. The city attorney must institute actions under this section in a court of competent jurisdiction.~~

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-46 "Enforcement of administrative hearing officer's order," is hereby amended as follows:

Sec. 71-46. Enforcement of administrative hearing officer's order.

(a) Any fine, sanction, or cost imposed by an administrative hearing officer's order that remains unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures is a debt due and owing the city and, as such, may be collected in accordance with applicable law.

(b) After the expiration of the period in which judicial review may be sought, unless stayed by a court of competent jurisdiction, the findings, decision, and order of an administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a respondent fails to comply with an administrative hearing officer's order to correct a blight violation or imposing a fine or other sanction as a result of a blight violation, any expenses incurred by the city to enforce the administrative hearing officer's order, including but not limited to, attorney's fees, court costs, fines, fees, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or an administrative hearing officer is a debt due and owing the city. Before an administrative hearing officer fixes any expense, the respondent must be provided notice that states that the respondent must appear at a hearing before an administrative hearing officer to determine whether the respondent has failed to comply with the administrative hearing officer's order. The notice must set the time for the hearing, which may not be less than seven days from the date that notice is served. Notice is sufficient if served by first class mail and the seven-day period begins to run on the date that the notice is deposited in the mail.

(d) Upon being recorded in the manner required by the Michigan Uniform Commercial Code, a lien is imposed on the real estate or personal estate, or both, of the respondent in the amount of a debt due and owing the city. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) Nothing in this section prevents the city from enforcing or seeking to enforce any order of an administrative hearing officer in any manner, which is in accordance with applicable law.

(f) The city may also use the remedies set forth in Section 1-15(4) of the City Code.

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY
OF _____, 2014.

Amanda Edmonds , Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No 1233 was published in Washtenaw Now on the
____ day of _____, 2014.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting
of the City Council held on the ____ day of _____, 2014.

Frances McMullan, City Clerk

Notice Published: November 6, 2014

First Reading: November 18, 2014

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2014-263
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS," SECTION 1-15 "PENALTIES, SANCTIONS, AND REMEDIES," SUBSECTION (4) "BLIGHT VIOLATION" TO ADD CLARIFYING LANGUAGE AND TO PROVIDE FOR RULES AND PROCEDURES FOR GARNISHMENT; AND TO AMEND CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," ARTICLE II "ADMINISTRATIVE HEARINGS BUREAU," SECTION 71-43 "VIOLATION OF ORDERS" TO ADD AN OFFENSE FOR FAILURE TO PAY A CIVIL FINE AND COSTS, AND TO AMEND SECTION 71-46 "ENFORCEMENT OF ADMINISTRATIVE HEARING OFFICER'S ORDER" TO INCLUDE ALL REMEDIES SET FORTH IN SECTION 1-15(4)" be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014-264
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 86 "SOLID WASTE," ARTICLE III "YARD WASTE," BY AMENDING SECTION 86-87 TO A BLIGHT VIOLATION AND TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO AMEND CHAPTER 110 "VEGETATION," ARTICLE IV "WEED CONTROL," BY AMENDING SECTION 110-83 TO A BLIGHT VIOLATION AND SECTION 110-86 TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO SIMPLIFY THE WORDING IN ALL SECTIONS" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

The City of Ypsilanti

Ordinance No. 1234

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 86 "SOLID WASTE," ARTICLE III "YARD WASTE," BY AMENDING SECTION 86-87 TO A BLIGHT VIOLATION AND TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO AMEND CHAPTER 110 "VEGETATION," ARTICLE IV "WEED CONTROL," BY AMENDING SECTION 110-83 TO A BLIGHT VIOLATION AND SECTION 110-86 TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO SIMPLIFY THE WORDING IN ALL SECTIONS.

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste," Article III "Yard Waste," Section 86-87 is hereby amended as follows:

Sec. 86-87. Yard waste disposal.

- (a) Failure to properly dispose of yard waste is determined to be a nuisance.
 - (1) *Leaves.* In order to preserve the public health, safety, and welfare of the citizens of Ypsilanti, the council determines that the existence of piles of leaves on property, or moved into the streets or onto the sidewalks, constitutes a nuisance and must be removed for the reason that the piles of leaves provide a hiding place for vermin, are unsightly and unkempt, are likely to accumulate in and cause damage to storm sewers, and are likely to be scattered by the elements onto nearby properties.
 - (2) *Tree limbs and brush.* In order to preserve the public health, safety, and welfare of the citizens of Ypsilanti, the council determines that the existence of tree limbs and brush, piled and left for more than 48 hours immediately preceding proper yard waste disposal, or moved into the streets or onto the sidewalks, constitutes a nuisance and must be removed for the reason that the materials provide a hiding place for vermin, and are unsightly and unkempt.
- (b) *Proper disposal procedures; penalty.*
 - (1) *Leaves.* Homeowners may dispose of their leaves by composting, mulching, or removal by city (via compliance with DPW procedure), or other party. Leaves may ~~my~~ not be moved into the street or sidewalk. No owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, may ~~shall~~ move leaves into the street or onto the sidewalks, nor may ~~shall~~ they have leaves moved by others into the street or onto the sidewalks.
 - (2) *Tree limbs and brush.* Tree limbs and brush must be properly bundled and/or contained, and placed on the margin no more than 48 hours immediately preceding scheduled yard waste pickup for the property. No owner, possessor or occupier of property within the city, or the person having charge of any parcel or

lot, ~~may shall~~ place tree limbs or brush into the street or onto the sidewalks, have tree limbs or brush moved by others into the street or onto the sidewalks, nor ~~may shall~~ tree limbs or brush be placed on the margin more than 48 hours immediately preceding scheduled pickup for the property.

(3) The provisions of this section are in addition to and cumulative with any and all other remedies or requirements which may be provided to the city by law or any provision of this Code or other ordinance of the city, and nothing in any provision of this Code or other ordinance of the city shall be deemed to impair the full effectiveness of this section.

(4) Blight violation. ~~Municipal civil infraction.~~ A person who violates any provision of this section is responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73 70-38. Repeat offenses under this section ~~are shall be~~ subject to increased fines as set forth in section 71-73 70-38.

(c) *Collection and disposal of yard waste materials by city.* In the event the owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, ~~shall~~ refuses or neglects to dispose of such materials as provided in this section, such person ~~is shall be~~ responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73 70-38 and the city or its designee, at the direction of the city manager, may enter the sidewalk, and/or margin of the property and properly dispose of said yard waste.

(d) *Payment of costs.* It ~~is shall be~~ the duty of the city manager, or his/her designee, to keep an accurate account of the costs incurred in carrying out the provisions of subsection (c) and to file a statement thereof in the office of the city clerk. The owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, on which leaves, tree limbs or brush have been disposed of by city employees under the direction of the city manager, is required to pay the costs so incurred. The city clerk will ~~shall~~ bill each such owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, for the costs charged against each parcel or lot. Payment may be made at the office of the city clerk, who is hereby authorized to receive it and to receipt therefor in the name of the city.

(e) *Lien for costs.* In the event the owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, on which yard waste has been disposed of by the city fails to pay the aforementioned bill from the city clerk within 30 days from the date of the billing, the city clerk will ~~shall~~ thereupon place the entire sum, plus a collection charge as set by resolution of the city council, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges will ~~shall~~ be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year and will ~~shall~~ be a lien on the parcel until fully paid.

(f) *Appeal.*

(1) The owner, possessor or occupier of property within the city, or the person having charge of any parcel or lot, billed for disposing of yard waste pursuant to this section, ~~has shall have~~ the right ~~to of~~ appeal ~~of~~ the bill.

(2) Appeal ~~must shall~~ be taken within ten days of receipt of ~~the said~~ bill, but in no case later than 30 days from the date of billing, to the city manager. ~~The Such~~ appeal ~~must shall~~ be in writing, signed by the appellant, ~~and specify~~ specifying the reason for the appeal.

(3) The city manager ~~will shall~~ consider ~~the such~~ appeal and make a decision in writing, within ten days of receipt of the appeal. A copy of the decision ~~will shall~~ be filed with the city clerk and sent to the appellant by first class mail.

(4) An adverse decision of the city manager may be appealed to the circuit court. ~~city sidewalk appeal board, pursuant to the procedures set forth in section 94-230 of this Code. The sidewalk appeal board shall have the power to hear such appeal and make decision. Appeal from the sidewalk repair appeal board shall be to circuit court.~~

That Chapter 110 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Vegetation," Article IV "Weed Control," Section 110-83 is hereby amended as follows:

Sec. 110-83. Removal by city.

(a) In the event the owner, possessor or occupant of land or the person having charge of any such land ~~shall~~ refuses or neglects to comply with the aforementioned notice to cut ~~the such~~ weeds, brush or grass on or before the date stated in ~~the such~~ notice such person ~~is shall~~ be responsible for a blight violation municipal civil infraction, subject to payment of a civil fine as set forth in section ~~71-73 70-38~~. Repeat offenses under this section are subject to increased fines as set forth in section 71-73.

(b) It ~~is shall~~ be the duty of the city manager or his /her designee ~~a person designated by him~~ to enter upon such land and to cause all such weeds, brush and grass to be cut down and the city manager or other authorized person doing this work shall not be liable in any action of trespass therefor.

That Chapter 110 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Vegetation," Article IV "Weed Control," Section 110-86 is hereby amended as follows:

Sec. 110-86. Appeal.

(a) The owner, possessor, or occupant of any parcel of lot billed for cutting noxious weeds pursuant to this article ~~section 110-85 of this Code~~, ~~shall have~~ has the right ~~to of~~ appeal ~~of~~ the bill.

(b) Appeal ~~must shall~~ be taken within ten days of receipt of ~~the said~~ bill, but in no case later than 30 days from the date of billing, to the city manager. ~~Such~~ The appeal ~~must shall~~ be in writing, signed by the appellant, and specify ~~specifying~~ the reason for the appeal.

(c) The city manager will ~~shall~~ consider the ~~such~~ appeal and make a decision in writing, within ten days of receipt of the appeal. A copy of the decision will ~~shall~~ be filed with the city clerk and sent to the appellant by first class mail.

(d) An adverse decision of the city manager may be appealed to the circuit court. ~~city sidewalk appeal board, pursuant to the procedures set forth in section 94-230 of this Code. The sidewalk appeal board shall have the power to hear such appeal and make decision. Appeal from the sidewalk repair appeal board shall be to circuit court.~~

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2014.

Amanda Edmonds , Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in Washtenaw Now on the ____ day of _____, 2014.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2014.

Frances McMullan, City Clerk

Notice Published: November 6, 2014

First Reading: November 18, 2014

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2014-265
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 86 "SOLID WASTE," ARTICLE III "YARD WASTE," BY AMENDING SECTION 86-87 TO A BLIGHT VIOLATION AND TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO AMEND CHAPTER 110 "VEGETATION," ARTICLE IV "WEED CONTROL," BY AMENDING SECTION 110-83 TO A BLIGHT VIOLATION AND SECTION 110-86 TO MAKE THE APPEAL PROCESS CONSISTENT WITH OTHER SECTIONS OF THE CODE; AND TO SIMPLIFY THE WORDING IN ALL SECTIONS" be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014-273
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III "STATE CONSTRUCTION CODE," BY ADDING SECTION 18-53 "ELIGIBILITY FOR BUILDING PERMITS, CERTIFICATES OF USE AND OCCUPANCY, AND VARIANCES," TO MAKE CERTAIN APPLICANTS INELIGIBLE IF THE PERSON OR OWNER IS DELINQUENT IN PAYING A CIVIL FINE, COSTS, OR A JUSTICE SYSTEM ASSESSMENT IMPOSED BY THE CITY OF YPSILANTI'S ADMINISTRATIVE HEARINGS BUREAU" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

The City of Ypsilanti

Ordinance No. 1235

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III "STATE CONSTRUCTION CODE," BY ADDING SECTION 18-53 "ELIGIBILITY FOR BUILDING PERMITS, CERTIFICATES OF USE AND OCCUPANCY, AND VARIANCES," TO MAKE CERTAIN APPLICANTS INELIGIBLE IF THE PERSON OR OWNER IS DELINQUENT IN PAYING A CIVIL FINE, COSTS, OR A JUSTICE SYSTEM ASSESSMENT IMPOSED BY THE CITY OF YPSILANTI'S ADMINISTRATIVE HEARINGS BUREAU.

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 18 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Buildings and Building Regulations," Article III "State Construction Code," is hereby amended by adding a section, to be numbered Section 18-53, to be titled "Eligibility for building permits, certificates of use and occupancy, and variances," which section reads as follows:

Section 18-53. Eligibility for building permits, certificates of use and occupancy, and variances.

(a) If a person or the owner of the affected or proposed building or structure is delinquent in paying a civil fine, costs, or a justice system assessment imposed by the City of Ypsilanti's Administrative Hearings Bureau, that person or owner is not eligible to apply for a building permit under MCL 125.1510, a certificate of use and occupancy under MCL 125.1513, or a variance under MCL 125.1515.

(b) Subsection (a) above does not apply if:

(1) The applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and is one (1) of the following:

(i) A government-sponsored enterprise. As used in this subsection, "government-sponsored enterprise" means the term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.

(ii) A financial institution. As used in this subsection, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(iii) A mortgage servicer. As used in this subsection, "mortgage servicer" means that term as defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(iv) A credit union service organization that is organized under the laws of this state or the United States.

(2) The application for a building permit if the work authorized under the building permit will correct, in whole or in part, the blight violation that was the subject of the delinquent payment referred to in subsection (a).

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY
OF _____, 2014.

Amanda Edmonds , Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in Washtenaw Now
on the ____ day of _____, 2014.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular
meeting of the City Council held on the ____ day of _____, 2014.

Frances McMullan, City Clerk

Notice Published: November 6, 2014

First Reading: November 18, 2014

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2014-274
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III "STATE CONSTRUCTION CODE," BY ADDING SECTION 18-53 "ELIGIBILITY FOR BUILDING PERMITS, CERTIFICATES OF USE AND OCCUPANCY, AND VARIANCES," TO MAKE CERTAIN APPLICANTS INELIGIBLE IF THE PERSON OR OWNER IS DELINQUENT IN PAYING A CIVIL FINE, COSTS, OR A JUSTICE SYSTEM ASSESSMENT IMPOSED BY THE CITY OF YPSILANTI'S ADMINISTRATIVE HEARINGS BUREAU" be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2014 – 266
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of November 10, 2014 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
REGULAR AND ORGANIZATIONAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
MONDAY, NOVEMBER 10, 2014
7:30 P.M.**

I. CALL TO ORDER –

II. INAUGURATION CEREMONY – *Oath of Office*

Mayor – Amanda Maria Edmonds
Ward 1 – Nicole A. Brown
Ward 2 – Dan Vogt
Ward 3 – Brian Robb

III. ROLL CALL –

Council Member Brown	Present	Council Member Robb	Present
Council Member Murdock	Present	Council Member Vogt	Present
Mayor Pro-Tem Richardson	Present	Mayor Edmonds	Present

IV. INVOCATION –

V. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals; City Manager Ralph Lange, City Clerk Frances McMullan, Clerk Assistant Semaj Ray, City Attorney John Barr, DPS Director Stan Kirton, Fire Chief Max Anthouard, Assistant to the City Manager Ericka Savage, former Council Member Ricky Jefferson, former School Board Member Andy Fanta, Stacy Claiborne Habitat for Humanity, Jelani McGadney Congressman Dingell's Office, Washtenaw County Commissioner Rolland Sizemore, Marcus McNamara OHM Engineering, Human Relations Commissioner Jennifer Symanns, Assistant City Attorney Jesse O'Jack, Travis Gonyou formerly with Congressman Dingell's office, and Jason Morgan, Director of Community and Government Relations with Washtenaw Community College, Mayor Edmonds father, and Mayor Edmonds Partner Hollie Pietsch.

VII. APPROVAL OF AGENDA –

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson to approve the agenda.

On a voice vote, the agenda was approved as submitted.

VIII. PRESENTATIONS –

None

IX. AUDIENCE PARTICIPATION –

1. Madeleine Baier, 330 Chidester #418, stated she asked the City for a recycling bin and was denied because she lived in a high rise. Ms. Baier asked that Council consider developing a recycling ordinance so that the planet will be in a good condition for generations to come.
2. Alice Boss, 1719 Calvin, Ann Arbor, stated she will be moving to Ypsilanti in the next ten days and hopes that during the process to fill the vacant Council seat there will be ample time for citizens to voice their opinions.
3. Commissioner Rolland Sizemore, 7727 Tuttle Hill, Ypsilanti Township, stated now that the elections have concluded and the Park and Recreation Millage has passed it is time to work and work quickly in order to meet the Recreations Centers goal to open its doors on the first month of 2017.
4. Lee Tooson, 107 Middle, Congratulated Council Member Brown on her election and stated Ypsilanti uses a weak Mayor system and it's important that everyone works together for the betterment of Ypsilanti. Mr. Tooson added he will be investigating all Council members and if any improprieties are found he will bring them to the Council floor.
5. Susan Melke, 330 Chidester #409, stated her concern with the upcoming winter and Council decision last winter to not enforce the new snow Ordinance. Ms. Melke added if the walks are not clear it makes it very difficult to move around the City and she hopes the City will enforce the new Ordinance.

X. REMARKS BY THE MAYOR –

- Stated she looks forward to learning and looks forward to working with all of Council toward the goals of Ypsilanti.

XI. MINUTES –

Resolution No. 2014-245, approving minutes of October 21, and October 27, 2014.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of October 21, and October 27, 2014 be approved.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

Mayor Edmonds had the following changes to the minutes for October 21, 2014; on the third page under Audience Participation "Devora Borden" should read "Deborah Borden".

On a voice vote, the minutes were approved as amended.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2014-246, approving proposal for engineering design services with OHM for the Adams Street Reconstruction – Pearl Street to Cross Streets

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, STP-U Funds has been programmed for the reconstruction of Adams Street between Pearl and Cross Streets in the 2015 construction season; and

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar improvement projects, and posses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure geo-technical services and design engineering services to meet MDOT permitting requirements and keep this project on schedule for the 2015 construction year;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a lump sum cost of \$39,800; and

THAT the Mayor and City Clerk are authorized to sign this proposal,subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

DPS Director Kirton stated the resolution is straight forward and just authorizes the design of Adams St. for the next construction year.

On a roll call, the vote to approve Resolution No. 2014-246 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

2. Resolution No. 2014-247, authorizing City Treasurer to levy and assess special assessments on the December 4, 2014 tax roll.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, that, the City Treasurer be authorized to levy and assess on the December 2014 tax roll the attached listing of unpaid bills totaling \$300,834.88

Now therefore be it resolved that the Ypsilanti City Council approve these special assessments.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Murdock

City Clerk McMullan stated these are the delinquent taxes due which are going to print tomorrow for distribution but do require approval.

Council Member Murdock added the special assessment also includes the street light assessment.

Mayor Edmonds asked how many times have there been delinquencies for street lights.

Council Member Murdock responded this is the second and final time.

City Manager Lange stated this is the second half of a \$555,000 special assessment on its last year.

On a roll call, the vote to approve Resolution No. 2014-247 was as follows:

	Council Member Brown	Yes	Council Member Robb	Yes
	Council Member Murdock	Yes	Mayor Edmonds	Yes
	Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
VOTE:				
YES:	6	NO:	0	ABSENT: 0
		VOTE: Carried		

3. Resolution No. 2014-248, accepting bid of Alta Equipment Company to purchase new wheel loader on lease/purchase plan.

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas the Ypsilanti Department of Public Service needs a new Wheel Loader, and has utilized the State of Michigan procedure to advertise for bids, and

Whereas three bids were received and the bid of Alta Equipment Company is the preferred bid,

Now Therefore, the bid of Alta Equipment Company of New Hudson, Mi for a new Wheel Loader is accepted in the amount of \$193,038.00, less trade in allowance of \$35,000.00, making a total of \$158,038.00 to be purchases on a lease/purchase plan for seven years with the annual payment of \$24,647.40, and

Further, that the mayor and city clerk are authorized to sign all documents necessary to complete the transaction, subject to the approval of the city attorney.

OFFERED BY: Council Member Brown

SUPPORTED BY: Council Member Vogt

DPS Director Kirton stated the City is in need of a new front wheel loader, the one the City is using now is 13 years old and needs repair. Mr. Kirton stated the current machine will award the City \$35,000 in trade-in value. Mr. Kirton said ALTA is the preferred bid because it provides a higher quality machine than the other bids as researched by DPS staff. Mr. Kirton explained it is a seven year lease to own and falls in the parameters of the DPS budget.

Council Member Murdock said the spreadsheet states the City could afford to purchase a front wheel loader for cheaper than the bid that is being recommended, and still have the other machine currently owned to sell.

Mr. Kirton responded the Volvo was chosen because it will best meet the needs of what the City needs the machine to do.

Council Member Murdock asked if the other bids met the specifications.

Mr. Kirton responded they did but they didn't, the other bids did not provide the arm strength the Volvo has and to bring the other machines to that capability it would raise the cost.

Council Member Murdock stated when a bid specification is written it should include minimum requirements and bidding companies will either meet those specifications or they are not qualified bids.

Mr. Kirton stated after examining the machine it comes down to getting what you pay for and the other machines do not compare to the Volvo.

Council Member Murdock stated the other bids did not meet the specifications then.

Mr. Kirton responded all bids provided specifications of front end loaders but the packages listed in the other bids did not match that of the package offered by ALTA.

Council Member Murdock stated he thought it was the plan of the City to stay away from leasing equipment.

Mr. Kirton replied this is a lease to own option.

Council Member Murdock stated the final purchase would cost the City another \$20,000.

Mr. Kirton replied the cost will be \$14,000.

City Manager Lange stated this is a situation of allowing staff to do their work. Mr. Lange stated he has confidence in John Sherwood, the head mechanic with DPS. Mr. Lange added this bid falls in the parameters that were set for DPS, is under \$25,000 a year, and it provides a high quality piece of equipment.

Council Member Murdock pointed out that during the budget process regarding the Motor Pool every piece of equipment was given a replacement amount. He asked why is Council discussing leasing the equipment rather than purchasing it.

Mr. Lange responded the DPS budgeted \$25,000 a year for this piece of equipment which will be within that range, up to and including the purchase.

On a roll call, the vote to approve Resolution No. 2014-248 was as follows:

Council Member Brown	Yes	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 4 NO: 2 (Robb, Murdock) ABSENT: 0 VOTE: Carried

4. Resolution No. 2014-249, authorizing the Fire Department to apply for a FEMA grant under the 2014 Assistance to Firefighters Grant (AFG) to purchase a fire engine for \$450,000 with a minimal 5% match.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2014 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs of fire departments.

WHEREAS, The Fire Department would like to apply for this grant to replace their 1996 engine because of numerous mechanical problems and failure to pass the pumping test.

WHEREAS, the Fire Department is looking at purchasing an engine similar to their 2011 engine for a purchase price of \$450,000 with a minimal match requirement of five percent (5%).

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply for the grant.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Mayor Pro-Tem Richardson

Chief Anthouard stated the Fire Department currently needs to replace its 1996 engine which did not pass its pump test. Chief Anthouard explained that at the moment the Fire Department has only two usable units which is a strict minimum, and if another unit fails the department will need to borrow from another jurisdiction.

City Manager Lange stated this is the same situation as the previous resolution to keep the Motor Pool at a high quality. Mr. Lange added this grant will cover the majority of the cost, however if the City is not awarded the grant it will still need to replace the engine which will be a strain on the Motor Pool budget.

On a roll call, the vote to approve Resolution No. 2014-249 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

1. Resolution No. 2014-250, authorizing the Fire Department to apply for a FEMA grant under the 2014 Assistance to Firefighters Grant (AFG) to replace extrication equipment for \$41,170 with a minimal 5% match.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2014 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs of fire departments.

WHEREAS, The Fire Department is asking the authorization to apply for this grant to replace their obsolete set of extrication equipment. This twenty five year-old set does not have the necessary power and accessories to deal with today's vehicles.

WHEREAS, The Fire Department is looking at purchasing a set of extrication equipment for a purchase price of \$41,170 with a minimal match requirement of five percent (5%).

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply for the grant.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

Chief Anthouard stated the Fire Department has no choice but to replace the extraction equipment with or without the grant as the current equipment is no longer usable.

Mayor Edmonds asked what accessories are needed to keep this equipment functional.

Chief Anthouard responded for extraction to occur properly the vehicle needs to be stabilized and the City is not equipped with proper stabilization equipment. Chief Anthouard added the extraction equipment is used for many other scenarios not just vehicle extraction such as opening a jammed elevator.

Council Member Murdock asked if the equipment Chief Anthouard is referring to is the Jaws of Life.

Chief Anthouard responded the Jaws of Life is the main function of this equipment.

On a roll call, the vote to approve Resolution No. 2014-250 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

2. Resolution No. 2014-251, adopting "ROBERT'S RULES OF ORDER, 10TH EDITION".

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti City Council adopts "ROBERT'S RULES OF ORDER, 10TH EDITION" as the official rules of order for procedures of Ypsilanti City Council meetings.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Brown

Council Member Murdock stated Robert's Rules of Order states that the Chair may only vote on cases of a tie, and said Council should amend this Resolution to allow for that.

Mayor Edmonds asked City Attorney Barr for opinion on the amendment.

City Attorney Barr responded the amendment would be appropriate.

Council Member Murdock moved, supported by Council Member Vogt to amend Resolution No. 2014-251
On a roll call, the vote to amend Resolution No. 2014-251 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Mayor Edmonds asked why the 10th Edition of Robert's Rules of Order were chosen rather than the newest 11th Edition.

Mr. Barr responded it was a matter of economy; the City already has the 10th Edition and did not see a use in purchasing the 11th Edition.

On a roll call, the vote to approve Resolution No. 2014-251 as amended was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Resolution No. 2014-251 as adopted reads as follows;

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti City Council adopts "ROBERT'S RULES OF ORDER, 10TH EDITION" and that the Chair cannot vote unless there is a tie, as the official rules of order for procedures of Ypsilanti City Council meetings.

3. Resolution No. 2014-252, setting the day, time and frequency of Council meetings.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That regular Council meetings shall be held on the first and third Tuesdays of the month. When a Council meeting falls on a holiday or an Election Day, the next day after said holiday or Election Day will be the meeting day for the regular meeting, except when Council designates another day. Such a change will be given public notice.

Further, that all regular meetings of the Ypsilanti City Council shall be held at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, except when the Council designates another time and location. Such a change will be given public notice.

Further, that all Council meetings end by 11:00 p.m., unless Council agrees by majority vote to extend the deadline.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Brown

Mayor Pro-Tem Richardson asked City Attorney Barr if the change to the Charter stating Council only needs to meet once a month would have an effect on the two meeting per month structure.

City Attorney Barr responded the City Charter was amended by the electorate to allow one meeting a month rather than every 30 days. Mr. Barr stated Council may schedule more than one meeting a month and Council can cancel a meeting if it feels there is not enough substance to warrant one, just as long as it meets the requirement of holding a meeting once a month.

Mayor Pro-Tem Richardson stated Council may hold more than one meeting a month but are not required to as in the old City Charter.

Mr. Barr responded that is correct you are only required to have one meeting a month.

Council Member Murdock stated the former City Charter only required a meeting every 30 days it was Council's decision to hold two meetings a month.

Mayor Pro-Tem Richardson stated she would prefer to schedule one meeting a month and add additional meetings if necessary.

Mayor Edmonds asked if Mayor Pro-Tem Richardson was proposing an amendment.

Mayor Pro-Tem Richardson responded yes she is proposing an amendment.

Mayor Edmonds asked if there was support for the amendment.

No support given motion failed.

Council Member Brown moved, supported by Mayor Edmonds to amend the meeting end time from 11 p.m. to 10 p.m.

Mayor Edmonds explained the reason for her support is to limit presentation time and have more work sessions, possibly beginning at 6:30 p.m., or begin the meeting earlier rather than running later. Ms. Edmonds stated if more time is needed there may be a vote to extend the meeting. She said she sees it as a way of becoming more efficient.

Council Member Vogt stated he will support this amendment because it seems prudent to find structural changes in our procedures to save time without reducing substance or public input. Mr. Vogt echoed Mayor Edmonds saying if more time is needed a vote may be cast to extend the meeting. Mr. Vogt said he sees this as setting a goal to shorten things and it is in the public interest because citizens may not be able to stay till 11:30 p.m. or midnight, and this will allow them to stay for the duration of the meeting.

On a roll call, the vote to amend Resolution No. 2014-252 was as follows:

	Council Member Brown	Yes	Council Member Robb	No
	Council Member Murdock	Yes	Mayor Edmonds	Yes
	Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
VOTE:				

YES: 5 NO: 1 (Robb) ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2014-252 as amended was as follows:

	Council Member Brown	Yes	Council Member Robb	Yes
	Council Member Murdock	Yes	Mayor Edmonds	Yes
	Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
VOTE:				

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Resolution No. 2014-252 as adopted reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That regular Council meetings shall be held on the first and third Tuesdays of the month. When a Council meeting falls on a holiday or an Election Day, the next day after said holiday or Election Day will be the meeting day for the regular meeting, except when Council designates another day. Such a change will be given public notice.

Further, that all regular meetings of the Ypsilanti City Council shall be held at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, except when the Council designates another time and location. Such a change will be given public notice.

Further, that all Council meetings end by 10:00 p.m., unless Council agrees by majority vote to extend the deadline

4. Resolution No. 2014-253, approving the procedure for transaction of Council business.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the procedure for transaction of business shall be that business raised by at least one Council Member, supported by a second Council Member, under Council Proposed Business be referred to the next regular meeting for transaction. This procedure may be waived by the consent of two-thirds (2/3) vote of Council.

OFFERED BY: Council Member Brown

SUPPORTED BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2014-253 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

5. Resolution No. 2014-254, approving procedure for audience participation during Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

With regard to audience participation, citizens are urged, but not required, to present requests or complaints in writing to the Administration before meetings, along with indications of desire to address Council. General audience participation normally shall be held to one hour maximum, with three (3) minutes granted to individuals.

A. Acceptable Conduct

- a. Speakers shall not share, loan or borrow time.**
- b. Comments from speakers must be civil and respectful. Comments on physical appearance or character not related to job performance will not be tolerated. Infractions will result in the loss of remaining time, by order of the Chair, after one warning.**
- c. Members of the audience are expected to respect the views of others and not interrupt or harass speakers. Persons not following this rule may be expelled from the building by order of the Chair after one warning.**

- B. Audience Participation.** Audience participation shall be set at the beginning of the agenda, after Presentations.
 - a. In order to designate priority in speaking, citizens shall sign up in person prior to the start of Audience Participation.
 - b. Each speaker may speak a maximum of three (3) minutes.
 - c. A maximum of sixty (60) minutes will be allowed for Audience Participation.
 - d. Following signed in speakers, others who wish to speak will be recognized by a show of hands.
- C. Public Hearings**
 - a. Speakers' remarks are limited to the subject of the public hearing.
 - b. Speakers are allowed a maximum of three (3) minutes.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Mayor Pro-Tem Richardson

Mayor Pro-Tem Richardson stated the resolution does not allow for audience participation at the end of the meeting.

Council Member Murdock stated he would accept that as a friendly amendment.

Mayor Edmonds asked if there were any objections to moving the first audience participation to before the presentations as they can be lengthy.

Council Member Robb responded some comments during audience participation are directed toward information presented in the presentations, if moved this would remove that ability to citizens.

Council Member Murdock stated Council has the ability to move items during agenda approval.

On a roll call, the vote to approve Resolution No. 2014-254 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Resolution No. 2014-254 as adopted reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

With regard to audience participation, citizens are urged, but not required, to present requests or complaints in writing to the Administration before meetings, along with indications of desire to address Council. General audience participation normally shall be held to one hour maximum, with three (3) minutes granted to individuals.

- D. **Acceptable Conduct**
 - a. Speakers shall not share, loan or borrow time.
 - b. Comments from speakers must be civil and respectful. Comments on physical appearance or character not related to job performance will not be tolerated. Infractions will result in the loss of remaining time, by order of the Chair, after one warning.
 - c. Members of the audience are expected to respect the views of others and not interrupt or harass speakers. Persons not following this rule may be expelled from the building by order of the Chair after one warning.
- E. **Audience Participation.** Audience participation shall be set at the beginning of the agenda, after Presentations and at the end of the meeting after Communications from the Mayor
 - a. In order to designate priority in speaking, citizens shall sign up in person prior to the start of Audience Participation.
 - b. Each speaker may speak a maximum of three (3) minutes.
 - c. A maximum of sixty (60) minutes will be allowed for Audience Participation.
 - d. Following signed in speakers, others who wish to speak will be recognized by a show of hands.
- F. **Public Hearings**
 - a. Speakers' remarks are limited to the subject of the public hearing.
 - b. Speakers are allowed a maximum of three (3) minutes.

6. Resolution No. 2014-255, naming an official newspaper of record.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the *Washtenaw Now* (formerly Ypsilanti Courier), a newspaper of general circulation in the City of Ypsilanti, be designated as the official

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

City Attorney Barr stated the electorate voted to approve a Charter amendment allowing the City to publish in other ways, primarily the City website when not required. Mr. Barr stated he would like to address the language regarding those required to be published in the newspaper, such as zoning requirements as based off of the Attorney General's interpretation and further legislation will come before Council.

On a roll call, the vote to approve Resolution No. 2014-255 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

7. Resolution No. 2014-256, adopting the Council Protocol for City staff.

RESOLVED, by the Ypsilanti City Council that the Council Protocol for City Staff shall be as follows.

COUNCIL PROTOCOL FOR CITY STAFF

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who analyze problems and issues, make recommendations, implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Conduct Toward Staff

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Channels of Communication

Questions of City staff and/or requests for additional background information should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, or Department Heads. The City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction.

Equal Access to Information

Materials and information supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information. The City Manager should ensure that such access is provided when appropriate.

Public Criticism of Employees

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

Involvement in Administrative Functions

Do not get involved in administrative functions. Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Attendance at Staff Meetings

Do not attend staff meetings unless requested by staff. Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.

Requests for staff support.

It shall require two members of Council to request staff support through the City Manager, who is responsible for allocating City resources in order to maintain a professional, well-run City government. It is up to the City Manager to ensure that staff resources are allocated in accordance with overall Council priorities. Research or preparation of material by the City Attorney may be requested directly by the Mayor, or two Council Members.

Response to Citizen Complaints

Depend upon the staff to respond to citizen complaints and concerns. It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the City Manager, who will follow up with appropriate staff. The staff should respond to all approved requests for information in an agreed upon timeframe. It is appropriate for Council Members to follow up with the Manager to determine how the concerns were resolved.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Brown

On a roll call, the vote to approve Resolution No. 2014-256 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

8. Resolution No. 2014-257, adopting policy for appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That City Council adopts the following City Council Boards and Commission Appointment Procedure:

NOTICE

That the City Clerk shall provide the City Council, monthly, a report consisting of all council appointees, their address and contact information, the committee or commission appointed to, and the date of the expiration of their term for all appointees who terms expire within the next sixty (60) days.

That the Mayor or any City Staff person shall notify the City Council and City Clerk of any vacancy or pending vacancy occurring in any committee or commission as soon as it becomes known.

Notice shall be posted to the City Web sites soliciting nominations for those positions mentioned above at the time of the report or notice to City Council

PROCEDURE

That any Mayoral nomination for appointment shall be submitted to City Council under the Mayor's reports at one Council meeting and held for action until the following Council meeting.

Nominations shall include a letter of interest from and resume of the nominee.

VACANCY IN OFFICE

A vacancy in office shall occur when the current appointee discontinues membership by death, resignation, or removal from office; by not seeking reappointment in writing prior to the expiration of his or her term; or by not being reappointed by the appointing authority

TERM OF OFFICE

Members of Boards and Commissions of the City shall serve for the terms specifically stated in the charter or in the law or ordinance creating the office

With the consent of two-thirds of the Council, an appointee may continue provisionally, in office, after the expiration of their term of office, until a successor has been elected or appointed and has qualified for and assumed the duties of the office. No member of any board or commission shall be allowed to hold over for more than 60 days beyond the term of office fixed by ordinance whether or not a successor has been appointed.

QUALIFICATIONS

Appointees to City Boards and Commission shall meet the affiliation qualification requirements of the City Code, Section 2-111, below, as well as any specific qualifications required by City Ordinance or State Statute.

Sec. 2-111. Applicability of section.

(a) Except as otherwise specifically provided, members of boards and commissions shall be affiliated with the city. This requirement shall be fulfilled in the following ways:

(1) An individual shall have been a resident of the city for a minimum of two years; or

(2) An individual shall demonstrate ownership/interest for a minimum of two years in a business established in the city for a minimum of two years.

(b) Exceptions to subsections (a)(1) and (2) of this section shall only be permitted if it is determined by the city council that a board or commission requires the membership of an individual with a specific position, knowledge, experience or expertise not available in another

individual who may otherwise comply with the terms of subsections (a)(1) and (2) of this section.

OFFERED BY: Council Member Vogt
SUPPORTED BY: Mayor Pro-Tem Richardson

On a roll call, the vote to approve Resolution No. 2014-257 was as follows:

	Council Member Brown	Yes	Council Member Robb	Yes
	Council Member Murdock	Yes	Mayor Edmonds	Yes
	Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

9. Resolution No. 2014-258, setting meeting dates for 2015.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:
The Ypsilanti City Council will hold Regular Meetings at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, Ypsilanti, Michigan 48197, for the year 2015 on the following dates:

January 6	July 7
January 20	July 21
February 3	August 4
February 17	August 18
March 3	September 1
March 17	September 15
April 7	October 6
April 21	October 20
May 5	November 3
May 19	November 17
June 2	December 1
June 16	December 15

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signed for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon two (2) days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following:

**City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197-5420
(734) 483-1100**

All persons are welcome to attend. Additional information may be obtained at the City Clerk's Office and written comments may be sent to the City Clerk's Office at the above listed address.

OFFERED BY: Council Member Brown
SUPPORTED BY: Council Member Vogt

Mayor Edmonds asked City Attorney Barr if the City is obligated under the Limited English Proficiency (LEP) Plan to provide notices per that policy in other languages dictated by that plan.

City Attorney Barr responded the City does need to provide translators if requested with a two day notice.

Mayor Edmonds stated it should be mentioned along with the language stating the City will provide American Sign Language when requested.

City Clerk McMullan stated if requested with two day notice the City will provide those services.

Mayor Edmonds asked if anyone would like to move to add language to the resolution stating the City will provide translators when needed.

Council Member Vogt responded he would support that friendly amendment.

Council Member Brown stated she accepts the friendly amendment.

City Manager Lange stated under Title XI the City already accommodates that service.

On a roll call, the vote to approve Resolution No. 2014-258 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

XIII. NOMINATIONS FOR THE OFFICE OF MAYOR PRO-TEM –

Mayor Edmonds asked if there were any nominations for Mayor Pro-Tem.

Council Member Murdock moved to nominate Mayor Pro-Tem Richardson.

Council Member Brown supported the motion.

Mayor Edmonds asked if there were any other nominations.

Council Member Murdock moved for unanimous consent.

Council Member Vogt supported the motion.

On a voice vote, the motion carried and Mayor Pro-Tem Richardson was elected to another term.

Mayor Edmonds thanked Mayor Pro-Tem Richardson for her continued service and said she looked forward to learning from Mayor Pro-Tem Richardson in the future.

XIV. COUNCIL PROPOSED BUSINESS –

Murdock

- Stated Friends of Peninsular Park had an event this past weekend in which the park was assessed from which, many critical safety concerns arose that need to be addressed.
- Stated OHM did an analysis of the road diet on W. Michigan Ave and several items were discussed including; changing the time sequencing of the traffic signals and the

possibility of adding a dedicated right turn lane at Hawkins and Second. Mr. Murdock asked what the status of the report is and how close is the City to making those changes.

Vogt

- Stated he would like to see the “Proposed Business” section be changed structurally and have all proposed business submitted in writing which will be attached to the minutes, and if critical it can be discussed at that meeting, if not it will be made an agenda item for the next meeting. Mr. Vogt added this will take away surprise to staff, allow for clarity, and hasten the process. Mr. Vogt stated it is not his intention to call this to a vote now, however this will be brought to Council as a resolution in the near future.

Robb

- Stated there needs to be a resolution for Ms. Gotts regarding Prospect Rd and the debris from spray patching.

XV. LIAISON REPORTS –

- A. SEMCOG Update – On Thursday, November 13th the Fall General Assembly will be held at the Big House in Ann Arbor with tours held at 3:30 p.m. If you are interested in a tour you will need to RSVP. The regular meeting will begin at 4:30 p.m.
- B. Washtenaw Area Transportation Study – Meeting will be held next week.
- C. Washtenaw Metro Alliance - None
- D. Freight House – None

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated the update for the streetlight repairs will soon be complete.
- Said the City is currently in the process of choosing a health insurance match for employees as required by law.
- Informed Council the Planning Commission has approved a zoning map which will be up for approval at the next regular Council meeting and staff will be available to answer questions starting at 6 p.m.
- Several bids have been turned in regarding the Border to Border Trail and are being evaluated. Staff should have a recommendation at the November 18th meeting.
- Stated he would look into the traffic study regarding the Michigan Ave. road diet.

XVII. COMMUNICATIONS FROM THE MAYOR –

Selection of Council Liaison to the following Boards and Commissions:

- SEMCOG, Member and Alternate
- Washtenaw Area Transportation Study (WATS)
- Washtenaw Metro Alliance
- Freight House

Mayor Pro-Tem Richardson asked that she remain the liaison to SEMCOG.

Council Member Brown asked that she be the alternate to SEMCOG.

Council Member Murdock stated he would like to remain the liaison for both the Freight House and Washtenaw Area Transportation Authority.

Council Member Robb asked to stay the liaison of the Washtenaw Metro Alliance.

Council Member Vogt asked to remain the alternate for the Washtenaw Area Transportation Authority.

Mayor Edmonds stated she was approached by Urban County membership and was asked to be the liaison for that committee and has accepted.

Council Member Murdock stated at one time there was a liaison to the Parks and Recreation Commission and it would be wise to continue that practice.

Mayor Edmonds agreed with Mr. Murdock and asked if Council had any other opinions on committees or boards that would benefit from having a Council Liaison.

Council Member Brown suggested Friends of the Rutherford Pool.

Mayor Pro-Tem Richardson replied the pool is complete and does not feel they require a Council Liaison.

Mayor Edmonds asked if a Council Member is willing to sit on the Parks and Recreation Commission stating they either meet on Thursdays or Tuesdays.

Council Member Brown responded she would be willing to act as liaison for the Parks and Recreation Commission.

Mayor Edmonds asked for a motion to accept the liaison appointments.

Mayor Pro-Tem Richardson moved, supported by Council Member Vogt to approve the liaison appointments.

On a voice vote, the motion carried.

Selection of Goal Setting dates:
Monday, November 24, 2014
Thursday, December 4, 2014
Thursday, December 11, 2014 (if necessary)

Mayor Edmonds asked that the goal setting meetings be postponed to dates starting in January to allow time to appoint a new Council Member from Ward 2, as well as provide time for new members to become acclimated with Council. Mayor Edmonds also suggested that a report be drafted which will provide a summary of goals outlined in previous years along with the status of those goals.

Council Member Vogt stated he is in support of postponing the meetings and the forming of a summary report, as it will shorten the meetings and allow Council to focus in on what is most important during goal setting.

Mayor Edmonds stated the report could be submitted in mid-December in order to provide time for Council to review the document.

Council Member Murdock stated as a part of City Manager Lange's evaluation process he provided a report which included much of the goals and their status and he could share that document with the new members of Council.

Mayor Edmonds stated there is no need for action now and this discussion can be postponed until a future meeting.

City Manager Lange stated staff is required to provide a five year projection which can be added to the report if Council wishes.

Mayor Edmonds stated she would like to nominate Brienne Willcock for the Ypsilanti Downtown Development Authority. Ms. Edmonds explained as a part of state statute a DDA is required to have a member who lives within the district's boundaries and Ms. Willcock meets that requirement. Mayor Edmonds added she would like to also nominate Kenneth Dobson II, Community and Government Affairs with EMU Ypsilanti Downtown Development Authority. Mayor Edmonds explained Mr. Dobson was recommended by EMU President Martin to fill former Board Member Leigh Greden's seat.

Discussion/decision regarding Ward 2 Council appointment

Mayor Edmonds stated Council has the charge to fill the vacancy in Ward 2 left by Council Member Moeller's resignation. Mayor Edmonds stated City Attorney Barr has provided his interpretation of the City Charter and provided that to Council. It states Council has until the third regular meeting after the election to fill the vacancy, that would make the December 16th meeting the final date. Mayor Edmonds said the appointment will require a 2/3 vote. Mayor Edmonds stated she hopes that by the time Council adjourns this evening a consensus on the process will be made. Mayor Edmonds outlined her proposed process which begins with an application, followed by rounds of ranking applicants, and finally interviews. Mayor Edmonds added interviews should take place during public meetings to provide for transparency and allow citizens to lobby their Council Members to vote for a certain applicant. Mayor Edmonds concluded by stating that a special meeting in the beginning of December may be required to fulfill the requirements to fill the vacancy.

Council Member Murdock stated there is an issue with the timeframe, because it does not account for publication. Mr. Murdock added there needs to be ample time to properly evaluate the applicants and said he is in favor of making the decision on December 16th,

Mayor Pro-Tem Richardson echoed Mr. Murdock stating the publication date is too close to the November 16th meeting.

Council Member Brown stated the a 2 to 3 week application process is a little long and would not allow enough time to properly investigate the applicants.

Council Member Vogt agreed with Ms. Brown that a 2 to 3 weeks was too much time to collect applications. Mr. Vogt added there should be several stages including an elimination stage which will narrow the applicants to a manageable level in order to be interviewed.

Mayor Edmonds asked if it were possible to make public the cumulative score an applicant receives rather than an individual score.

City Attorney Barr replied, under the Open Meetings Act, Council is required to make all decisions in a public session. Mr. Barr added if you would like to avoid public rankings, Council could follow a nomination process.

Council Member Murdock stated in the past applicants were not ranked they were narrowed down through a nomination process.

Mayor Edmonds stated she was not sure if that would allow enough time to review application materials

Council Member Murdock responded serious applicants will have their material in early.

Mayor Edmonds stated the Clerk could distribute material as it comes in and during the meeting on December 2nd each Council Member could nominate three applicants which could be narrowed to three to six applicants for no more than eight minute interviews held on December 9th allowing time for citizens to provide feedback before the final decision on the 16th of December.

Council Member Robb said all applicants should be interviewed in order to avoid any feelings of disenfranchisement in the community. Mr. Robb added a December 16th decision will provide Council with ample time to make a selection.

Council Member Vogt stated a total time for the entire interview process should be decided then divided by the number of applicants. Mr. Vogt asked what the public commentary would look like during this process, as it could get out of hand rather quickly.

Mayor Edmonds responded policy only allows for an hour of audience participation. Mayor Edmonds asked if there was broad consensus for the application and the accompanying questions.

Council Member Vogt responded he was in support of those items.

Council Member Robb responded the only questions the application packet should include is why an applicant wants to be on Council and what qualifications can they bring to the table, the other items could be added to the interview.

Mayor Pro-Tem Richardson stated she is in agreement with Mr. Robb, some of these questions are not necessary.

Council Member Robb stated many of these questions could be involved in the writing of two more broad questions.

Council Member Murdock stated it is valuable seeing how a candidate approaches questions without prompting in the evaluation process.

Mayor Edmonds responded she has done a lot of hiring and the 10 questions are widely used when filling vacant Council seats across the country. Mayor Edmonds added these questions may ask for the same answers in different ways which can be valuable, also these questions may make it easier to weed out some applicants who don't take it as seriously.

Council Member Brown stated realistically while campaigning she was not asked any of these questions. Ms. Brown stated these questions may be best suited for the in-person interview.

Council Member Vogt stated he has two reasons for supporting these questions; 1) these are things that Council should know before making a selection and 2) it allows Council to get to the point more quickly and keep the follow-up questions as a supplement of what can easily be put in writing.

Council Member Robb responded the issue with writing is someone else could do the work or coach the applicant which cannot be done if the majority is done in-person. Mr. Robb added that transparency should be of highest concern, it should not matter how long it might take.

Council Member Brown added an applicant's writing skills may not be as developed as their oratory skills and could be ruled out before they have had a chance to show their value as a Council person.

Mayor Edmonds stated both written applications and in-person interviews are very valuable when hiring.

Mayor Edmonds asked if there is consensus that this process should include both written questions and in-person interviews to some degree.

Council Member Brown responded the number of questions could be fewer but she does see the value of using both the written application and in-person interviews.

Mayor Pro-Tem Richardson asked City Attorney John Barr what the policy was last time Council needed to fill a vacancy.

City Attorney Barr responded the last time Council took nominations and selected a candidate. Mr. Barr suggested that before Council adjourns, the Clerk will need direction on how to proceed, the authority to publish the announcement, and the structure of the interview.

Mayor Pro-Tem Richardson asked if nominations came just from Council.

Council Member Murdock stated an application process was used and in one situation an interview process was used, and in one there was not.

Mayor Edmonds asked if anyone had an objection to using both an application and in-person interview process. Mayor Edmonds added Mr. Barr has prepared a job description for the applications.

Mayor Pro-Tem Richardson stated she prefers the example of the application with fewer questions.

Mayor Edmonds asked if anyone had an objection to the job description and if the pay rate should be included in the application.

City Clerk Frances McMullan responded the pay rate should not be included.

Mayor Edmonds asked if there are any other thoughts of what should be included in the supplemental page.

Council Member Murdock asked if this would be the page included in the public notice and on the website.

Mayor Edmonds responded yes.

Council Member Vogt asked if the seven questions listed would act as the supplemental questions.

Council Member Murdock stated at this moment the goal is to provide the Clerk with the appropriate information to be published.

Mayor Edmonds responded the application needs to be ready at the time of publication.

Mayor Pro-Tem Richardson stated she is in favor of using the sample application.

Council Member Brown agreed with Mayor Pro-Tem Richardson about using the sample application.

Mayor Edmonds proposed an application deadline of November 30th.

Council Member Robb suggested a 5:00 p.m. December 1st deadline.

Mayor Edmonds asked if that will provide enough time.

Council Member Murdock responded it should.

Mayor Edmonds asked how the Clerk's Office would verify identity.

Council Member Robb stated that it can be a part of the application process.

Council Member Murdock stated one of the requirements to be a Council Member is to be an electorate of that ward.

Mr. Barr stated it is required and the Clerk can verify that.

Mayor Edmonds asked if applicants could sign electronically or will it have to be signed in person.

City Clerk McMullan responded it must be done in person.

Mayor Edmonds asked what would be a reasonable time for the applicant's information to be posted.

Council Member Robb responded close of business on December 2nd.

Council Member Brown asked if that information could be posted as they come in.

Ms. McMullan responded yes that is possible.

Mayor Edmonds stated at the meeting on December 2nd each Council Member should have three candidates.

Council Member Murdock stated it should not be over three.

Mayor Edmonds stated Council Member Robb asked that all applicants go through the interview process.

Council Member Robb stated Council should try to mimic the ballot process as much as possible, if you file to be considered you should be awarded an opportunity to present your case.

Council Member Vogt responded that is an option, however he does not think that it is necessary. He said comes down to how many applicants there are. Mr. Vogt added too many individuals on a ballot makes it more difficult for an individual candidate to get their message across as the ballot becomes saturated. He added he prefers the nomination process but would rather it is no more than two, but the numbers need to be kept more appropriate.

Mayor Edmonds asked if Council can choose that night how many applicants to interview.

Council Member Murdock stated that is generally how the process works, it's not likely that Council will interview all applicants.

Council Member Vogt responded Council will interview all applicants depending on how many apply.

Council Member Murdock stated he does not have an issue with interviewing all of the applicants because he does not foresee that many applying. Mr. Murdock added if Council decides to use a nomination process each Council Member can choose three candidates and the top three of that candidate pool will be interviewed.

Mayor Edmonds stated she recommends six applicants for the interview round, however she is not in objection to interviewing every applicant as Mr. Robb suggested.

Council Member Murdock stated the reality of the situation is that each individual Council Member, when making decisions, will already have ruled out certain individuals because of what is known about that applicant.

Mayor Edmonds asked if Mr. Murdock was suggesting Council interview every applicant or Council employ a nominating process.

Council Member Murdock replied Council could use either process, Mr. Robb made a good point that each applicant be given consideration, however a nomination process falls within the rules of this process. Mr. Murdock added during the process to hire the City Manager Council used a nomination process.

Council Member Vogt stated the hiring of the City Manager is a fair comparison to the nomination process he was describing.

Council Member Robb responded those are different scenarios one is hiring an employee the other is filling a council seat. Mr. Robb said this process should mirror an election as closely as possible.

Council Member Brown asked if it is possible to have a maximum number of applicants that Council will interview, if the applicant pool is under that amount all applicants will be interviewed.

Council Member Murdock stated as a follow-up to Ms. Brown, if Council states it will interview all applicants and 500 individuals apply that opinion might change. Mr. Murdock added to set the interviews for December 9th and on December 2nd determine how many interview will be conducted.

Mayor Edmonds stated she does not believe Council needs to identify how many applicants will be interviewed at this time. Ms. Edmonds asked for Council's opinion on what date should the interviews be held.

Council Member Vogt responded he is in favor of setting an earlier date just in case weather forces Council to cancel a regular meeting. Mr. Vogt added he would prefer to make the final decision before the December 16th date.

Council Member Brown asked if a special meeting could be scheduled earlier than December 9th in order to hold interviews and on the 9th hold the final vote.

Mayor Edmonds responded December 9th would already be a special meeting.

Council Member Robb stated December 9th works as a special meeting.

Mayor Edmonds asked if Council would vote on December 9th.

Council Member Vogt responded he thinks the night of the vote should be open.

Council Member Robb stated Council should vote on December 16th.

Council Member Murdock stated Council should vote on December 16th and hold interviews on December 9th.

Mayor Edmonds stated she is worried that would allow for enough time.

Council Member Robb responded as Mayor you have the authority to push all non-critical agenda items to a meeting at a later date.

Council Member Vogt asked City Attorney Barr if Council sets December 16th as the date of the vote and weather forces the meeting to be canceled, what would be the consequences.

Mr. Barr responded if the December 16th meeting is canceled due to weather, the law provides flexibility to hold the meeting at a later date.

Mayor Pro-Tem Richardson moved to hold the interviews on the date already suggested and the vote held on December 16th.

Council Member Vogt stated the notice should state "in case of emergency the regularly scheduled meeting will be postponed".

Mayor Edmonds stated the interviews will be held on December 9th followed by immediate deliberations.

Mayor Pro-Tem Richardson responded yes.

Council Member Vogt supported Mayor Pro-Tem Richardson's Motion.

Mayor Edmonds asked for a friendly amendment stating the timeline as follows; applications are due by 5:00 p.m. December 1st, on December 2nd the applicant list will be posted interviews will be decided and deliberations held, and on December 16th the vote will be held.

Mayor Pro-Tem Richardson accepted the friendly amendment.

On a roll call, the process for selection of a Council Member for Ward 2 was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes

VOTE:

YES: 6 NO: 0 ABSENT: 0 VOTE: Carried

Council Member Murdock stated in case a replacement is not chosen by December 16th the meeting can be adjourned and Council would still be in line with the City Charter.

- Mayor Edmonds stated the work that the Parks and Recreation Commission has done with Peninsular Park has been exemplary. Mayor Edmonds added she was invited to attend a day long Trail Town Meeting which directive is to improve the Huron River from Milford to Lake Erie.

XVIII. AUDIENCE PARTICIPATION –

1. Andy Fanta, 1221 Westmoorland, stated he is in agreement with Council Member Robb that every applicant should be interviewed and with Council Member Brown that an applicant may speak more eloquently than write. Mr. Fanta added when selecting a Council Member there are three things that should be kept in mind; the applicant's personal goals, the applicant's goals for the City and how they articulate those goals, and lastly how well an applicant collaborates.
2. Hollie Pietsch, 320 Garland, stated she appreciates that the process will be held in the public view and time will be given to citizens to voice their opinion regarding those applicants.

Council Member Vogt moved, supported by Council Member Brown to extend the meeting by 30 minutes.

On a voice vote, the motion passed and the meeting was extended.

3. Ricky Jefferson stated he agrees with Council Member Robb that all applicants be given the opportunity to interview. Mr. Jefferson asked that the process remain transparent and to allow the people a chance to voice their opinions of candidates.
4. Jennifer Symanns, 108 Oakwood, stated she is a Commissioner on the Human Relations Commission which examines issues of discrimination. Ms. Symanns added HRC meetings are held on the 4th Monday of each month starting at 7:00 p.m. and invited Council to the meetings as well as other events the HRC hosts each year.
5. Ben Miller stated he is happy the selection process for the vacant council seat will be public and each candidate given the chance. Mr. Miller stated he is in favor of the idea to post each applicant's information on the website.

XIX. REMARKS BY THE MAYOR –

- Stated she appreciates all comments made during audience participation and takes to heart the view that each applicant be given the chance to interview.

XX. ADJOURNMENT –

Resolution No. 2014-259, adjourning the Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

On a voice vote, the motion carried and the meeting adjourned at 10:07 p.m.



Resolution No. 2014 – 267
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2014-268, approving *Ordinance No. 1231* prohibiting smoking in the City's tot-tot playgrounds, at Second and Final Reading.
2. Resolution No. 2014-269, approving appointment of Kenneth Dobson, II, and Brienne Willcock to the Downtown Development Authority (YDDA).

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



**Barr,
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William F. Anhut ~ Of Counsel – Retired
Jane A. Slider ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: October 6, 2014

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: No Smoking Ordinance for City Tot Lots

SUMMARY/BACKGROUND

Smoke-free parks are being encouraged by the Washtenaw County Public Health Department, with a smoke-free park ordinance enacted by the Village of Dexter in 2012. Smoke-free parks are presently being considered in the City of Ann Arbor and Ypsilanti Township. This is also a national trend.

The City Parks and Recreation Commission has recommended amending current city ordinance to prohibit smoking in the City's three tot-lot playgrounds, in an effort to discourage smoking in these parks. The Commission has stated that such an ordinance would discourage youth smoking, avoid the health hazards of second-hand smoke, reduce litter, and promote the wellbeing and health of our City's children and families.

If enacted, the Parks and Recreation Commission would pursue a public education campaign and solicit funds for "no-smoking" signage in the relative parks at no cost to the City.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

October 17, 2014
Page 2

COUNCIL ACTION TAKEN:



Resolution No. 2014- 268
November 18, 2014

RESOLUTION TO ADOPT ORDINANCE TO PROHIBIT SMOKING IN TOT LOTS

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI THAT an ordinance entitled, "An ordinance to amend the Ypsilanti City Code to prohibit smoking in the City's tot-lot playgrounds" be adopted on Second and Final reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1231**

An ordinance to amend the Ypsilanti City Code to prohibit smoking in the City's tot-lot playgrounds.

1. THE CITY OF YPSILANTI HEREBY ORDAINS That Chapter 78, Article III, Section 78-100 of Ypsilanti City Code be amended as follows:

Section 78-100. Other prohibited activities.

While in a city park, city owned property or open area, no person shall:

- (1) Use any device transmitting electronically amplified sound, including, but not limited to radios, tape recorders, automobile radios or music amplifiers at a volume so that the sound may be heard by persons of normal sensitivity at a distance of more than 50 feet, except by special permission and permit granted by the chief of police.
- (2) Enter the premises of any swimming pool facility or use any other park facility for which payment is required without making the required payments and being duly admitted to the use of the facility.
- (3) Loiter in or about any restroom/washroom, or use such facilities for purposes other than those intended. In addition, male persons shall not resort to any restroom/washroom facilities set apart for women, and female persons shall not resort to any restroom/washroom facilities set apart for men, provided that this shall not apply to children accompanied by an adult.
- (4) Carry, possess, sell, use or discharge any weapon, explosives or fireworks without legal authority. The following persons have such legal authority:
 - a. Duly authorized law enforcement officers or officials.
 - b. Members of the United States armed services, army reserve and national guard while on active duty or reserve or special duty.
 - c. Holders of a valid license to carry concealed weapons while within the restrictions imposed by the license.
 - d. Holders of a special fireworks or explosive permit issued by the city council.
- (5) Make or excite any disturbance so that the peace and good order of other persons using the park, city owned property or open area or persons in the neighborhood of such property are disturbed.
- (6) Interfere with any baseball, football or hockey game or other authorized event.

(7) Gamble or maintain a gaming table or pool tickets, used for gaming or knowingly suffer a gaming table or pool tickets to be kept, maintained, played or sold on any park, city owned property or open area except under special event permit.

(8) Operate powered, line attached model crafts or remote controlled crafts of any kind or description, including but not limited to airplanes, boats and automobiles except in areas set aside for those specific activities.

(9) Operate any portable electric generator, alternator or other machinery, except by permission and permit granted by the city manager. All departments of the city and all franchise utility companies operating within the city are exempt from this provision.

(10) Wear footgear that will damage, injure or create need for excessive maintenance on any field, court, deck, floor, turf or specialized surface prepared for particular games or activities. In areas posted with a sign specifying footgear authorized or approved it shall be unlawful for any person to participate in any sports activities in any such area other than with the footgear so designated.

(11) Enter any body of water for the purpose of swimming, diving, wading, bathing, when such activities are prohibited by signs conspicuously posted.

(12) Sell, offer to sell, show, hawk, display, or distribute any goods, wares, merchandise or refreshments, or conduct business of any kind, without a peddler's license or special events permit.

(13) Smoke, light, or carry a lighted pipe, cigar, cigarette, or other smoking devise of any kind in any of the City's tot-lot playgrounds.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2014.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2014.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2014.

Frances McMullan, City Clerk

Notice Published: October 9, 2014

First Reading: October 21, 2014

Second Reading: November 18, 2014

Published: _____

Effective Date: _____



Resolution No. 2014 – 269
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM EXPIRATION</u>
Kenneth Dobson II 207 Welch Hall Ypsilanti, MI 48197	YDDA (replacing Leigh Greden)	7/7/2017
Brienne Willcock 114 W. Michigan Ave. (Illuminart) Ypsilanti, MI 48197	YDDA (replacing Reagan Parker)	7/7/2015

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

October 21, 2014

Ypsilanti Downtown Development Authority
1 S. Huron St.
Ypsilanti, MI 48197

Dear Board Members:

Thank you, for considering my nomination to the Ypsilanti Downtown Development Authority (YDDA). If selected, I plan to utilize my professional skills and experience to assist the existing goals and objectives of the YDDA. Additionally, I plan to use my position at Eastern Michigan University to strengthen the university's relationships with the YDDA and other community organizations throughout the city and region.

Best regards,

Kenneth Dobson
Executive Director, Government & Community Relations
Eastern Michigan University.

KENNETH E. DOBSON, II

207 WELCH HALL
YPSILANTI, MI 48197
734-487-7048

PROFESSIONAL OBJECTIVE

My goal is to become associated with an organization where I can utilize my governmental affairs, public policy, and advocacy skills to benefit mutual growth and success.

PROFESSIONAL PROFILE

- Over 18 years of leadership experience in public policy, community affairs and governmental relations
- Proven ability to work as a liaison between elected officials, community leaders, and business leaders
- Able to develop and maintain sound professional relationships
- Demonstrated leadership skills and a strong record for professional advancement and growth
- Highly articulate, effective communicator, experienced presenter; possess excellent platform skills
- Ability to set priorities, complete multiple assignments simultaneously, meet deadlines
- Well-developed written and oral communications
- Knowledge of new regulations and policies proposed by the government
- Ability to work in a team and advise the team members of the legislative policies
- Capable of analyzing current legislations proposed by the government and making the required changes
- Ability to framing policies and business strategies and support the organization achieve its goals
- Registered Lobbyist in the State of Michigan

EMPLOYMENT

Executive Director, Government & Community Relations

2014-Present

EASTERN MICHIGAN UNIVERSITY

- Represent Eastern Michigan University in all aspects of government and community relations
- Work to develop and maintain an effective federal, state and local legislative network for the advancement of University
- Create, support, and implement Eastern Michigan University's community initiatives and priorities.

Director of Governmental Relations

2003-2014

DETROIT INTERNATIONAL BRIDGE COMPANY – Detroit, MI, Lansing, MI & Washington DC

- Explain company policies and objectives to local, state and federal government officials
- Analyze proposed legislative actions and determine the potential impact on the organization
- Provide advocacy United States and Canada
- Develop internal communication and write communication tools to support public policy initiatives
- Manage and maintain a tracking system for local, state and federal legislation
- Report to a President and provide political updates
- Recommends directions to Media Consultant
- Prepared Political updates
- Serve as a liaison to Community Organizations
- Supervise and manage the governmental relations team
- Draft policies for the organization in accord with the business laws and regulations
- Determine the long term and short term goals for the organization

District Appropriation Director

1999-2003

U.S. HOUSE OF REPRESENTATIVES – Detroit, MI & Washington DC

- Served as a liaison for a U.S. Representative between elected officials, business owners and constituents
- Conducted research on public policy, analyzed legislation, and developed legislative agenda objectives
- Secured federal funding for all transportation related studies and projects in the district
- Managed all federal appropriation requests and provided recommendations
- Monitored all steering committee reports regarding appropriation and transportation related issues
- Coordinated with H.R. on compliance, financial disclosures, ethics, federal statutes, and regulations
- Administered media communication throughout the local district and the Washington D.C. Office
- Acted as the lead advisor on all Appropriation and Transportation related issues
- Facilitated communication with the District Office and Washington D.C. Office
- Help shape Member's political strategy

Senior Public Policy Analyst

1998-1999

DETROIT CITY COUNCIL – Detroit, MI

- Represented a Detroit Councilmember at official forms, city council and community engagements
- Implemented new constituent services programs
- Organized outreach programs for the building trades
- Directed financial and economic evaluations of development proposals in Detroit
- Advised on ethics, affirmative action and campaign regulations
- Consulted on policy implications associated of budget requests for economic and social initiatives
- Evaluated the performance of thirteen City of Detroit departments
- Analyzed and evaluated the distribution of contract for minority, women, and Detroit/small business
- Coordinated the implementation of new constituent services programs.
- Researched the status of low-income housing and public housing project
- Organized outreach programs for the skilled building trades.

Legislative Research Analyst

1995-1999

DETROIT CITY COUNCIL – Detroit, MI

- Analyzed local ordinances and provided status reports to City Council
- Supervised the distribution of city funded contracts
- Served as policy analyst on the fiscal, economic, social and policy implications
- Expedited the approval processes between developers, governmental agencies and city departments.
- Developed extensive resource network of community leaders for Detroit City Council
- Organized and conducted numerous status reports to the Stadium Monitoring Task Forces.
- Chaired the City Council Task Force on Animal Safety.
- Monitored the development of the MGM Grand Casino, Greektown Casino, Motor City Casino, Detroit Tigers Baseball Stadium and Detroit Lions Football Stadium
- Accomplished public policy specialist
- Interpreted governmental actions and reactions to business dynamics
- Assessed the distribution of government-funded contracts to minority-owned and small businesses
- Functioned as a community economic development analyst for the Detroit City Council in relationship to community and economic development projects introduced to council by the city administration
- Delivered status reports to City Council associated with the development of casino gaming

EDUCATION

MPPA Master's Public Policy & Public Administration
Certificate Real Estate Finance and Economic Development
B.S. Degree Public Administration

Northwestern University
University of Southern California
Eastern Michigan University

CIVIC AND COMMUNITY INVOLVEMENT AND MEMBERSHIPS (Past & Present)

- 13TH US Congressional District – Former Member
- 14TH US Congressional District - Member
- Eastern Michigan University Alumni Association - Member
- Eastern Michigan University Black Alumni Association - Member
- Friends and Alumni University of Southern California - Member
- NAACP - Member
- Downtown Detroit Partnership - Trustee
- YMCA Minority Achiever - Recipient
- Hispanic Business Alliance - Board Member
- Sprit of Detroit Award – Recipient
- Upward Bound Mentorship Program
- Alpha Phi Alpha Fraternity Incorporated
- Member, National Council for Urban Economic Development
- FBI Citizens Academy Alumni Association

To the YDDA;

I have lived in Ypsilanti since 2004, I moved here to go to EMU. My time at EMU was spent pursuing a Bachelor's of Science in Art and Human Environments (2008) and a Second Bachelors in Interior Design (2012). I first lived on campus, then Cross St., then Normal Park for a few years, and now Downtown.

I live above Illuminart, where I also work as a professional lighting designer with business and building owner, Stefan Graf. I recently acquired a studio space in Riverside Art Center, for art and design work outside the office. I now work, live, and rent an art studio within the same city block eliminating my commute to work, offsetting driving and flying for work. A low carbon footprint is a goal of mine, personally.

My interest in the YDDA was sparked by a suggestion from Teresa Gillotti, who, after discussion of the goings-on in Ypsilanti, thought I would be a good candidate.

A few of my interests include:

- Downtown business owners and residents goals for a livable, walkable, economically viable area
- Young professionals staying in Ypsilanti post-college
- Intuitive connectivity of downtown, Depot Town, and campus area
- Increasing opportunities for the arts (theater, music, etc.) to infiltrate downtown
- Facilitation of pop-up businesses and entrepreneurship
- Sustainable living, and access to resources within walking distance
- Utilization and promotion of local businesses and resources

I travel a lot for work – ten different cities per year or so, and hope that experience provides some perspective for my own contribution here at home. I am looking forward to learning more from others, and collaborating.

Best,
Brienne Willcock

BRIENNE WILLCOCK, HON. AIA

Brienne's background in Fine Art and Interior Design brings a unique combination of technical skill in both 2d and 3d design. She is an integral part of each phase of the design process from initial client interaction to final site focus. She was named an Honorary Affiliate of the American Institute of Architects (AIA) in 2014, and Volunteer of the Year in 2013. She is President and Emerging Professionals Chair of the Illuminating Engineering Society (IES) in Detroit.

Projects of note;

- *Blue Cross Blue Shield* campus lighting | Detroit, MI
- *Cobo Convention Center* interior and exterior renovation | Detroit, MI
- *Hyundai Exhibit Lighting* Auto Show Lighting | Detroit, NYC, Chicago, Los Angeles
- *Art Van Showroom* | Warren, MI
- *Greektown Casino* Brizola restaurant | Detroit, MI
- *General Motors Corporation* LED Product Evaluation and Specifications | Global
- *Detroit Developmental Authority* façade lighting design | Detroit, MI
- *Plum Market* | Chicago, IL
- *Detroit Institute of Arts* Kresge Court renovation | Detroit, MI
- *Ford and Lincoln* Dealership Design Prototype | Global
- *IHM Motherhouse Chapel* Lighting renovation | Monroe, MI
- *DIA "Kresge Court Cultural Living Room"* | Detroit, MI
- *D'lectricity "Contour 1"* temporary lighting installation | Detroit, MI
- *OLED research* US Department of Energy | Washington, DC

Brienne was the project manager for an in-depth investigation of LED products and performance data. Her efforts lead her to participate in the US Department of Energy's CALiPER (Commercially Available LED Product Evaluation and Reporting) Program. She has a thorough understanding of complex standards, testing compliance, manufacturer's data and how they affect performance specifications. She has been invited to contribute to LED roundtable discussions with the local chapters of IES, and USGBC. She is an advisory member of the Testing Procedures Committee with IES. Brienne has been selected as speaker for a design topic presenter for AIA, AIA Architecture 2030, and Pecha Kucha. Recently she has been working with the U.S. Department of Energy on OLED (organic LED) research. She also participates in local Detroit design and art events.

Besides lighting design she excels in areas of product research and comparisons, computer aided design, graphic design, photo editing, BIM modeling, 3D rendering, and photometric calculations.



**Barr,
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Associates, P.C.**
ATTORNEYS AT LAW

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www.barrlawfirm.com
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John M. Barr
Karl A. Barr
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: November 14, 2014

FROM: Bonnie Wessler, Planning and Development

SUBJECT: Resolution to reject all bids for Ypsilanti Heritage Bridge and Trail and River's Edge Linear Park and Trail construction project

SUMMARY/BACKGROUND

On March 29, 2011, City Council adopted resolution 2011-061A, which authorized staff to pursue funding via a Michigan Natural Resources Trust Fund (MNRTF) grant for a pedestrian bridge over the Huron River at Michigan Avenue as part of the Border to Border Trail system. The City was awarded and Council did accept said grant via resolution 2012-235 in November of 2012. In March of 2012, Council adopted Resolution 2012-050, authorizing staff to apply for another MNRTF grant to continue the Border to Border Trail through the Water Street Redevelopment Area; which again was awarded. Council accepted said grant in November of 2013, via resolution 2013-216. Each project had a total budget of approximately \$600,000, for a total project budget of approximately \$1.2 million.

On October 8, the City requested proposals to construct the Heritage Pedestrian Bridge at this location. Bids were due and opened on October 17, 2014. The lowest qualified bid submitted proposed a cost of \$1.575 million. This is approximately \$375,000 above the budget for the project. After a meeting with the contractors that submitted bids, staff suggests rejecting all of the bids submitted and re-requesting proposals after the design of the projects are revised and reviewed.

ATTACHMENTS: Resolutions 2011-061A, 2012-235, 2012-050, and 2013-216.

RECOMMENDED ACTION: Review and adoption

DATE RECEIVED: _____ **AGENDA ITEM NO.** _____

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ **FINANCE DIR. APPROVAL**

COUNCIL ACTION TAKEN: _____



Resolution No. 2014 – 270
November 18, 2014

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

WHEREAS it is a priority of the City of Ypsilanti to continue the Border to Border Trail across the Huron River; and

WHEREAS, to this end, the City sought and accepted grants to construct the Ypsilanti Heritage Bridge and Trail and the River's Edge Linear Park and Trail; and

WHEREAS, the budget for these projects totals approximately \$1,200,000; and

WHEREAS the City requested proposals to construct the Ypsilanti Heritage Bridge and Trail and the River's Edge Linear Park and Trail; and

WHEREAS the lowest qualified bid submitted was approximately \$375,000 above the budget for the project; and

WHEREAS the City wishes to revise and review the design of the project and then re-request proposals for construction;

NOW, THEREFORE, BE IT RESOLVED THAT all of the bids submitted to the City for the construction of the Ypsilanti Heritage Bridge and Trail and the River's Edge Linear Park and Trail are rejected.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, certain funding is available through the Michigan Natural Resources Trust Fund that may be used for recreation improvements;

WHEREAS, The creation of a non-motorized pathway along the western edge of the Water Street Redevelopment Area, along the Huron River, has been identified as "River's Edge Linear Park" in the Parks and Recreation Master Plan (2008) and the Master Plan (1998) as a project that will promote access to and enjoyment of the river and the parkland along it;

WHEREAS, The Washtenaw County Parks and Recreation Commission has generously agreed to provide up to \$292,000 for the implementation of this project;

WHEREAS, The MNRTF funding available, when combined with existing funding, would be sufficient for the construction of this non-motorized path; and

WHEREAS, The construction of this amenity, in coordination with the surrounding Water Street redevelopment, will advance local and regional goals of increasing access between neighborhoods, parks, and regional non-motorized facilities;

NOW THEREFORE BE IT RESOLVED, that the Ypsilanti City Council hereby approve the application for FY 2012 MNRTF funding to construct a non-motorized path connection between Michigan Avenue and Grove Road area.

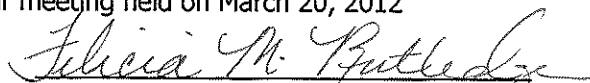
FURTHER, that should the grant be awarded, the Mayor and City Clerk are authorized to sign all documents relating to this grant.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Vogt

YES: 6 NO: ABSENT: 1 (Mayor Pro-Tem Richardson) VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2012-050 as passed by the Ypsilanti City Council, at their meeting held on March 20, 2012


Felicia Rutledge, Acting City Clerk



Resolution No. 2011 – 061A
March 29, 2011
As Amended

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, certain funding is available through the Michigan Natural Resources Trust Fund that may be used for trail and bridge improvements;

WHEREAS, The creation of a non-motorized bridge connection between Riverside Park and the Water Street area has been identified in the Parks and Recreation Master Plan (2008) as a project that will promote access to and enjoyment of the river and the parkland along it;

WHEREAS, The Washtenaw County Parks and Recreation Commission has generously agreed to provide \$275,000 for the implementation of this bridge;

WHEREAS, The Ypsilanti Downtown Development Authority has generously agreed to provide up to \$25,000 for the implementation of this bridge;

WHEREAS, The MNRTF funding available, when combined with existing funding, would be sufficient for the construction of this non-motorized bridge; and

WHEREAS, The construction of this bridge, in coordination with the surrounding Water Street redevelopment, will advance local and regional goals of increasing access between neighborhoods, parks, and regional non-motorized facilities;

NOW THEREFORE BE IT RESOLVED, that the Ypsilanti City Council hereby approve the application for FY 2011 MNRTF funding to construct a non-motorized bridge connection between Riverside Park and the Water Street area. Should the grant be awarded, the Mayor and City Clerk are authorized to sign all documents relating to this grant.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Murdock

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2011-061A as passed by the Ypsilanti City Council, at their meeting held on March 29, 2011.


Frances McMullan, City Clerk



Resolution No. 2011 – 061C
March 29, 2011

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

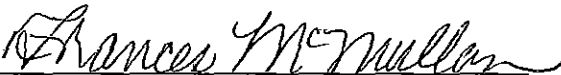
That the Ypsilanti City Council recognizes there are two projects submitting applications for the FY 2011 MNRTF funding and has prioritized the application for the Rutherford pool over the non-motorized bridge connection between Riverside Park and the Water Street area.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Bodary

YES: 4	NO: 3	ABSENT: 0	VOTE: Carried
	Robb		
	Schreiber		
	Murdock		

I do hereby certify that the above resolution is a true and correct copy of Resolution 2011-061C as passed by the Ypsilanti City Council, at their meeting held on March 29, 2011.


Frances McMullan, City Clerk



Resolution No. 2012 -235
November 12, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ypsilanti does hereby specifically agreement but not by way of limitation as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide \$300,000) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with State of Michigan Department of Natural Resources for the development of the Ypsilanti Heritage Bridge.

OFFERED BY Council Member Robb

SUPPORTED BY: Mayor Pro-Tem Richardson

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

do hereby certify that the above resolution is a true and correct copy of Resolution 2012-235 as passed by the Ypsilanti City Council, at their meeting held on November 12, 2012.


Frances McMullan, City Clerk



Resolution No. 2013 - 216
November 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ypsilanti does hereby specifically agreement but not by way of limitation as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide \$300,000) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with State of Michigan Department of Natural Resources for the development of the Ypsilanti River's Edge Linear Park and Trail.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Moeller

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

I do hereby certify that the above resolution is a true and correct copy of Resolution 2013-216 as passed by the Ypsilanti City Council, at their meeting held on November 5, 2013.


Frances McMullan, City Clerk



REQUEST FOR LEGISLATION
November 18, 2014

To: Mayor and Council

From: Ralph A. Lange, City Manager

Subject: Public Act 152 of 2011 for 2014 Option Selection

SUMMARY & BACKGROUND:

Public Act 152 of 2011 (hereinafter "the Act") established new restrictions on how much public employers, including the City of Ypsilanti, can pay toward the medical benefit plans offered to employees. The Act requires annually electing one of the three options: Hard cap, 80/20 or Opt-out.

For the past three years, the City has opted for the "80/20" model where it would pay no more than eighty (80%) percent of the "total annual costs" of the medical benefit plans it offers to employees. The City Council would have to elect this option by a majority vote.

In addition to having the employees pay 20% of their health care, the City used the percent of base pay to calculate the equivalent of 20% of health care cost. All three options have an attachment to this Request for Legislation for comparison of costs. The "Hard Cap" would cost the City an extra \$8,760.58 compared to the "80/20." If the "Percentage of Pay" was to be implemented, the only one that would benefit the City would be the 6.117% of base pay. However, this amount would cause hardship on the employees, who already have percentages coming out of their checks for union dues, pension funds and supplemental benefits.

COLLECTIVE BARGAINING AGREEMENTS:

Currently, all Bargaining Agreements have adopted the "80/20" Option. The POAM, COAM, Fire Department and AFSCME contracts expires in 2017.

RECOMMENDED ACTION (Approval):

Staff recommends adoption of the "80/20 Cap" option as provided for in Public Act 152 of 2011. An appropriate Council resolution is attached for your consideration.

ATTACHMENTS:

Comparison of Hard Cap, 80/20 and % of base pay
Summary Impact of the "Hard Cap" option
Summary Impact of the "80/20 Cap" option
Summary Impact of the % of pay
Wages summary by bargaining units
Insurance rates for CY 2014 & CY2015

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 11/18/2014

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2014 – 271
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Public Act 152 of 2011 (hereinafter “the Act”) establishes restrictions on how much public employers, including the City of Ypsilanti, can pay toward the medical benefit plans offered to employees; and

WHEREAS, the City of Ypsilanti has three (3) options as provided for in the Act under which compliance with all provisions of the Act can be achieved; and

WHEREAS, the City Council, by majority vote, may select an option under which it would pay no more than eighty percent (80%) of the “total annual costs” of the medical benefit plans it offers to employees; and

WHEREAS, the Act does not apply to medical benefit plans that include benefits provided to individuals retired from a public employer; and

WHEREAS, the Act applies to medical insurance (including prescription drugs) but does not apply to dental, vision or other insurance plans, such as life or disability insurance; and

WHEREAS, the Act states that groups of employees who are covered by a collective bargaining agreement or “other contract” which is in effect “on the effective date of the Act” are exempted from the “80/20 Cap” requirements; and

WHEREAS, the Act requires that no agreement “executed” after January 1, 2015, can include terms which are inconsistent with the requirements of the “80/20 Cap” option and that the collective bargaining agreement and “other contract” exemption last until the contract expires.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby approve and adopt the “80/20 Cap” option as provided for in Public Act 152 of 2011, to become effective January 1, 2015.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

COMPARISON OF HARD CAP, 80/20 AND % OF BASE PAY
CY 2015

11/14/14 9:25 AM

OPTION 1 - Hard Cap

	PARTICIPANTS	TOTAL INSURANCE COST	TOTAL ANNUAL CITY COST	TOTAL ANNUAL EMPLOYEE COST	BI-WEEKLY EMPLOYEE SHARE	WEEKLY EMPLOYEE SHARE
SINGLE COM. BLUE	18	144,996.48	125,141.40	\$ 19,855.08	42.43	21.21
2 PERSON COM. BLUE	18	301,719.60	234,211.50	\$ 67,508.10	144.25	72.12
FAMILY COM. BLUE	30	611,574.30	496,039.80	\$ 115,534.50	148.12	74.06
TOTAL MEDICAL BENEFITS PLAN	66	1,058,290.38	855,392.70	202,897.68		

OPTION 2 - 80/20

	PARTICIPANTS	TOTAL INSURANCE COST	TOTAL ANNUAL EMPLOYER COST	TOTAL ANNUAL EMPLOYEE COST	BI-WEEKLY EMPLOYEE SHARE	WEEKLY EMPLOYEE SHARE
SINGLE COM. BLUE	18	144,996.48	115,997.18	28,999.30	61.96	30.98
2 PERSON COM. BLUE	18	301,719.60	241,375.68	60,343.92	128.94	64.47
FAMILY COM. BLUE	30	611,575.20	489,260.16	122,315.04	156.81	78.41
TOTAL	66	1,058,291.28	846,633.02	211,658.26		

OPTION 3 - % of Pay

	TOTAL INSURANCE COST	TOTAL ANNUAL EMPLOYER COST	TOTAL ANNUAL EMPLOYEE COST	BI-WEEKLY EMPLOYEE SHARE	WEEKLY EMPLOYEE SHARE
<u>2 % OF PAY</u>	1,058,291.28	989,084.85	69,206.43		
LOWEST PAID				27.10	13.55
HIGHEST PAID				71.92	35.96
<u>3% OF PAY</u>	1,058,291.28	954,481.63	103,809.65		
LOWEST PAID				40.65	20.33
HIGHEST PAID				107.88	53.94
<u>4% OF PAY</u>	1,058,291.28	919,878.41	138,412.87		
LOWEST PAID				54.20	27.10
HIGHEST PAID				143.85	71.92
<u>5% OF PAY</u>	1,058,291.28	885,275.20	173,016.08		
LOWEST PAID				67.75	33.88
HIGHEST PAID				179.81	89.90
<u>6% OF PAY</u>	1,058,291.28	850,671.98	207,619.30		
LOWEST PAID				81.30	40.65
HIGHEST PAID				215.77	107.88
<u>6.117% OF PAY</u>	1,058,291.28	846,623.40	211,667.88		
LOWEST PAID				82.89	41.44
HIGHEST PAID				219.98	109.99

OPTION 1

THE HARD CAP OPTION

PARTICIPANTS	SINGLE	2 PERSON	FAMILY	TOTAL EMPLOYEE COUNT WITH INSURANCE	WAIVERS	TOTAL EMPLOYEE COUNT WITH INSURANCE & WAIVERS
NON-UNION	4	6	5	15	7	22
POAM	6	8	6	20	5	25
COAM	0	0	3	3	2	5
IAFF	3	2	10	15	4	19
AFSCME	5	2	6	13	8	21
TOTAL	18	18	30	66	26	92

ACTIVE PARTICIPANTS	2015 ANNUAL HARD CAP LIMIT PER PARTICIPANT	2015 ANNUAL HARD CAP TOTAL	2015 ANNUAL INSURANCE RATE PER PARTICIPANT	2015 TOTAL ANNUAL PREMIUM OF ACTIVE PARTICIPANTS	DIFFERENCE OF ANNUAL INSURANCE RATE & ANNUAL HARD CAP	EMPLOYEE COSTS ANNUAL PREMIUM LESS 2015 HARD CAP
SINGLE COM. BLUE	18 \$ 5,992.30	\$ 107,861.40	\$ 6,855.36	\$ 123,396.48	\$ 863.06	\$ 15,535.08
2 PERSON COM. BLUE	18 \$ 12,531.75	\$ 225,571.50	\$ 16,162.20	\$ 290,919.60	\$ 3,630.45	\$ 65,348.10
FAMILY COM. BLUE	30 \$ 16,342.66	\$ 490,279.80	\$ 20,145.81	\$ 604,374.30	\$ 3,803.15	\$ 114,094.50
TOTAL	66	\$ 823,712.70		\$ 1,018,690.38		\$ 194,977.68
HEALTH CARE SAVINGS PL	22	39,600.00		31,680.00		7,920.00
TOTAL MEDICAL BENEFITS PLAN		\$ 863,312.70		\$ 1,050,370.38		\$ 202,897.68

EMPLOYEE SHARE BY BARGAINING UNIT	SINGLE	2 PERSON	FAMILY	TOTAL
EMPLOYEE SHARE COM BLUE	\$ 863.06	\$ 3,630.45	\$ 3,803.15	

NON-UNION	\$	3,452.24	\$	21,782.70	\$	19,015.75	\$	44,250.69
POAM	\$	5,178.36	\$	29,043.60	\$	22,818.90	\$	57,040.86
COAM	\$	-	\$	-	\$	11,409.45	\$	11,409.45
IAFF	\$	2,589.18	\$	7,260.90	\$	38,031.50	\$	47,881.58
AFSCME	\$	4,315.30	\$	7,260.90	\$	22,818.90	\$	34,395.10
TOTAL	\$	15,535.08	\$	65,348.10	\$	114,094.50	\$	194,977.68
HEALTH CARE SAVINGS PLAN	\$	4,320.00	\$	2,160.00	\$	1,440.00	\$	7,920.00
TOTAL MEDICAL BENEFITS PLAN	\$	19,855.08	\$	67,508.10	\$	115,534.50	\$	202,897.68

CITY'S SHARE BY BARGAINING UNIT	SINGLE	2 PERSON	FAMILY	TOTAL
CITY'S SHARE PER PLAN	\$ 5,992.30	\$ 12,531.75	\$ 16,342.66	
NON-UNION	\$ 23,969.20	\$ 75,190.50	\$ 81,713.30	\$ 180,873.00
POAM	\$ 35,953.80	\$ 100,254.00	\$ 98,055.96	\$ 234,263.76
COAM	\$ -	\$ -	\$ 49,027.98	\$ 49,027.98
IAFF	\$ 17,976.90	\$ 25,063.50	\$ 163,426.60	\$ 206,467.00
AFSCME	\$ 29,961.50	\$ 25,063.50	\$ 98,055.96	\$ 153,080.96
TOTAL	\$ 107,861.40	\$ 225,571.50	\$ 490,279.80	\$ 823,712.70
HEALTH CARE SAVINGS PLAN	\$ 17,280.00	\$ 8,640.00	\$ 5,760.00	\$ 31,680.00
TOTAL MEDICAL BENEFITS PLAN	\$ 125,141.40	\$ 234,211.50	\$ 496,039.80	\$ 855,392.70

TOTAL EMPLOYEE & CITY SHARE	SINGLE	2 PERSON	FAMILY	TOTAL
CITY'S SHARE PER PLAN	\$ 6,855.36	\$ 16,162.20	\$ 20,145.81	\$ -
NON-UNION	\$ 27,421.44	\$ 96,973.20	\$ 100,729.05	\$ 225,123.69
POAM	\$ 41,132.16	\$ 129,297.60	\$ 120,874.86	\$ 291,304.62
COAM	\$ -	\$ -	\$ 60,437.43	\$ 60,437.43
IAFF	\$ 20,566.08	\$ 32,324.40	\$ 201,458.10	\$ 254,348.58
AFSCME	\$ 34,276.80	\$ 32,324.40	\$ 120,874.86	\$ 187,476.06
TOTAL	\$ 123,396.48	\$ 290,919.60	\$ 604,374.30	\$ 1,018,690.38
HEALTH CARE SAVINGS PLAN	\$ 21,600.00	\$ 10,800.00	\$ 7,200.00	\$ 39,600.00
TOTAL MEDICAL BENEFITS PLAN	\$ 144,996.48	\$ 301,719.60	\$ 611,574.30	\$ 1,058,290.38

OPTION 2

THE 80/20 CAP OPTION

Members	SINGLE	2 PERSON	FAMILY	TOTAL EMPLOYEE COUNT WITH INSURANCE	WAIVERS	TOTAL EMPLOYEE COUNT WITH INSURANCE & WAIVERS
NON-UNION	4	6	5	15	7	22
POAM	6	8	6	20	5	25
COAM	0	0	3	3	2	5
IAFF	3	2	10	15	4	19
AFSCME	5	2	6	13	8	21
TOTAL	18	18	30	66	26	92

	ACTIVE PARTICIPANTS	TOTAL MONTHLY PREMIUM CALENDAR YEAR 2015	TOTAL ANNUAL PREMIUM CALENDAR YEAR 2015	80% CITY MONTHLY SHARE	80% CITY ANNUAL COST PER PARTICIPANT	80% CITY ANNUAL SHARE	20% EMPLOYEE MONTHLY SHARE	20% EMPLOYEE ANNUAL SHARE PER PARTICIPANT	20% EMPLOYEES TOTAL ANNUAL SHARE	TOTAL CITY & EMPLOYEES SHARE
SINGLE COM. BLUE	18	\$ 571.28	\$ 6,855.36	\$ 457.02	\$ 5,484.29	\$ 98,717.18	\$ 114.26	\$ 1,371.07	\$ 24,679.30	\$ 123,396.48
2 PERSON COM. BLUE	18	\$ 1,346.85	\$ 16,162.20	\$ 1,077.48	\$ 12,929.76	\$ 232,735.68	\$ 269.37	\$ 3,232.44	\$ 58,183.92	\$ 290,919.60
FAMILY COM. BLUE	30	\$ 1,678.82	\$ 20,145.84	\$ 1,343.06	\$ 16,116.67	\$ 483,500.16	\$ 335.76	\$ 4,029.17	\$ 120,875.04	\$ 604,375.20
TOTAL	66					\$ 814,953.02			\$ 203,738.26	\$ 1,018,691.28
HEALTH CARE SAVINGS PLAN	22					\$ 31,680.00			\$ 7,920.00	\$ 39,600.00
TOTAL MEDICAL BENEFITS PLAN						\$ 846,633.02			\$ 211,658.26	\$ 1,058,291.28

EMPLOYEE SHARE BY BARGAINING UNIT	SINGLE	2 PERSON	FAMILY	TOTAL
EMPLOYEE SHARE COM BLUE	\$ 1,371.07	\$ 3,232.44	\$ 4,029.17	
NON-UNION	\$ 5,484.29	\$ 19,394.64	\$ 20,145.84	\$ 45,024.77
POAM	\$ 8,226.43	\$ 25,859.52	\$ 24,175.01	\$ 58,260.96
COAM	\$ -	\$ -	\$ 12,087.50	\$ 12,087.50
IAFF	\$ 4,113.22	\$ 6,464.88	\$ 40,291.68	\$ 50,869.78
AFSCME	\$ 6,855.36	\$ 6,464.88	\$ 24,175.01	\$ 37,495.25
TOTAL	\$ 24,679.30	\$ 58,183.92	\$ 120,875.04	\$ 203,738.26
HEALTH CARE SAVINGS PLAN	\$ 4,320.00	\$ 2,160.00	\$ 1,440.00	\$ 7,920.00
TOTAL MEDICAL BENEFITS PLAN	\$ 28,999.30	\$ 60,343.92	\$ 122,315.04	\$ 211,658.26

CITY'S SHARE BY BARGAINING UNIT	SINGLE	2 PERSON	FAMILY	TOTAL
CITY'S SHARE COM. BLUE	\$ 5,484.29	\$ 12,929.76	\$ 16,116.67	
NON-UNION	\$ 21,937.15	\$ 77,578.56	\$ 80,583.36	\$ 180,099.07
POAM	\$ 32,905.73	\$ 103,438.08	\$ 96,700.03	\$ 233,043.84
COAM	\$ -	\$ -	\$ 48,350.02	\$ 48,350.02
IAFF	\$ 16,452.86	\$ 25,859.52	\$ 161,166.72	\$ 203,479.10
AFSCME	\$ 27,421.44	\$ 25,859.52	\$ 96,700.03	\$ 149,980.99
TOTAL	\$ 98,717.18	\$ 232,735.68	\$ 483,500.16	\$ 814,953.02
HEALTH CARE SAVINGS PLAN	\$ 17,280.00	\$ 8,640.00	\$ 5,760.00	\$ 31,680.00
TOTAL MEDICAL BENEFITS PLAN	\$ 115,997.18	\$ 241,375.68	\$ 489,260.16	\$ 846,633.02
TOTAL EMPLOYEES & CITY'S SHARE	SINGLE	2 PERSON	FAMILY	TOTAL
CITY'S SHARE COM. BLUE	\$ 6,855.36	\$ 16,162.20	\$ 20,145.84	
NON-UNION	\$ 27,421.44	\$ 96,973.20	\$ 100,729.20	\$ 225,123.84
POAM	\$ 41,132.16	\$ 129,297.60	\$ 120,875.04	\$ 291,304.80
COAM	\$ -	\$ -	\$ 60,437.52	\$ 60,437.52
IAFF	\$ 20,566.08	\$ 32,324.40	\$ 201,458.40	\$ 254,348.88
AFSCME	\$ 34,276.80	\$ 32,324.40	\$ 120,875.04	\$ 187,476.24
TOTAL	\$ 123,396.48	\$ 290,919.60	\$ 604,375.20	\$ 1,018,691.28
HEALTH CARE SAVINGS PLAN	\$ 21,600.00	\$ 10,800.00	\$ 7,200.00	\$ 39,600.00
TOTAL MEDICAL BENEFITS PLAN	\$ 144,996.48	\$ 301,719.60	\$ 611,575.20	\$ 1,058,291.28

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OPTION 3

% of pay

Members	SINGLE	2 PERSON	FAMILY	TOTAL EMPLOYEE COUNT WITH INSURANCE	WAIVERS	TOTAL EMPLOYEE COUNT WITH INSURANCE & WAIVERS
NON-UNION	4	6	5	15	7	22
POAM	6	8	6	20	5	25
COAM	0	0	3	3	2	5
IAFF	3	2	10	15	4	19
AFSCME	5	2	6	13	8	21
TOTAL	18	18	30	66	26	92

BARGAINING UNIT	TOTAL BASE WAGES	2%EMPLOYEE CONTRIBUTIONS	3% EMPLOYEE CONTRIBUTIONS	4% EMPLOYEE CONTRIBUTIONS	5% EMPLOYEE CONTRIBUTIONS	6% EMPLOYEE CONTRIBUTIONS	6.117% EMPLOYEE CONTRIBUTIONS
NON-UNION	868,275.20	17,365.50	26,048.26	34,731.01	43,413.76	52,096.51	53,112.39
POAM	1,049,122.88	20,982.46	31,473.69	41,964.92	52,456.14	62,947.37	64,174.85
COAM	237,182.40	4,743.65	7,115.47	9,487.30	11,859.12	14,230.94	14,508.45
IAFF	763,585.06	15,271.70	22,907.55	30,543.40	38,179.25	45,815.10	46,708.50
AFSCME	542,156.16	10,843.12	16,264.68	21,686.25	27,107.81	32,529.37	33,163.69
TOTAL	3,460,321.70	69,206.43	103,809.65	138,412.87	173,016.08	207,619.30	211,667.88

	ANNUAL WAGES	2%EMPLOYEE CONTRIBUTIONS	3% EMPLOYEE CONTRIBUTIONS	4% EMPLOYEE CONTRIBUTIONS	5% EMPLOYEE CONTRIBUTIONS	6% EMPLOYEE CONTRIBUTIONS	6.117% EMPLOYEE CONTRIBUTIONS
LOWEST PAID EMPLOYEES							
AFSCME EMPLOYEE HOURLY RATE	\$ 16.9380						
TOTAL HOURS ANNUAL	2080						
EMPLOYEE ANNUAL CONTRIBUTION	\$ 35,231.04	704.62	1,056.93	1,409.24	1,761.55	\$ 2,113.86	\$ 2,155.08
BI WEEKLY EMPLOYEES SHARE		27.10	40.65	54.20	67.75	81.30	82.89
WEEKLY EMPLOYEES SHARE		13.55	20.33	27.10	33.88	40.65	41.44

HIGHEST PAID EMPLOYEES							
NONUNION EMPLOYEE HOURLY RATE	\$ 44.9520						
TOTAL HOURS ANNUAL	2,080.00						
EMPLOYEE ANNUAL CONTRIBUTION	\$ 93,500.16	1,870.00	2,805.00	3,740.01	4,675.01	\$ 5,610.01	\$ 5,719.40
BI WEEKLY EMPLOYEES SHARE		71.92	107.88	143.85	179.81	215.77	219.98
WEEKLY EMPLOYEES SHARE		35.96	53.94	71.92	89.90	107.88	109.99

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EMPLOYEES WAGES BY BARGAINING UNIT
11/7/2014

ID #	BARGAINING UNIT	HOURLY RATE BASED ON 11- 7-14 PAYROLL	ANNUAL BASE WAGES	HEALTHCARE SAVINGS PLAN	INSURANCE COVERAGE	SINGLE	TWO PERSON	FAMILY	WAIVER 1	WAIVER 2	WAIVER 3	TOTAL
01-0085	NON-UNION	40.3900	-		WAIVER 2					WAIVER 2		
01-1501	NON-UNION	23.0770	-	1,800.00	WAIVER 2					WAIVER 2		
01-0611	NON-UNION	22.6380	-		WAIVER 3						WAIVER 3	
01-0626	NON-UNION	22.9690	47,775.52		SINGLE	SINGLE						
01-0245	NON-UNION	28.8500	60,008.00		FAMILY			FAMILY				
01-1485	NON-UNION	41.8270	-	1,800.00	WAIVER 1				WAIVER 1			
01-1282	NON-UNION	31.2500	65,000.00		TWO PERSON		TWO PERSON					
01-1479	NON-UNION	19.2300	39,998.40	1,800.00	TWO PERSON		TWO PERSON					
01-0046	NON-UNION	26.7810	55,704.48		FAMILY			FAMILY				
01-0836	NON-UNION	26.6590	-		WAIVER 3						WAIVER 3	
01-1378	NON-UNION	19.6900	40,955.20	1,800.00	SINGLE	SINGLE						
01-0044	NON-UNION	35.1490	73,109.92		FAMILY			FAMILY				
01-1411	NON-UNION	44.9520	93,500.16	1,800.00	TWO PERSON		TWO PERSON					
01-0890	NON-UNION	34.1440	71,019.52		FAMILY			FAMILY				
01-0511	NON-UNION	22.4330	46,660.64		TWO PERSON		TWO PERSON					
01-1400	NON-UNION	28.3180	58,901.44	1,800.00	SINGLE	SINGLE						
01-0093	NON-UNION	24.0510	50,026.08		SINGLE	SINGLE						
01-0083	NON-UNION	24.5730	51,111.84		FAMILY			FAMILY				
01-0569	NON-UNION	28.8500	60,008.00		TWO PERSON		TWO PERSON					
01-0061	NON-UNION	31.0920	-		WAIVER 2					WAIVER 2		
01-0421	NON-UNION	39.7000	-		WAIVER 1				WAIVER 1			
01-0936	NON-UNION	26.2000	54,496.00		TWO PERSON		TWO PERSON					
			868,275.20	10,800.00		4	6	5	2	3	2	22
01-1270	COAM	37.3200	77,625.60		FAMILY			FAMILY				
01-0250	COAM	39.3900	81,931.20		FAMILY			FAMILY				
01-0492	COAM	37.3200	-		WAIVER 3						WAIVER 3	
01-0337	COAM	37.3200	-		WAIVER 2				WAIVER 2			
01-0628	COAM	37.3200	77,625.60		FAMILY			FAMILY				
			237,182.40	-		0	0	3	0	1	1	5
01-0860	POAM	32.7400	-		Waiver 3						Waiver 3	
01-1498	POAM	22.7700	47,361.60	1,800.00	SINGLE	SINGLE						
01-1500	POAM	18.6580	38,808.64	1,800.00	SINGLE	SINGLE						
01-0820	POAM	32.7400	68,099.20		TWO PERSON		TWO PERSON					
01-1212	POAM	30.3110	63,046.88		SINGLE	SINGLE						
01-0094	POAM	32.7400	68,099.20		FAMILY			FAMILY				
01-0891	POAM	30.3110	-		WAIVER 3						WAIVER 3	
01-1497	POAM	22.7700	47,361.60	1,800.00	SINGLE	SINGLE						
01-0583	POAM	30.3110	-		WAIVER 3						WAIVER 3	

EMPLOYEES WAGES BY BARGAINING UNIT
11/7/2014

ID #	BARGAINING UNIT	HOURLY RATE BASED ON 11- 7-14 PAYROLL	ANNUAL BASE WAGES	HEALTHCARE SAVINGS PLAN	INSURANCE COVERAGE	SINGLE	TWO PERSON	FAMILY	WAIVER 1	WAIVER 2	WAIVER 3	TOTAL
01-1526	POAM	21.5210	44,763.68	1,800.00	SINGLE	SINGLE						
01-0834	POAM	30.3110	-		WAIVER 3						WAIVER 3	
01-0847	POAM	30.3110	63,046.88		FAMILY			FAMILY				
01-0909	POAM	30.3110	63,046.88		FAMILY			FAMILY				
01-1401	POAM	22.7700	47,361.60		TWO PERSON		TWO PERSON					
01-0849	POAM	21.5210	44,763.68	1,800.00	TWO PERSON		TWO PERSON					
01-0297	POAM	30.3110	63,046.88		FAMILY			FAMILY				
01-0096	POAM	30.3110	63,046.88		FAMILY			FAMILY				
01-1527	POAM	19.6580	40,888.64	1,800.00	SINGLE	SINGLE						
01-0894	POAM	30.3110	-		WAIVER 2					WAIVER 2		
01-0906	POAM	30.3110	63,046.88		TWO PERSON		TWO PERSON					
01-0285	POAM	32.7400	68,099.20		FAMILY			FAMILY				
	POAM	18.6580	38,808.64		TWO PERSON		TWO PERSON					
	POAM	18.6580	38,808.64		TWO PERSON		TWO PERSON					
	POAM	18.6580	38,808.64		TWO PERSON		TWO PERSON					
	POAM	18.6580	38,808.64		TWO PERSON		TWO PERSON					
			1,049,122.88	10,800.00		6	8	6	0	1	4	25
01-0494	IAFF	23.9270	67,187.02		FAMILY			FAMILY				
01-0050	IAFF	23.9270	67,187.02		FAMILY			FAMILY				
01-1504	IAFF-SAFER	12.6700	35,577.36	1,800.00	FAMILY			FAMILY				
01-1549	IAFF	12.6700	35,577.36	1,800.00	TWO PERSON		TWO PERSON					
01-0039	IAFF	22.9040	64,314.43		SINGLE	SINGLE						
01-1538	IAFF	12.6700	35,577.36	1,800.00	SINGLE	SINGLE						
01-0111	IAFF	20.4500	57,423.60		FAMILY			FAMILY				
01-0051	IAFF	22.9040	-		WAIVER 3						WAIVER 3	
01-0498	IAFF	20.4500	57,423.60		FAMILY			FAMILY				
01-0205	IAFF	23.9270	-		WAIVER 2					WAIVER 2		
01-1509	IAFF-SAFER	12.6700	35,577.36	1,800.00	FAMILY			FAMILY				
01-0079	IAFF	20.4500	57,423.60		FAMILY			FAMILY				
01-1508	IAFF-SAFER	12.6700	35,577.36	1,800.00	SINGLE	SINGLE						
01-0854	IAFF	20.4500	57,423.60		FAMILY			FAMILY				
01-0040	IAFF	20.4500	-		WAIVER 2					WAIVER 2		
01-0857	IAFF	22.9040	64,314.43		TWO PERSON		TWO PERSON					
01-1507	IAFF-SAFER	12.6700	35,577.36	1,800.00	FAMILY			FAMILY				
01-1503	IAFF-SAFER	12.6700	-	1,800.00	WAIVER 2					WAIVER 2		
01-0020	IAFF	20.4500	57,423.60		FAMILY			FAMILY				
			763,585.06	12,600.00		3	2	10	0	3	1	19
01-0248	AFSCME	26.1000	54,288.00		FAMILY			FAMILY				

EMPLOYEES WAGES BY BARGAINING UNIT
11/7/2014

ID #	BARGAINING UNIT	HOURLY RATE BASED ON 11- 7-14 PAYROLL	ANNUAL BASE WAGES	HEALTHCARE SAVINGS PLAN	INSURANCE COVERAGE	SINGLE	TWO PERSON	FAMILY	WAIVER 1	WAIVER 2	WAIVER 3	TOTAL
01-0762	AFSCME	18.8690	39,247.52		TWO PERSON		TWO PERSON					
01-0926	AFSCME	17.6790	36,772.32		FAMILY			FAMILY				
01-0875	AFSCME	18.0650	-		WAIVER 3						WAIVER 3	
01-1367	AFSCME	16.9380	-	1,800.00	WAIVER 1				WAIVER 1			
01-1511	AFSCME	16.9380	-	1,800.00	WAIVER 3						WAIVER 3	
01-0827	AFSCME	19.8150	41,215.20		SINGLE	SINGLE						
01-1546	AFSCME	16.9380	35,231.04	1,800.00	SINGLE	SINGLE						
01-0822	AFSCME	16.6870	-		WAIVER 2					WAIVER 2		
01-0876	AFSCME	18.0650	37,575.20		FAMILY			FAMILY				
01-0658	AFSCME	21.0700	-		WAIVER 3						WAIVER 3	
01-0736	AFSCME	21.3920	44,495.36		FAMILY			FAMILY				
01-0756	AFSCME	20.5880	42,823.04		SINGLE	SINGLE						
01-0047	AFSCME	23.4080	-		WAIVER 2					WAIVER 2		
01-0809	AFSCME	19.8150	-		WAIVER 1				WAIVER 1			
01-0700	AFSCME	21.0700	43,825.60		FAMILY			FAMILY				
01-0675	AFSCME	26.8830	55,916.64		SINGLE	SINGLE						
01-0486	AFSCME	21.0700	-		WAIVER 3						WAIVER 3	
01-0783	AFSCME	17.5860	36,578.88		FAMILY			FAMILY				
01-1551	AFSCME	16.9380	35,231.04		SINGLE	SINGLE						
01-0903	AFSCME	18.7290	38,956.32		TWO PERSON		TWO PERSON					
			542,156.16	5,400.00		5	2	6	2	2	4	21
			3,460,321.70	39,600.00		18	18	30	4	10	12	92

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ACTIVE EMPLOYEES NEW HEALTH INSURANCE RATES FOR 2015

	SINGLE	2 PERSON	FAMILY	TOTAL
Members	18	17	30	65
Blue Cross Community Blue PPO	\$ 363.72	\$ 872.91	\$ 1,091.14	
EHIM (Rx)	\$ 70.00	\$ 169.00	\$ 211.00	
EHIM (WRAP)	\$ 95.83	\$ 229.99	\$ 287.49	
EHIM Adm. Fees	\$ 18.00	\$ 18.00	\$ 18.00	
Federal , State Taxes & Fees	\$ 23.73	\$ 56.95	\$ 71.19	
Monthly Rates	\$ 571.28	\$ 1,346.85	\$ 1,678.82	
Annual Rates	\$ 6,855.36	\$ 16,162.20	\$ 20,145.81	
Total City's Annual Costs	\$ 123,396.48	\$ 274,757.40	\$ 604,374.30	\$ 1,002,528.18
20% employees Annual Share	\$ 24,679.30	\$ 54,951.48	\$ 120,874.86	\$ 200,505.64
Net City's Annual Cost	\$ 98,717.18	\$ 219,805.92	\$ 483,499.44	\$ 802,022.54
20% Annual Employee Share Per employee	\$ 1,371.07	\$ 3,232.44	\$ 4,029.16	
Bi-Weekly Employee's Share	\$ 52.73	\$ 124.32	\$ 154.97	
Weekly Employees Share	\$ 26.37	\$ 62.16	\$ 77.48	

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ACTIVE EMPLOYEES NEW HEALTH INSURANCE RATES FOR 2014

	SINGLE	2 PERSON	FAMILY	TOTAL
Members	20	11	27	58
Blue Cross Community Blue PPO	\$ 363.53	\$ 872.46	\$ 1,090.59	
EHIM (Rx)	\$ 78.84	\$ 189.20	\$ 236.51	
EHIM (WRAP)	\$ 72.83	\$ 174.80	\$ 218.50	
EHIM Adm. Fees	\$ 18.00	\$ 18.00	\$ 18.00	
Federal , State Taxes & Fees	\$ 23.61	\$ 56.66	\$ 70.83	
Monthly Rates	\$ 556.81	\$ 1,311.12	\$ 1,634.43	
Annual Rates	\$ 6,681.72	\$ 15,733.44	\$ 19,613.16	
Total City's Annual Costs	\$ 133,634.40	\$ 173,067.84	\$ 529,555.32	\$ 836,257.56
20% employees Annual Share	\$ 26,726.88	\$ 34,613.57	\$ 105,911.06	\$ 167,251.51
Net City's Annual Cost	\$ 106,907.52	\$ 138,454.27	\$ 423,644.26	\$ 669,006.05
20% Annual Employee Share Per employee	\$ 1,336.34	\$ 3,146.69	\$ 3,922.63	
Bi-Weekly Employee's Share	\$ 51.40	\$ 121.03	\$ 150.87	
Weekly Employees Share	\$ 25.70	\$ 60.51	\$ 75.44	

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Resolution No. 2014-272
November 18, 2014

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



ZONING ORDINANCE

City of Ypsilanti, Michigan

Chapter 122

ZONING

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ARTICLE I. IN GENERAL

Sec. 122-1. Intent

In the interpretation and application of this chapter, the provisions of this chapter shall be held to be minimum requirements for the promotion of the public health, safety and welfare. The provisions of this chapter are intended to **create a safe and sustainable city; to** meet the needs of the city's residents for food, fiber, energy and other natural resources; the location of places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water energy, education, recreation and other public service and facility needs; and for those purposes, divide the city into districts and within those districts designate the uses for which buildings or structures may be erected or altered; **what type of building may be erected**, provide regulations for land uses, activities, or special uses which may be permitted subject to approval and regulation; establish the height and bulk of buildings, the area of yards, courts and other open spaces; restrict the maximum number of families which may be housed in dwellings; and impose regulations for land prone to flooding.

The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:

(1) The block and the building

- a. That buildings and landscaping should contribute to the physical definition of streets as civic places.
- b. That development should create complete streets that adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- c. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design should grow from local climate, topography, history, and building practice.
- e. That buildings should provide the community with a clear sense of geography and climate through energy efficient methods.
- f. That Institutional Buildings and public gathering places should be provided as locations that reinforce - community identity.
- g. That Institutional Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
- i. That the harmonious and orderly evolution of urban areas should be secured through codes that regulate both building type and land use.

(2) The districts

- a. That neighborhoods should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the District descriptions in Article VII shall constitute the Intent of this Code with regard to the general character of each of these environments.

Sec. 122-42. Interpretation of language.

For the purpose of this chapter, the following rules of interpretation shall apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- (4) Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.

- (6) The phrase "used for" includes "arranged for," "designed for" "intended for," "maintained for," or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, or a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- (9) Terms not defined in this chapter shall have the meaning customarily assigned to them.

Sec. 122-23. Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means, in relation to nonconformities, to refer to uses, businesses, or establishments which have ceased to operate or exist; or to buildings, structures, or properties which have ceased to be occupied or used or for which no owner can be found, for a period of 365 consecutive days where there is an intent demonstrated by the property owner to abandon the nonconforming use by action consistent with §122-204(5) ~~or 122-205~~.

Accessory dwelling unit means Living or sleeping quarters, temporary or permanent, in an accessory building. Accessory dwelling units are prohibited in travel trailers, motor homes or other recreation vehicle, auto chassis, boat or portable building.

Accessory use, building or structure means a use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use or structure to which it is exclusively related. ~~Where an accessory structure is attached to and made a part of the principal building (excluding breezeways or canopies), such accessory structure shall comply in all respects with the requirements of this chapter applicable to the principal building.~~

Adjacent. See "Lot, adjacent."

Administrative officer means an employee of the city who is charged with administering a department or major function of the city, such as city manager, city clerk, city treasurer, city assessor, police chief, fire chief, city planner, community and economic development director, building inspection supervisor.

Adult drop-in center means a facility offering counseling, recreation, supervision, education or a place to pass the day to physically, mentally, or emotionally impaired adult individuals who may stop at any time and stay an unspecified period of time during its business hours.

Adult foster care facility. A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Act No. 218 of the Public Acts of Michigan of 1979, and the adult foster care administrative rules as administered by the state department of social services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require continuous supervision on an ongoing basis but who do not require continuous nursing care. The following four types of adult foster care homes are provided for by these rules:

- (1) *Adult foster care family home.* A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- (2) *Adult foster care small group home.* An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Conformance to local zoning is required only if seven or more residents will live in the home.

- (3) *Adult foster care large group home.* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Conformance to local zoning is required.
- (4) *Adult foster care congregate facility.* An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Conformance to local zoning is required.

Adult regulated uses. The following definitions shall apply to adult uses as regulated in section 122-774:

- (1) *Adult book or supply store* means an establishment having 20 percent or more of its stock in trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.
- (2) *Adult mini-motion picture theater* means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (3) *Adult motel/hotel* means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests where the room charge is made by the hour, and/or in which books, magazines and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, may be sold or rented, or where motion pictures or video tapes with an emphasis on specified sexual activities or specified anatomical areas are available for viewing on an in-room viewing screen or television monitor.
- (4) *Adult motion picture theater or adult live stage performing theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (5) *Cabaret* means an establishment which features any of the following: topless dancers and/or bottomless dancers, ~~go-go dancers~~, strippers, ~~male and/or female impersonators or similar entertainers~~, or topless and/or bottomless waitpersons or employees or any other form of nude or partially nude service or entertainment.
- (6) *Massage parlor or massage establishment* means a place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed massage therapist, physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments shall not include properly-licensed hospitals, offices of a duly licensed massage therapist, medical clinics, or nursing homes, or beauty salons or barbershops in which massages are administered only to the scalp, the face, the neck or the shoulders; or other establishments that offer massages performed by a duly licensed massage therapist.
- (7) *Specified anatomical areas* means portions of the human body defined as follows:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (8) *Specified sexual activities* means the explicit display of one or more of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

~~Alcohol treatment facility.~~ See "Substance abuse treatment facility."

Alley means a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking spaces or loading areas or means of egress and ingress to the site; or any change which may be referred to as "altered" or "reconstructed" or "change of use."

Alternative paving means alternatives to traditional impervious asphalt or concrete paving techniques that save energy, decrease the heat island effect, and/or increase stormwater infiltration. This includes pervious paving and pavers and geogrid installations, but does not include loose gravel.

~~Animal hospital.~~ See "Veterinary clinic or hospital."

Antenna means the arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

Antenna support structure means any mast, pole, tripod, tower, or similar structure used to support an antenna.

Antenna system means the combination of an antenna and antenna support structure.

~~Apartment.~~ See "Dwelling, multiple apartment."

~~Arcade~~ means any establishment which provides on its premises four or more coin-operated amusement devices which upon the insertion of a coin or slug may be operated for use as a game, contest, or amusement of any description, not including musical devices. (Also see "Coin-operated amusement device.")

~~Arts and crafts studios and schools~~ means facilities that are used as work space for an artist or crafter or a learning place for the study of an art or craft. Arts uses shall include, but are not limited to, the fine arts such as music, dance, film (except for adult regulated uses), and photography. Craft uses include the handmade production of articles other than food, such as pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work, metalworking or casting, and similar items.

Auction house means a permanent facility where items of merchandise are sold and physically conveyed to the highest bidder in an enclosed facility. This does not include on-line auction activities or temporary auctions.

Automobile means, unless specifically indicated otherwise, any vehicle including cars, trucks, pickups, vans, commercial vehicles, motorcycles, and the like.

Automobile repair means ~~major or minor~~ repair of automobiles defined as follows: **including (1) — Minor — repair** means engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing, ~~rebuilding or repairs that normally do not require significant disassembly or storing the automobiles on the premises overnight.~~ (2) — **Major repair** means engine and transmission rebuilding, reconditioning or general repairs; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; painting and similar exterior detailing; machining; and similar servicing, rebuilding or repairs ~~that normally do require significant disassembly or storing the automobiles on the premises overnight.~~

~~Automobile repair garage~~ means ~~primarily used for general automobile repair wholly within enclosed buildings, which may include minor or major repair of automobiles or a combination thereof, and which does not offer the sale and dispensing of automobile fuels.~~

Automobile service station/automobile filling station means any building, structure or land used for the retail sale of fuels, lubricants, and automobile accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building. An automobile **service filling** station shall not include **engine and transmission rebuilding, reconditioning or general repairs; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; painting and similar exterior detailing; machining; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises overnight.** ~~major repair work. Automobile service stations may also incorporate a convenience store operation as an accessory use. Parking requirements for service station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.~~

Automobile Share Organization means a membership-based car-share service to the public and manages, maintains and insures motor vehicles for shared use 24-hours a day by individual and group members. This definition does not include automobile rental services where vehicles are leased by the day and vehicles are stored, washed and/or repaired in the same facility.

Automobile Share Parking means a parking space or spaces which it is located and dedicated for use by any automobile share organization through a deed restriction, condition of City approval, or license agreement.

Automobile or car wash means any building or premises or portions thereof used for washing and/or detailing automobiles and includes automatic, self-service and hand wash facilities.

Awning means a structure generally constructed so as to shade a window or door opening on a building, which is made of nonrigid materials stretched over a frame attached to a building and which may or may not be constructed so as to be raised or retracted to a position against the building when not in use.

Bar/lounge means an establishment which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment shall be considered a bar/lounge if more than 50 percent of the usable floor area of the entire establishment is used for the bar/lounge. *Brewpubs, as defined and licensed by the State of Michigan, shall be considered a bar/lounge.*

Base flood means the flood having a one percent probability of being equaled or exceeded in any given year as determined by the Federal Insurance Administration and/or the U.S. Army Corps of Engineers; also referred to as the 100-year flood.

Base flood elevation means the height of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Basement means that portion of a building wholly or partly below grade. Except that a basement shall be considered a story above grade where the finished surface of the floor above the basement is:

- (1) More than six feet (1,829 mm) above grade plane;
- (2) More than six feet (1,829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or
- (3) More than 12 feet (3,658 mm) above the finished ground level at any point. (Refer to Figure 1.)

Bed and breakfast inn. See "Inn."

Bed and breakfast lodging means a structure ~~in a residential area~~ which was constructed for and is used for single-family residential purposes occupied by the owner but which may have as an accessory use a temporary lodging for travelers/guests where bedrooms are rented on a nightly basis with breakfast included in the price of the room, subject to the limitations outlined in this chapter.

Bedroom means any private room in a dwelling unit suitable for regular use for sleeping purposes, as defined in the housing code. Bedrooms can include rooms designated on development floor plans as dens, studies, or libraries but not living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgment of the city planner and the building official or planning commission could normally be usable for sleeping purposes shall be considered a bedroom. Any bedroom designed for occupation shall have minimum space requirements as established by the city housing code for existing structures or as established by the building code adopted by the this Code for new construction, additions or repairs.

Berm. See "Landscaping." *Berm* means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this chapter.

Board of appeals means the zoning board of appeals of the city, created pursuant to the provisions of Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended.

Boardinghouse. See "Roominghouse."

BOCA Code means codes currently adopted by the city which are promulgated by the Building Officials and Code Administrators International, Incorporated.

Body art facility means any location that provides, as a principle function, tattooing, branding, body-piercing, or similar body modification for a non-medical purpose. Body art facilities shall be regulated as required by State

of Michigan Act 149 of the Public Acts of 2007, as amended, and shall comply with all inspections, licensing, and other procedures required by that act or by regulations established by Washtenaw County.

Brewer/distiller/ wine maker means a facility in which beer, wine or other alcoholic beverages are brewed, fermented, or distilled and then packaged and stored for distribution and, if allowed by licenses and zoning, consumption; and for possesses the appropriate license(s) from the State of Michigan and the federal government. Accessory uses to the facility, if allowed by the state license, such as direct to consumer sales, tasting rooms and restaurants are regulated by zoning district.

Building means any temporary or permanent structure, having a roof or other covering, used or built for the support, enclosure, shelter, or protection of persons, animals, chattel or property of any kind, ~~including but not limited to tents, awning, carports; and also semi-trailers, vehicles, mobile homes, or premanufactured or pre-cut structures, erected on-site, above or below ground,~~ designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, ~~but shall include structures such as storage tanks, grain elevators, coal bunkers or similar structures.~~

~~*Building, accessory.* See "Accessory use, building, or structure."~~

Building code means chapter 18, article III of this Code.

Building, completely enclosed means a building separated on all sides from the adjacent open space or from other building or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

Building height means the vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof; to the deck line of mansard roof; to the mean height level between the eaves and ridge for a hip, gambrel or gabled roof; and 75 percent of the height of "A" frame. (Refer to Figure 3.) Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height.

Building line means a line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. (Refer to Figure 4.) For the purposes of this chapter, a minimum building line is the same as a required front yard setback line.

Building, principal means a building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. See "Accessory use, building, or structure" and "Use, principal."

Building, temporary means a building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of temporary building is a trailer used on a construction site.

Bulk means a composite characteristic of a given building as located upon a given lot; not definable as a single quantity, but involving all of the following characteristics:

- (1) Size and height of the building;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of the building in relation to lot area;
- (4) All open spaces allocated to the building; and
- (5) Amount of lot area provided per dwelling unit.

Canopy means a roof-like structure, other than an awning, made of rigid and durable materials with frames attached to and made a part of the building and further supported by a frame to the ground or sidewalk; or in the case of an automobile filling station or automobile repair garage ~~that which~~ sells fuels, a canopy is a roof-like structure ~~that which~~ is supported mainly by vertical support beams and not walls, ~~it~~ may or may not be attached to the principal building, and is designed to shelter the fuel pumps.

Carport means a structure consisting of a roof supported by posts which is otherwise open to the elements on at least three sides, which is mainly used for storage of automobiles.

~~*Carriage house* means a secondary structure normally at the rear or side of the main building on a site, that is or was used to house horses and horse drawn vehicles or automobiles, and may be 1^{1/2} to 2^{1/2} stories in height. Typical carriage houses have garage doors or carriage openings on the first floor and storage or living space on the~~

~~upper floor or floors. This designation would also include larger garages, tack houses and barns. Structures must be older than the date of the historic district ordinance to be eligible.~~

Change of Use constitutes the conversion of an existing structure from one permitted use to another. Such a change may not include exterior building alterations, but due to a use intensity, requires additional off-street parking and modification to interior circulation or landscaping. (Ord. No. 918, 8-4-2000)

Child care organizations mean as follows:

~~(1) *Family day care home* means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.~~

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

~~(2) *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.~~

(3) *Group day care home* means a private home, licensed by the state, in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

~~(4)~~

Child care center or day care center means a **commercial** facility, ~~other than a private residence~~ **licensed by the state**, receiving one or more children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period or not more than eight hours per day for a period not to exceed four weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services. **State law reference(s)**--Child care organizations, defined, MCL 722.111, MSA 25.358(11).

~~(4) *Foster family home.* See "State licensed residential facility."~~

~~(5) *Foster family group home.* See "State licensed residential facility."~~

~~*Church, synagogue or mosque* means any structure wherein persons regularly assemble for religious activity or worship, including such uses normally accessory thereto, such as a fellowship hall, Sunday School classrooms, parsonages or rectories, and offices. Where a group of persons, who are affiliated with a religious organization, reside together within a dwelling which is the principal building on a site, such dwelling shall not be considered a church or synagogue.~~

***Cisterns* means storage containers that capture a larger volume of runoff stormwater than a rain barrel.**

City means the City of Ypsilanti, Washtenaw County, Michigan.

City council means the city council of Ypsilanti, Washtenaw County, Michigan.

~~Clinic, dental or medical.~~ See "Medical or dental clinic."

~~Club, health~~ means any establishment providing physical or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

Club or lodge, private means a nonprofit association of persons who are bona fide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this chapter.

Coin-operated amusement device means any mechanical or electrical device which provides amusement or entertainment which may be operated or set in motion upon the insertion of a coin or token, or payment of a fee. This definition shall not include juke boxes, music machines, telephone devices, machines which dispense merchandise or machines or devices that provide film or video tape presentations to a customer/user who is merely a passive spectator of such presentation. This exclusion shall not be deemed to exclude any machines or devices in which the customer/user is engaged in a form of competition against the machine or another customer/user.

~~Collector street.~~ See "Street, collector."

Commercial vehicle means a truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of nine feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

Commission means the planning commission of the City of Ypsilanti, Michigan.

Communication device means an apparatus such as an antenna system or satellite dish stations of which the principal function is to send or receive television, radio, or data microwave signals.

~~Conditional use.~~ See "Special use."

Condominium means ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended.

~~Convalescent home.~~ See "Nursing home."

~~Co-op (cooperative)~~ *Cooperative housing* means a multiple dwelling owned by a corporation which leases its units to stockholders/shareholders on a proprietary lease arrangement.

Correctional institution facility means a place of confinement for persons who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. ~~and are regarded as capable of being reformed.~~

~~Council.~~ See "City council."

~~Cul de sac.~~ See "Street, cul de sac."

~~Cultural exhibit and performance venues~~ includes public assembly facilities such as museums, libraries, art galleries, theaters, concert halls, and planetariums, excluding adult regulated uses. ~~These facilities may include accessory uses such as administrative offices, rehearsal rooms, scene shops, and arts and crafts studios. All activities shall occur within a completely enclosed building.~~

Curb cut means the entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Craft Manufacturing means establishments manufacturing and/or assembling products primarily by hand or with hand tools and/or domestic mechanical equipment. Items produced may include, but are not limited to, custom furniture and woodworking, ceramics and glass, items intended for consumption, personal care products, candle making, jewelry making, custom textile manufacturing and crafts production.

Department of community and economic development means the city department which reviews site plans, variance applications, proposed planned unit developments, and other applications associated with this chapter in order

to provide information and recommendations that will assist the planning commission and zoning board of appeals in their determinations.

District means a portion of the city within which, on a uniform basis, certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter, such as **building type**, building height, building setback, and intensity of use.

Dormitory means those facilities used for housing students, which are owned and controlled by an educational institution and which are to be distinguished from hotels, motels, and boardinghouses. The terms "dormitory" and "residence hall" are to be used synonymously.

Drive-through service means a business activity so developed that its retail or service character provides a driveway approach and waiting spaces for motor vehicles so as to serve patrons while seated in their motor vehicle. An automatic teller machine or similar device shall not be included in this definition, provided that the device is not staffed and does not use any type of amplification device.

~~*Drug treatment facility.* See "Substance abuse treatment facility."~~

~~*Dumpster enclosure* means any type of approved screening which encloses trash receptacles.~~

Dwelling means a building or portion thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family, excluding hotels, motels, and inns. In no case shall a travel trailer, motor home, automobile, tent, or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter.

Dwelling, manufactured (also known as a "mobile home") means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days. The unit shall be labeled as prescribed under the provisions of the Mobile Homes Construction Safety Standards as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280. Recreational vehicles as described and regulated shall not be considered "mobile homes" for the purpose of this chapter. Also refer to "Dwelling, one-family or single-family."

Dwelling, premanufactured means an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled, at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to ensure uniformity of quality and material content. The unit shall be labeled as prescribed in R408.31137 of the Michigan Department of Labor, Construction Code Commission Administrative Rules Part 11. See also "Dwelling, one-family or single-family."

Dwelling, multiple ~~apartment~~ means a building designed for and occupied by three or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple ~~apartment~~ dwelling units include the following:

- (1) *Apartment.* An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are reached from a common stair landing or walkway, or are accessed directly from the outside. ~~Apartments are typically rented by the occupants.~~
- (2) *Efficiency unit or studio apartment.* An efficiency unit or studio apartment is a type of multiple-family or apartment unit consisting of one principal room with sleeping facilities, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room. Sleeping facilities may also be separated from the principal living space by dividers or lofts. ~~Efficiency units and studio apartments are typically rented by the occupants.~~

Dwelling, one-family or single-family means a detached building containing not more than one dwelling unit designed for residential use. ~~,-provided:-~~

- ~~(1) It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the city building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the city building code, then such federal or state standards or regulations shall apply. The provision of this section shall not have the effect of~~

~~making one family dwellings, which exist as of the effective date of the ordinance from which this chapter is derived, nonconforming.~~

~~(2) In the event that the dwelling is a mobile home, such dwelling shall comply with the provisions of the Mobile Homes Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time to time such amendments may be amended. In addition, mobile homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required. Each mobile home shall be installed with the wheels and towing mechanism removed. No dwelling shall have any exposed undercarriage or chassis.~~

~~(3) The dwelling complies with all pertinent building and fire codes.~~

~~(4) All construction required shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.~~

Dwelling, two-family or duplex means a detached building, designed exclusively to be occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling unit, single-family attached or townhouse means an attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own front door which opens to the outdoors at front level, and typically with its own basement utility connections, and front and rear yards. A townhouse may be located on its own lot, or may be located on land commonly owned by a condominium association or similar association. Townhouses are also commonly known as rowhouses.

Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity. The term "easement" often applies to public or private rights-of-way and to "utility easements" which give utility companies the right to use land for the construction and maintenance of utilities.

Efficiency unit. See "Dwelling, multiple apartment."

~~*Emergency Shelter for the Homeless* means a facility which provides congregate style temporary lodging with or without meals and supportive services on the premises to primarily the homeless for more than four (4) weeks in any calendar year. An emergency shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law. An emergency shelter for the homeless shall be considered a different land use than adult foster care facilities, supportive housing, nursing homes, temporary emergency shelters, or warming centers. (Ord. No. 988, 12-25-03)~~

Encroachment means any construction, structure, filling grading, or deposition of materials in, upon, across or projecting into a floodplain, channel, or floodway.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on land required for the building. Excavations, fill, drainage, and installation of utilities shall be considered part of erection.

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments or city licensed cable television companies or underground, surface, or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply or disposal; including towers, poles, boxes, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. The location, size, and intensity of essential services shall be regulated by the standards of this chapter. ~~Essential services located within residential districts shall not include storage yards, sales or business offices, commercial buildings or activities, sanitary landfills, or water or sewage treatment plants.~~ Essential services shall also not include communication providers when there is more than one entity servicing a geographic area and which are not regulated by the state public service commission.

Excavation means the removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

Factory built housing. See "Dwelling, manufactured."

Family means:

- (1) One individual;
- (2) A group of two or more persons related by blood, marriage or adoption, together with foster children; together with:
 - a. No more than two servants of the principal occupants;
 - b. No more than two additional unrelated persons occupying the unit as boarders, roomers, or guests;
 All of whom are domiciled together as a common, domestic, household in a single dwelling unit;
- (3) A group of persons, none of whom are related to each other by blood, marriage, or adoption, who reside together in a single dwelling unit, provided that the total number of occupants in such group shall not exceed three, except in the ~~R4 MD~~ district and in any permitted residential uses in any ~~commercial corridor or manufacturing~~ district the total number of occupants in this group shall not exceed four, unless otherwise provided for in this chapter; or
- (4) A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Family day care home. See ~~"State licensed residential facility."~~ See "Child Care".

Farmers' market means an indoor or outdoor market open to the public offering for sale at retail vegetables, produce, other farm products, and value-added food products, occurring in a pre-designated area, where the vendors are individuals who have grown or produced the food products or have taken the same on consignment for retail sale.

FBFM means the flood boundary and floodway map, used as a floodplain management map that depicts, based on detailed analyses, the boundaries of the 100-year and SOO-year floods and the 100-year floodway. For the purposes of this chapter, the FBFM is the map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. (*ord 1170-A, 2012*)

Fence means a permanent or temporary unroofed barrier enclosing or bordering a plot of land or portion thereof composed of wood, shrubs or suitable manmade materials for the purpose of preventing or controlling entrance, confining within, screening, or marking a boundary.

Fill means the deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FIRM means the flood insurance rate map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12. (*ord 1170-A, 2012*)

Flood means a temporary increase in the stage of a river or stream resulting in the inundation of lands not normally covered by water.

Flood insurance study means the engineering study performed by FEMA to identify flood-prone areas, insurance risk zones, and other flood data and contained in a document titled, Flood Insurance Study, Washtenaw County (All Jurisdictions) Community Number 260216, dated April 3, 2012. (*ord 1170-A, 2012*)

Floodplain means that area of land adjoining a river or stream which will be inundated by a 100-year flood.

Floodway means the channel of a river, stream, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. In the city, the floodway includes the Huron River and Paint Creek along with the adjoining land, as shown on the Federal Emergency Management Agency insurance maps.

Floor area, gross means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, not including any uncovered or unenclosed porches, patios, or decks.

Floor area, usable nonresidential means the sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or

intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area. If precise floor plans are not available for calculations, usable nonresidential floor area shall be 80 percent of gross nonresidential floor area.

Floor area, usable residential means the gross floor area minus area in basements, unfinished attics, attic floor area with less than five feet vertical distance from floor to finished ceiling, attached garages, uncovered or enclosed porches, patios, terraces, carports, breezeways, decks, or verandas.

~~Foster care home.~~ See "State licensed care facility."

Foster family home. A private residence, licensed by the state, that houses four or fewer foster children, up to age 19, under constant child care and supervision. Under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), a foster family home does not require local zoning approval before being licensed by the state department of social services.

Foster family group home. A private residence, licensed by the state, that houses five or six foster children, up to age 19, under constant care and supervision. Under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), a foster family group home shall be considered a residential use of property for the purposes of zoning and permitted use in all residential zones and is not subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

Fraternity or sorority house means a building, rented, occupied or owned by a national or local chapter of some regularly organized college fraternity or sorority which is officially recognized by a college or university, or by or on its behalf by a building corporation or association composed of members of such fraternity or sorority, as a place of residence.

~~Front lot line.~~ See "Lot line, front."

~~Front yard.~~ See "Yard, front."

~~Garage, commercial~~ means any building or premises, other than a junkyard, where more than one motor vehicle is stored for compensation, but with no public repair services.

~~Garage, community~~ means a building for the storage only of noncommercial vehicles of occupants in the same block or abutting blocks and providing no service to vehicles stored therein.

Garage, private means an accessory building or portion of a principal building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities.

~~Garage, repair.~~ See "Automobile repair garage."

Garden/Community Garden means land used to grow and harvest food or non-food crops for personal or group use. The products of gardens/community gardens may or may not be for commercial purposes.

Gas station. See "Automobile service station/automobile filling station."

Geothermal Energy means power extracted from heat stored in the earth. Geothermal resources include: all products of geothermal processes embracing indigenous steam, hot water and hot brines; steam and other gases, hot water and brines resulting from water, other fluids or gas artificially introduced into geothermal formations; heat or other associated energy found in geothermal formations, including any artificial stimulation or induction thereof; and, any mineral or minerals, exclusive of fossil fuels and helium gas, which may be present in solution or in association with geothermal steam, water or brines.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

~~Greenbelt.~~ See "Landscaping." *Greenbelt* means a strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.

~~Group homes.~~ See "State licensed residential facility."

Greenhouse, Commercial means a space, building, structure, or combination thereof, where live trees, shrubs, and other plants used in gardening and landscaping are propagated, stored, and/or offered for sale on the premises. If business is conducted primarily outdoors, see "Open air business."

Group residence means a building used as a residence by a group of persons who are not a family on a weekly or longer basis. Typical uses include cooperatives, sororities and fraternities. This definition does not include boarding houses, rooming houses or other group living more specifically defined in this Chapter, specifically any group living or care facility licensed by the State of Michigan.

Ground cover means low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

~~*Harmful interference* means causing an increased stage or change in direction of flow of a river or stream which causes, or is likely to cause, any of the following:~~

- ~~(1) Damage to property.~~
- ~~(2) A threat to property.~~
- ~~(3) A threat of personal injury.~~
- ~~(4) Pollution, impairment or destruction of water or other natural resources.~~

~~*Health Club* means any establishment providing physical or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.~~

Hedge means a row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.

~~*Height, building.* See "Building height."~~

Home occupation means an occupation or profession carried on by a member or members of the immediate family residing on the premises which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; does not change the character thereof; which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like; and which meets the requirements of section 122-669. ~~Day care centers, tea rooms, veterinarian's offices, clinics or hospitals, kennels, millinery and other apparel shops, barbershops and beauty shops with more than one chair and one barber or beautician, among others, shall not be deemed to be home occupation.~~

Homeless Shelter means a facility which provides congregate style temporary lodging with or without meals and supportive services on the premises to primarily the homeless for more than four (4) weeks in any calendar year. An ~~emergency~~ shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law. An ~~emergency~~ shelter for the homeless shall be considered a different land use than adult foster care facilities, supportive housing, nursing homes, temporary emergency shelters, or warming centers. ~~(Ord. No. 988, 12-25-03)~~

Hospital means an institution which is licensed by the state department of health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hotel or motel means a building in which lodging is provided and offered to the public for compensation, which is open to transient guests generally on a per-day basis and not for long-term lodging, in distinction from a roominghouse, bed and breakfast lodging, or inn. Hotels or motels customarily provide services such as desk service, maid service, laundering of linens, the use of furniture, etc. No kitchen or cooking facilities are to be provided, with the exception of units for use of the manager or caretaker; unless approved by the planning commission as a special use.

~~*House trailer.* See "Dwelling, mobile home."~~

Housing code means article V of chapter 18, as amended.

Ingress and egress means, and is generally used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entranceway which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Indoor recreation means recreation uses occurring entirely inside a building including bowling alleys, gymnasiums or court sports facilities, tennis clubs, roller or ice skating rinks, recreation centers, personal fitness centers, and similar recreation use.

~~*Inn* means a structure located in a commercial district, originally constructed for residential purposes and used as temporary lodging for travelers and guests where bedrooms are rented on a nightly basis and managed either by an owner/occupant or resident manager subject to the limitations as outlined in this chapter. Breakfast may be included in the price of the room.~~

Junk means any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard means an area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles, and automobiles.

Kennel means any lot or premises on which four or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, grooming or as pet; and may offer provision for minor medical treatment, including animal shelters.

Laboratory means a place devoted to experimental, routine, or basic study such as testing and analytical operations and in which the manufacturing of products, except prototypes, is not performed.

Landscaping means the treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, edible plants, and flowers. A landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulder, raised garden beds, or mulch. Structural features such as fountains, pools, statues, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted towards meeting the requirements for landscaping. ~~Various landscaping related terms are defined as follows:~~

- ~~(1) *Berm* means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this chapter.~~
- ~~(2) *Greenbelt* means a strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.~~
- ~~(3) *Ground cover* means low growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.~~
- ~~(4) *Hedge* means a row of closely planted shrubs or low growing trees which form a continuous visual screen, boundary, or fence.~~
- ~~(5) *Screen or screening* means a wall, wood fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building but in no case shall include wire fencing.~~
- ~~(6) *Shrub* means a self supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.~~
- ~~(7) *Tree* means a self supporting woody, deciduous or evergreen plant with a well defined central stem which normally grows to a mature height of 15 feet or more in the county.~~
 - ~~a. *Deciduous tree* means a variety of tree that has foliage that is shed at the end of the growing season.~~
 - ~~b. *Evergreen tree* means a variety of tree that has foliage that persists and remains green throughout the year.~~

Loading space, off-street means an off-street space of definite size and dimensions in accordance with the requirements of this chapter, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

~~*Local street.* See "Street, local or minor."~~

~~*Lodginghouse.* See "Roominghouse."~~

Lot (or zoning lot or parcel) means a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, parking, and open space as required by this chapter. A lot shall have frontage on a street. A lot may consist of the following:

- (1) A single lot of record (See "Lot of record").
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, or portion thereof.
- (4) A piece of land described by metes and bounds.

Lot, abutting means lots which share a common interior lot line and which are not separated by a public or private right-of-way or easement.

Lot, adjacent means lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

Lot, contiguous means lots adjoining each other.

Lot, corner means a lot of which at least two adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. Tangents are straight lines extended from the outer edges of a curve which intersect to form a corner. (Refer to Figure 7.)

Lot, double frontage means a lot other than a corner lot having frontage on two more or less parallel streets. Also called a through lot. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on the street where buildings presently front.

Lot, interior means a lot other than a corner lot.

Lot area means the total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake, except that any lot which abuts an alley, may include the area of half the width of such alley where it abuts the lot in determining the total area of that lot.

Lot coverage means the part or percent of the lot that is occupied by buildings or structures.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

Lot line means any line separating a parcel of land from another. Lot lines are further defined as follows:

- (1) *Front lot line* means, in the case of an interior lot abutting on one public or private street, the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- (2) *Rear lot line* means the lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed in the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line* means any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (4) *Interior lot line* means any lot line which does not separate a lot from a street right-of-way. A lot line which separates a lot from an alley right-of-way shall be considered an interior lot line.

Lot of record means a lot or parcel of land, the deed of which has been recorded in the office of the registrar of deeds of the county.

Lot split or consolidation means the dividing or uniting of lots by virtue of changes in the deeds in the office of the county registrar of deeds and/or the city treasurer. ~~The division of lots shall take place in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.~~

Lot, through see *lot, double-frontage*.

Lot width means the straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Major street or thoroughfare. See "Street, major."

Manufactured housing. See "Dwelling, manufactured."

Massage parlor or massage establishment ~~see **Adult Regulated Uses**; means a place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed massage therapist, physician, osteopath, or chiropractor, a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction.~~

~~A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments shall not include properly licensed hospitals, offices of a duly licensed massage therapist, medical clinics, nursing homes, beauty salons or barbershops in which massages are administered only to the scalp, the face, the neck, or the shoulders; or other establishments that offer massages performed by a duly licensed massage therapist.~~

Massage therapist means an office where massage is performed for financial compensation only by individuals who satisfy the requirements of the Massage Therapy Licensing Act (PA 471 of 2008) as amended.

Master plan means a document which is prepared under the guidance of the city planning commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings, and all physical development of the city. The master plan is intended as a guide for all development within the city, and shall be used to guide the zoning board of appeals and the planning commission in all decisions before those bodies. The master plan is to be updated periodically.

Medical or dental clinic means an office of five or more physicians, dentists, massage therapists, or similar professionals or which is staffed on a rotational basis with personnel from an area hospital, where persons are examined or treated on an outpatient basis only, **including outpatient surgery**. ~~Medical laboratory work is permitted as a principal use within a clinic and may be performed for persons not examined or treated at the site. A pharmacy may be permitted as an accessory use; however, only prescription and nonprescription drugs and similar health related items may be sold from the premises. A medical or dental clinic may be owned by a group of doctors or by a nearby hospital.~~

Medical or dental office means the ~~private~~ office of not more than four physicians, dentists, massage therapists, or similar professionals, where persons are examined or treated on an outpatient basis only, **including outpatient surgery**. ~~Minor laboratory tests shall be permitted as an accessory use only, and may be performed only for patients receiving medical attention within the office.~~

Medical marijuana dispensary means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law.

(State Law reference(s))--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)

Medical Marijuana Growing/Manufacturing Facility. A facility for the cultivation and processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met.

(State Law reference(s))--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)

Medical Marijuana Home Occupation means the cultivation of medical marijuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e), within a single family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH). Medical Marijuana Home Use does not include any multi-family dwelling.

(State Law reference(s))--Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.264 et seq)

Mezzanine means an intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level or levels are located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is 24 feet or more. (Refer to Figure 2.)

Microbrewer/small distiller/small wine maker means a facility in which a limited amount beer, wine or other alcoholic beverages, defined by the State of Michigan Liquor Control Commission, are brewed, fermented, or distilled and then packaged and stored for distribution and, if allowed by licenses and zoning, consumption; and possesses the appropriate license(s) from the State of Michigan and the federal government. Accessory uses to the facility, if allowed by the state license, such as direct to consumer sales, tasting rooms and restaurants are regulated by zoning district.

Minor street. See "Street, local or minor."

Mobile home. See "Dwelling, manufactured."

~~*Mobile home park* means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which if offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the state mobile home commission rules and Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), as amended.~~

~~*Mobile home lot* means an area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.~~

Motel. See "Hotel or motel."

Motor home means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.

Municipality means the city.

Nonconforming lot means a lot which was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this chapter for the zoning district in which it is located.

Nonconforming structure means a building or structure which was lawful on the effective date of adoption or amendment of this chapter, but which does not conform to the new chapter regulations for lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, greenbelts or screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located. (Ord. No. 970, 1-2-03)

Nonconforming use means a use which was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendment thereto, and which does not now conform to the use regulations of this chapter for the zoning district in which it is now located. A nonconforming use may include a use that requires a Special Use Permit under current regulations contained in this chapter, where under previous regulations a Special Use Permit was not required or granted. (Ord. No. 970, 1-2-03)

Nuisance means any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. A nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursery, day nursery, or nursery school. See "Child care center."

~~Nursery, plant means a space, building, structure, or combination thereof, where live trees, shrubs, and other plants used in gardening and landscaping are propagated, stored, and/or offered for sale on the premises. Also see "Open air business."~~

Nursing home, convalescent home, or rest home means a home for the care of the aged, infirm, or those suffering from physical or mental disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), as amended.

Occupancy, change of means an abandonment of an existing use and the substitution of a use of a different kind or class, or the expansion of a use.

Occupied means used in any way at the time in question.

~~*Off-street parking space.* See "Parking space" and "Parking, off-street."~~

~~*Office support services* means any business or enterprise which provides office administrative support to outside firms, businesses, government agencies, or other entities, including but not limited to typing, photocopying, bookkeeping, telephone answering, dispatching, document processing, business writing or researching. Office support services shall not include the selling of goods or services at retail from or the distribution or repair of office machines or equipment on the premises.~~

Open air business means any business that is conducted primarily out-of-doors. unless otherwise specified, open air businesses shall include, but are not limited to:

- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- (3) Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.

Open space means that part of a ~~zoning~~ lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all occupants upon the zoning lot.

Ownership, change in means whenever the title to the property is transferred to another person, including purchase by land contract.

Parcel. See "Lot."

Parking garage means a building for the storage only of noncommercial vehicles of occupants in the same block or abutting blocks and providing no service to vehicles stored therein.

Parking lot, community means a parking lot on public or privately-owned property which provides parking with or without compensation for uses located in the general area in which it is situated.

Parking, off-street means an area not located within a public right-of-way which provides vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide for safe and convenient ingress and egress to the parking area, in accordance with the provisions of article XIII of this chapter.

Parking space means an area, enclosed or unenclosed, of definite length and width as designated in this chapter, to store one automobile or other vehicle which is fully accessible by a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile. The term "parking space" is exclusive of the access drives and aisles thereto.

Party wall means a wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

Passive solar structure is a building that collects, stores, and distributes solar energy to grow plants; it does not have a foundation or electrical utilities. It may also be called a hoophouse.

Performance standard means a criteria or limit relating to nuisance elements which a particular use or operation may not exceed. Performance standards are typically established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

Person means an individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, sole proprietor, or other legal entity acting as a unit.

~~Planned redevelopment project means a project involving any number of contiguous lots and uses, as specified in article VII, division 14, of this chapter, the object of which is to allow for redevelopment and/or adaptive re-use of existing structures within an area which may be characterized as "blighted" or an area where the regulations regarding nonconforming structures make it difficult or impossible to rehabilitate existing structures, for the purpose of making such properties or areas productive and increasing the value and aesthetics of the planned redevelopment area.~~

Planned unit development (PUD) means an area of minimum contiguous size, as specified in article IX of this chapter, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments or one or more public, quasi-public, commercial or industrial areas.

Planning commission means the city planning commission, created pursuant to the provision of Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.).

Porous paving means systems that allow water to pass freely through interstitial space ingrained throughout the paving matrix, thereby transforming traditionally impervious surfaces such as pervious concrete and asphalt, interlocking pavers, reinforced gravel and grass paving.

Principal use. See "Use, principal."

Private street or road. See "Street."

Public utility means any persons, firm, corporation, municipal department, or board, duly authorized through government rate regulation (such as by the state public utilities commission or the city) to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Premises means a lot or property together with all buildings or structures thereon.

~~*Rear lot line.* See "Lot line, rear."~~

Rain-gardens means landscaped depressions that can be built to any size or shape. Also known as 'bio-retention cells', they are designed to allow water to settle and infiltrate into the soil.

Recreational vehicle means a boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, trailer which is designed for private recreational or recreational travel use. Any trailer which is principally used for transporting any of the above shall also be considered a recreational vehicle.

Recycling center means an enclosed area or storage facility where area residents can drop off recyclable household wastes such as newspapers, cans, bottles, plastics, and cardboard which may be sorted and stored for short periods of time on the site until hauled away to another location for processing, reuse, or safe disposal.

Religious Institution means any structure wherein persons regularly assemble for religious activity or worship, including such uses normally accessory thereto, such as a fellowship hall, Sunday School classrooms, parsonages or rectories, and offices. Where a group of persons, who are affiliated with a religious organization, reside together within a dwelling which is the principal building on a site, such dwelling shall not be considered a religious institution.

~~*Residential districts* means the R1, R2, R3, R4, and RO districts.~~

Refuse means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and office, including other waste matter such as slag, stone, broken concrete, fly ash, sashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

Research Use means facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced offsite, where the manufacturing activity is secondary to the research and development activities, and includes pharmaceutical, chemical, and biotechnology research and development.

Restaurant means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, or sit-down restaurant, as defined below. Any restaurant which combines elements of two or more of the following types of restaurants shall be subject to the regulations of the most restrictive restaurant type employed:

- (1) *Restaurant, carry-out.* A restaurant whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises, typically from a counter or window inside the building. Indoor seating for consumption on the premises is not permitted.
- (2) *Restaurant, drive-in.* A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- (3) *Restaurant, drive-through.* A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. Indoor seating for consumption on the premises is not permitted.
- (4) *Restaurant, fast food.* A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter for consumption at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- (5) *Restaurant, sit-down.* A restaurant whose method of operation involves either:
 - a. The delivery of prepared food by servers (waitpersons) to customers seated at tables within a completely enclosed building; or
 - b. The prepared food is acquired by customers at a cafeteria line or ordering counter and is subsequently consumed by the customers at tables within a completely enclosed building.

Right-of-way means a right-of-way dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way often includes curbs, lawn strips (also referred to as the margin or parkway), sidewalks, and lighting and drainage facilities.

Room, is for the purpose of determining lot area requirements, and density in a multi-family district, means a living room, dining room, or bedroom, and any other room equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

Roominghouse means a building, other than a hotel or motel, bed and breakfast lodging, or inn, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more unrelated persons, **not living as group or household**. The term "unit" as it refers to a roominghouse shall mean sleeping room, or a room which may be used as a sleeping room. (See "Sleeping room.") ~~A roominghouse shall provide kitchen facilities for the use of the residents therein. Single structures containing a combination of any number of apartments and sleeping rooms shall be considered roominghouses. A boardinghouse or lodginghouse shall be deemed a roominghouse for the purposes of this chapter.~~

Satellite antenna means an accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

~~Screen or screening.~~ See "Landscaping." **Screen or screening means a wall, non-wire fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier**

Self-storage facility means a building or group of buildings in a controlled access compound that contains individual compartmentalized and controlled access stalls or lockers of no more than 500 square feet each for the dead storage of customers' goods or wares in enclosed buildings. ~~No storage of volatile materials is permitted. A self-storage facility may be combined with a vehicle storage facility.~~

~~*Senior citizen's housing* means a residential establishment or institution other than a hospital, hotel, or nursing home which provides room and board predominantly to individuals 55 years of age or older and to individuals who, due to illness or disability, require care similar to that provided to persons of age 55 or older, all of whom are not related to the proprietor or manager or the spouse of the proprietor or manager within the second degree and who compensate the proprietor or manager for their care with some valuable consideration.~~

Setback means the distance between a front, side, or rear lot line and the nearest supporting member of a structure on the lot. The "minimum required setback" is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure (including, but not limited to, the foundation, bay windows or similar architectural features at the ground floor level supported by the building or the ground, and porches which are enclosed) in order to conform to the required yard setback provisions of this chapter.

Shrub means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

~~Side lot line.~~ See "Lot line, side."

Sign means any visual or graphic device designed through the use of words, number, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Various types of signs and sign related terms are defined in section 122-864.

Site plan means a plan showing all features of a proposed development as required in article IV of this chapter so that it may be evaluated to determine whether it meets the provisions of this chapter.

Sleeping room means a single room within a roominghouse which is usually individually rented and the entry door to the room is individually locked requiring the use of a key to gain access, and which is primarily used for sleeping purposes. The occupants may have direct access within the building to sanitary facilities, kitchen facilities and dining facilities or may share these facilities in common with other residents. See "Roominghouse."

Solar Collector means a device, substance, or element that relies upon sunshine to absorb and transform direct solar radiation through a medium to generate energy that can be used to heat or cool a building, heat or pump water, or generate electricity or other application that would otherwise require the use of a non-renewable energy source.

Solar Farm means large areas of land with several photovoltaic modules and inverters, or parabolic troughs placed on them for large scale energy generation.

Solar Roof Paneling means roof paneling that uses the sun's light to create electricity directly through photovoltaic cells.

Sorority house. See "Fraternity or sorority house."

Special use means a use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to the number, area, size, exterior design, location, or relation to the adjacent properties and to the neighborhood or city as a whole and may be permitted if the proper safeguards are taken. Such uses may be permitted in a zoning district after a public hearing and approval by the planning commission, if specific provision is made in this chapter. Formerly called conditional use.

State equalized valuation means the value shown on the city assessment roll as equalized through the process of state and county equalization.

~~*State licensed residential facility* means any structure constructed for residential purposes that is licensed by the state, pursuant to the adult foster care facility act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) or Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.). These acts provide for the following types of residential structures:~~

- ~~(1) *Adult foster care facility.* A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Act No. 218 of the Public Acts of Michigan of 1979, and the adult foster care administrative rules as administered by the state department of social services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require continuous supervision on an ongoing basis but who do not require continuous nursing care. The following four types of adult foster care homes are provided for by these rules:~~
 - ~~a. *Adult foster care family home.* A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.~~
 - ~~b. *Adult foster care small group home.* An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Conformance to local zoning is required only if seven or more residents will live in the home.~~
 - ~~c. *Adult foster care large group home.* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Conformance to local zoning is required.~~
 - ~~d. *Adult foster care congregate facility.* An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Conformance to local zoning is required.~~

(2) ~~Foster family home.~~ A private residence that houses four or fewer foster children, up to age 19, under constant child care and supervision. Under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), a foster family home does not require local zoning approval before being licensed by the state department of social services.

(3) ~~Foster family group home.~~ A private residence that houses five or six foster children, up to age 19, under constant care and supervision. Under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), a foster family group home shall be considered a residential use of property for the purposes of zoning and permitted use in all residential zones and is not subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area which exceeds two-thirds of the usable floor area of the floor immediately below it. (See Figure 2.) Mezzanines and basements shall be deemed full stories as specified within their definitions.

- (1) A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.
- (2) A basement shall be considered a story above grade where the finished surface of the floor above the basement is:
 - a. More than six feet (1,829 mm) above grade plane;
 - b. More than six feet (1,829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or
 - c. More than 12 feet (3,658 mm) above the finished ground level at any point.

Story, first means the lowest story of the ground story of any building that is not a basement (see Figure 4) except that any basement or cellar used for residential purposes shall be deemed the first story.

Story, half means a partial story under a gable, hip or gambrel roof, the usable floor area which does not exceed two-thirds of the floor area of the uppermost full story. ~~The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet six inches.~~

Street means a public or private street, road, or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- (1) *Collector street* means a street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
- (2) *Cul-de-sac* means a street that terminates in a vehicular turnaround.
- (3) *Local or minor street* means a street whose function is to provide access to abutting properties.
- (4) *Major thoroughfare* means a street that carries high volumes of traffic and serves as a main avenue through or around the city. Major thoroughfares may also be referred to as major streets or arterial streets. For the purposes of this chapter, major thoroughfares shall include those streets designated as "state trunkline," "county primary," or "major street" on the most recently approved City of Ypsilanti Act 51 map (P.A. 1951).

Street line means a dividing line between a street and a lot, also known as the right-of-way line.

Street, private means a street or road under private ownership which has been constructed for the purposes of providing access to adjoining property and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the city, county, state, or federal government.

Street, public means a street or road, the right-of-way and improvements of which have been accepted for maintenance by the city, county, state or federal government.

Structure means anything constructed or erected, ~~the use of which requires permanent location in, on, over or below the ground or attachment to something having permanent location on the ground.~~ All buildings are structures, however, not all structures are buildings. Structures include, but are not limited to, principal and accessory buildings, tower, decks, fences, privacy screens, wall, antennae, swimming pools, and sign structures.

Structure, accessory. See "Accessory use, building, or structure."

Subdivision plat means the division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.

Substance abuse treatment facility means:

- (1) *Boarding.* Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing of or distribution of drugs as part of the treatment, where individuals receiving the treatment live on the premises for a period of time, including overnight stays.
- (2) *Walk-in.* Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing or distribution of drugs as part of the treatment plan, where no one resides on the premises overnight.

Supportive Housing means a facility that provides housing for twenty-four (24) hours per day and supportive services designed to assist residents with improving daily living skills, securing employment, rehabilitation, or obtaining permanent, independent housing. Supportive housing is not intended for short-term, emergency housing and care, but rather longer periods ranging from a few months to a few years. Supportive housing is distinguished from a hospital or other health care environment, and facilities regulated by the State of Michigan as State licensed residential facilities. This definition shall not include fraternities, sororities, dormitories, adult foster care facilities, group homes, nursing homes, substance abuse treatment facilities, emergency shelters, individuals utilizing tenant-based or homeownership-based voucher funding through the U.S. Department of Housing and Urban Development, community correctional facilities, and housing for the rehabilitation of former occupants of correctional facilities.

Supportive Services are services provided to residents of supportive housing for the purpose of facilitating the independence of residents, and may be provided on the premises, or off-site. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

Swale, Vegetated/Rock means a densely vegetated or rock lined drainage ways with low-pitched side slopes that detain, evaporate, and/or infiltrate the runoff associated with a storm event.

Swale, Biofiltration means a shallow drainage ways that employ landscaping to stabilize the soil while providing water quality treatment. They are designed to remove silt and sediment-associated pollutants before discharging to storm sewers and to reduce volume if soils allow for infiltration.

Swimming pool means any structure or container located either above or below grade designed to hold water to a depth of greater than two feet when filled, and intended for swimming, bathing, or aquatic recreation. A swimming pool does not include plastic, canvas, or rubber portable pools temporarily erected upon the ground holding less than 300 gallons of water nor decorative pools with less than two feet of water depth.

Temporary use or building. See "Building, temporary" or "Use, temporary."

Theater means an enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

Townhouse. See "Dwelling unit, single-family attached or townhouse."

Toxic or hazardous waste means waste or a combination of waste and other discarded material including solid, liquid, semi-solid or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- (1) An increase in mortality;
- (2) An increase in serious irreversible illness;
- (3) Serious incapacitating, but reversible illness; or
- (4) Substantial present or potential hazard to human health or the environment.

Trailer. See "~~Dwelling, manufactured~~"; "~~Motor home~~" and "~~Recreational vehicle~~."

Tree means a self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in the county.

- a. *Deciduous tree* means a variety of tree that has foliage that is shed at the end of the growing season.

b. *Evergreen tree* means a variety of tree that has foliage that persists and remains green throughout the year.

Unclassified use means a use permitted only after review of an application by the planning commission, such review being necessary because the provisions of this chapter do not specifically or implicitly address a particular use due to emerging technologies or omissions within this chapter. Such uses are so differentiated from uses or categories specified in this chapter that the standards of this chapter cannot be reasonably applied to them. Eligibility of a particular use for an unclassified use shall be determined by the planning commission. Such uses shall be allowed only after a public hearing and approval by the planning commission, subject to the standards in section 122-651.

Use means the purpose for which land, lots, or building thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.

Use, accessory. See "Accessory use, building, or structure."

Use, nonconforming. See "Nonconforming use."

Use, permitted means a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

Use, principal means the principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

Use, special. See "Special use."

Use, temporary means a use permitted to exist during a specified period of time under conditions and procedures as provided in this chapter.

~~*Utility room* means a room in a dwelling, the use of which is primarily used for storage, for housing a heating unit, or for laundry purposes.~~

Variance means a modification of the literal provisions of this chapter in accordance with the provisions of this chapter in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district. ~~The crucial points of variance are: (1) undue hardship, (2) unique circumstances, and (3) applying to property. A variance is not justified unless all three elements are present in the case. Hardships based solely on economic considerations are not grounds for a variance.~~

Vehicle storage facility means a building or portion thereof or an outdoor controlled-access compound, designed or used exclusively for long-term or seasonal storage of four or more automobiles, trucks, tractors, boats, mobile homes, recreational vehicles and trailers, and other types of vehicles. A vehicle storage facility may be combined with a self-storage facility.

Vegetated Roof means the roof of a building that is partially or completely covered with vegetation, including for food production, and a growing medium, planted over a waterproofing membrane.

Veterinary clinic or hospital means a place for the care, diagnosis, and treatment of sick or injured animals, or those in need of medical or minor surgical attention. A veterinary clinic or hospital may include customary pens, animal runs, or cages enclosed within the walls of the clinic building.

Warehouse means an enclosed building used for the storage of commercial goods or wares which are intended for sale, transfer or processing, ~~wherein any individual storage compartment or room exceeds 500 square feet in area.~~

Yard means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter. The minimum required setback is the minimum depth of a front, rear, or side yard necessary to conform to the required yard setback provision of this chapter. (See Figure 5.)

(1) *Yard, front* means a yard extending across the front of a lot and being the minimum horizontal distance between the street line and the principal building or any projections thereof other than projection of uncovered steps, unenclosed balconies or unenclosed porches.

(2) *Yard, rear* means a yard extending across the full width of the lot between the rear lot line and the nearest point of the principal building. On all lots, the rear yard shall be opposite the front yard.

- (3) *Yard, side* means a yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.
- (4) *Yard, street side* means a yard between the principal building and the street side lot line on a corner lot, extending from the front yard rearward to the rear lot line, the width of which shall be the horizontal distance of the side lot line to the nearest point on the principal building.

Zoning map means the zoning map of the city together with all amendments subsequently adopted.

(Ord No 1183A, 4/2013)

Definitions

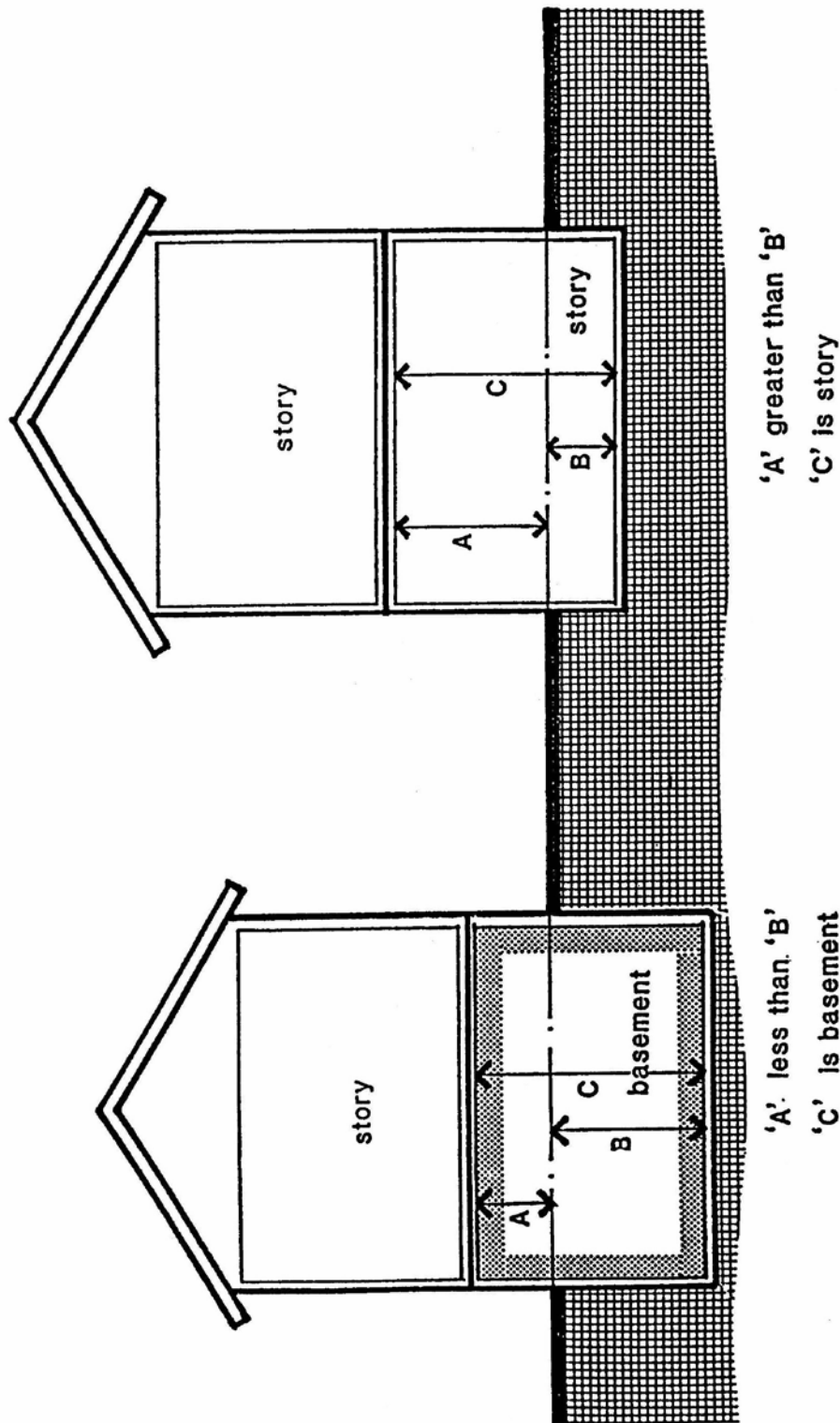
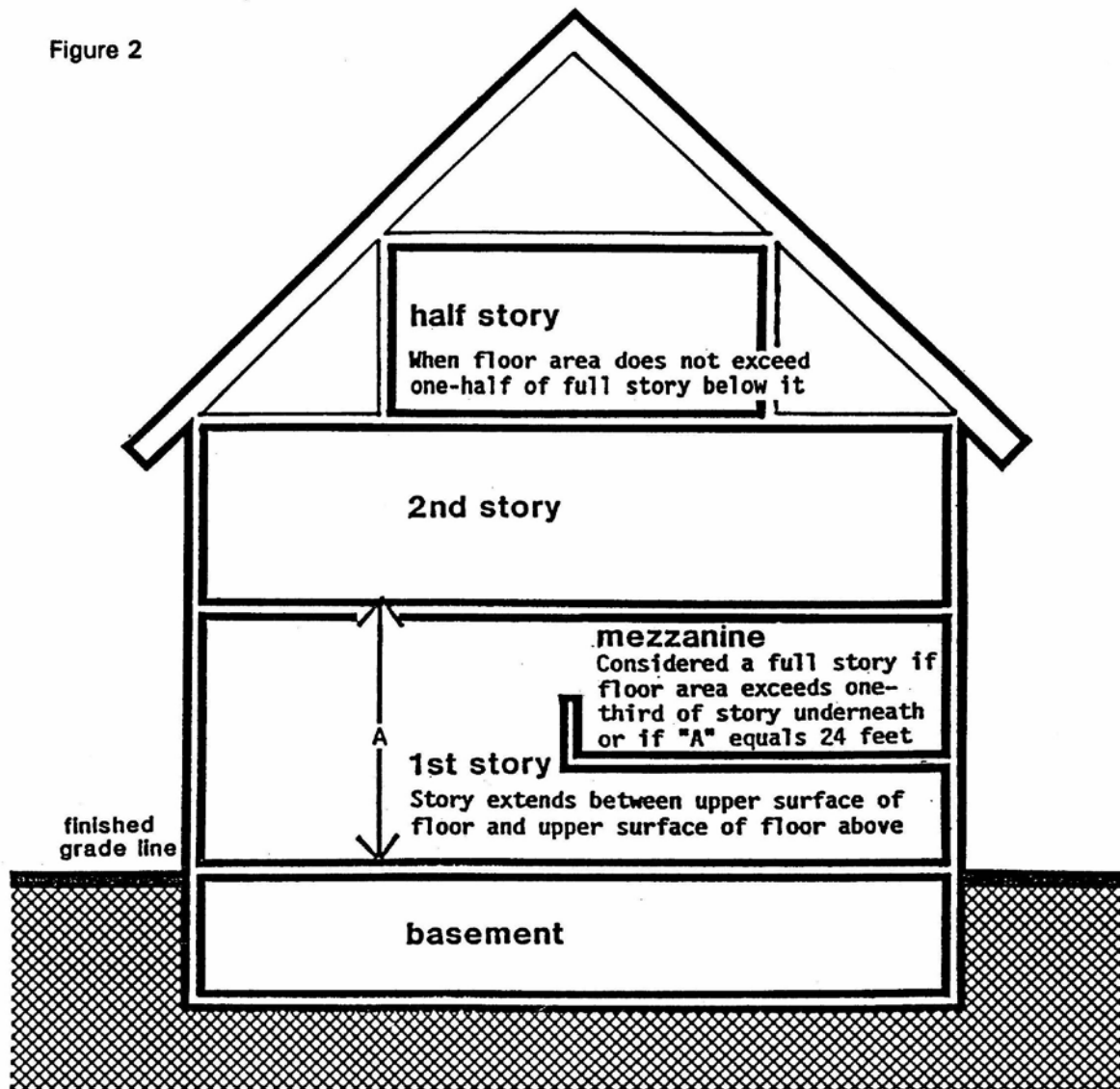


Figure 1

basement and story

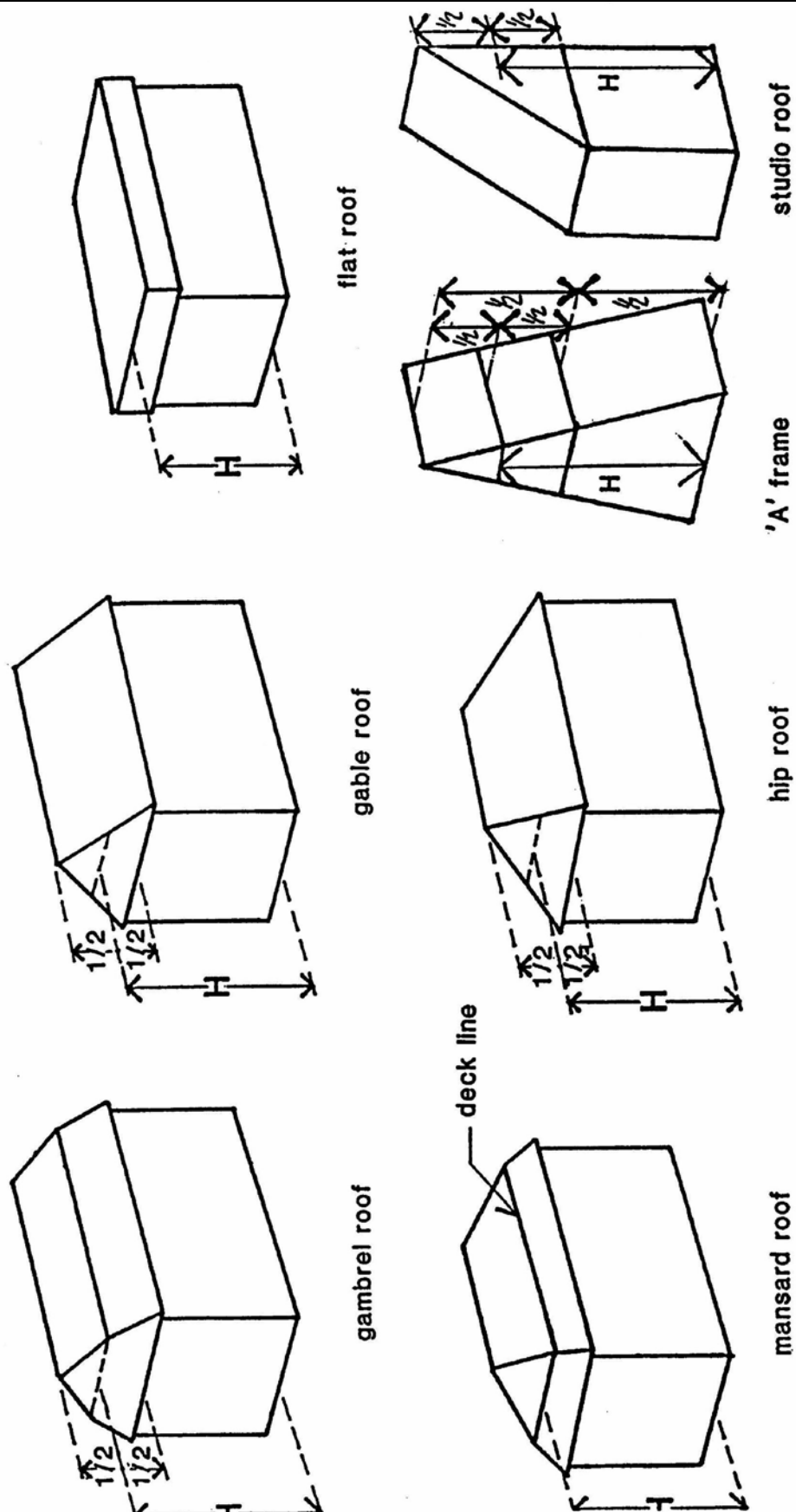
Figure 2



basic structural terms

Definitions

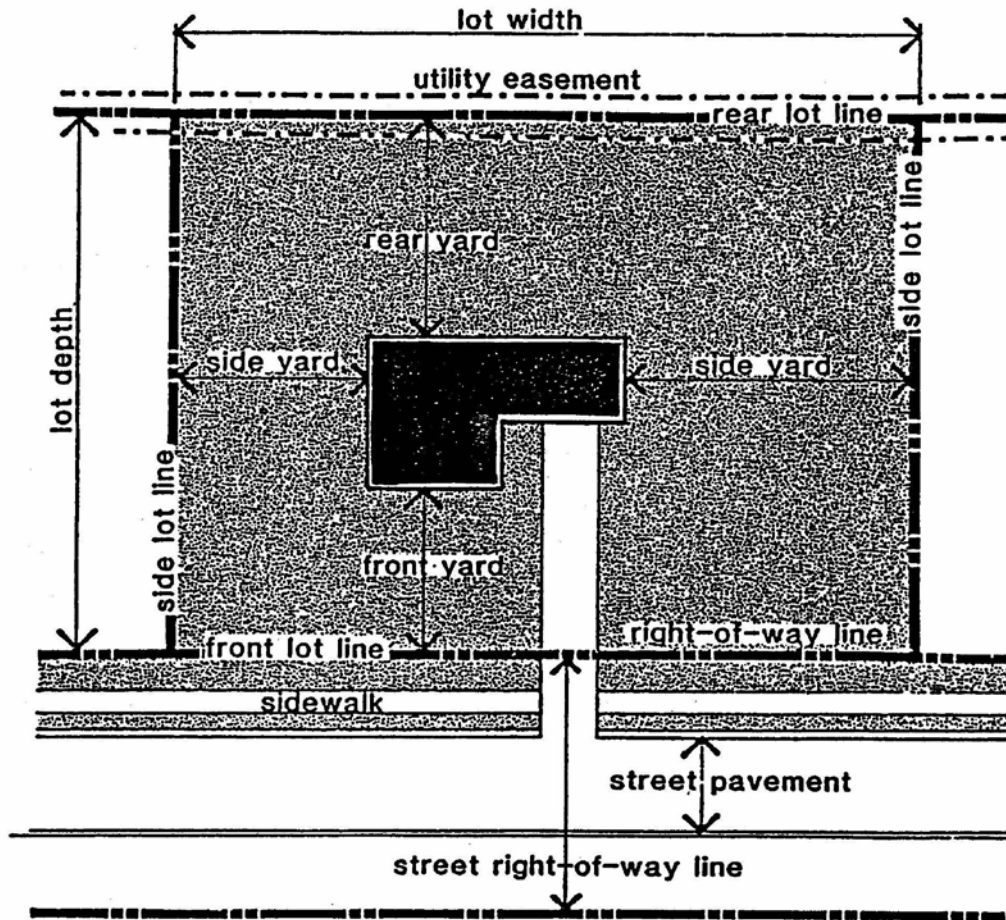
Figure 3



building height requirements

H: height of building

Figure 4



yard terms

Definitions

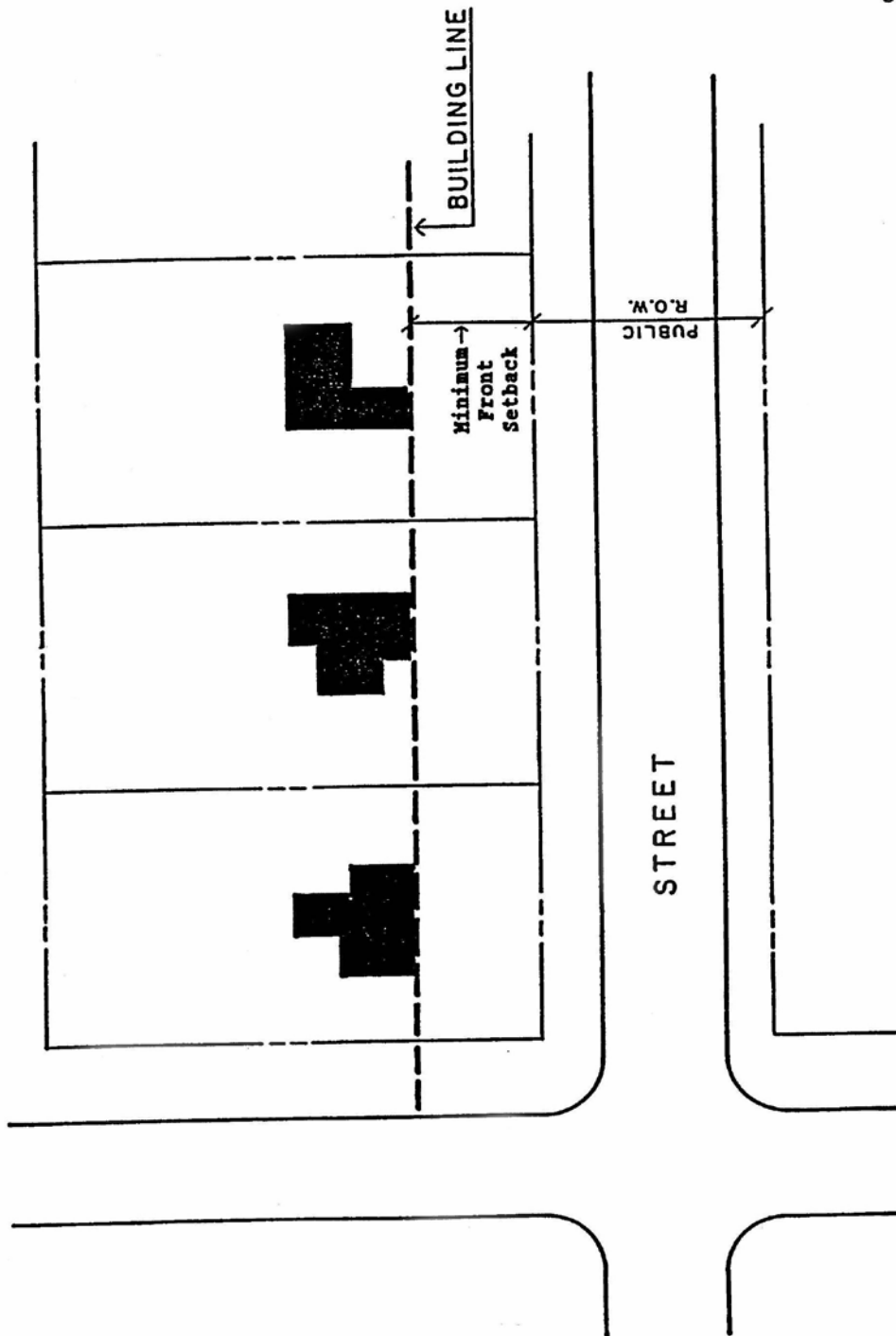
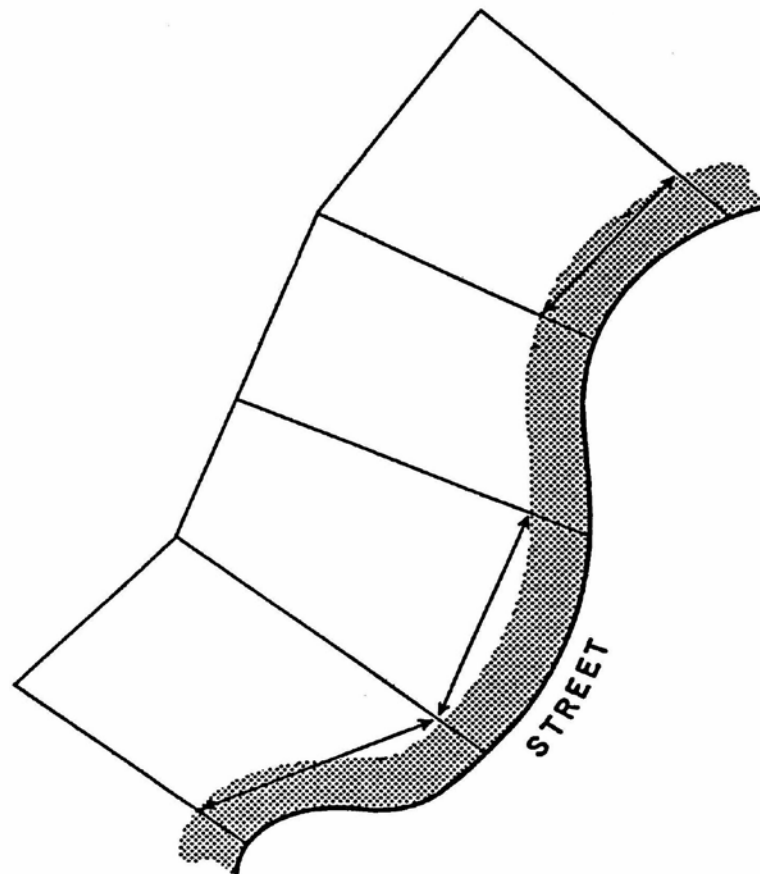


Figure 5

building line

Figure 6



←→ LOT WIDTH

■ MINIMUM SETBACK

lot width and setbacks

Definitions

Figure 7

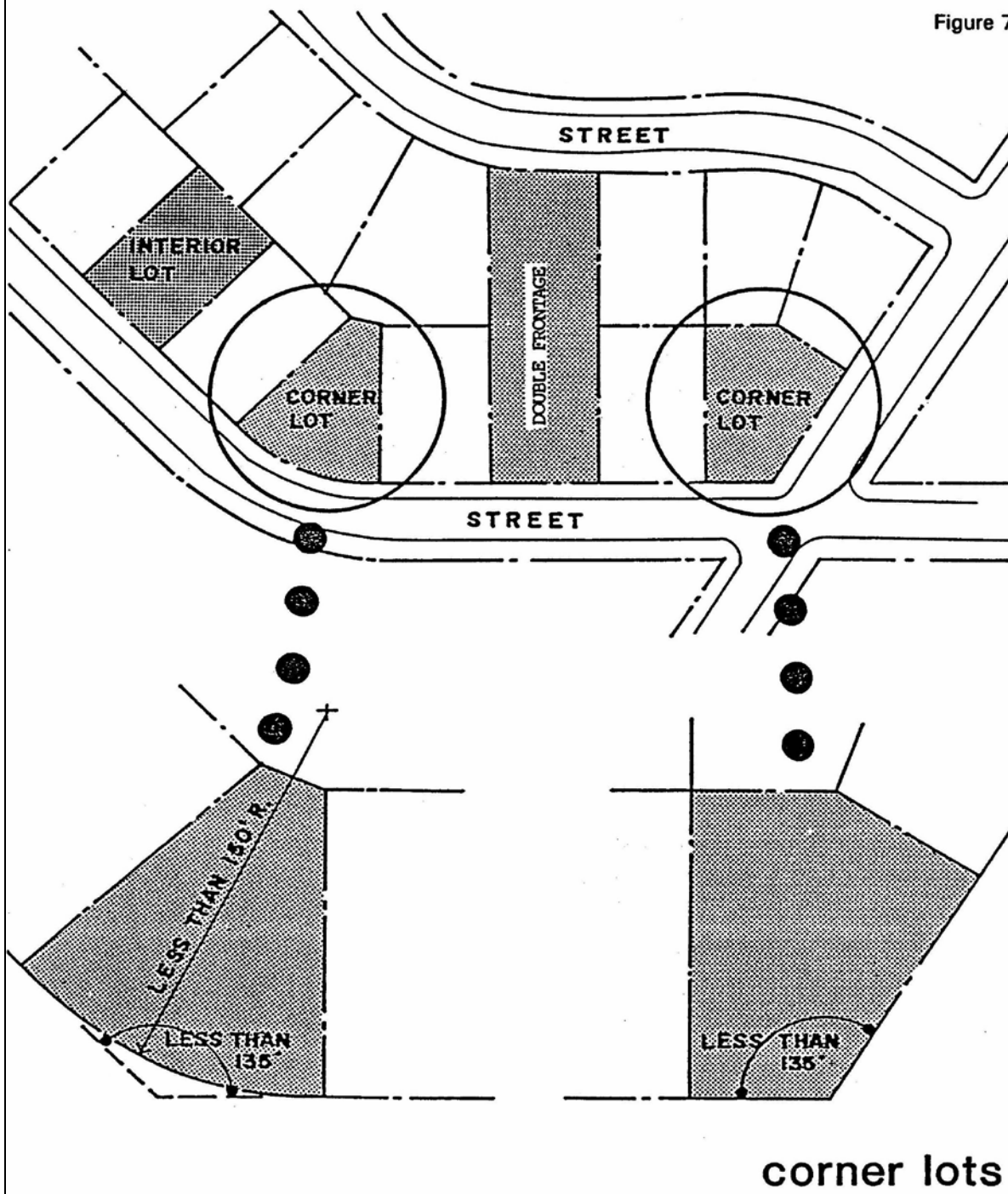
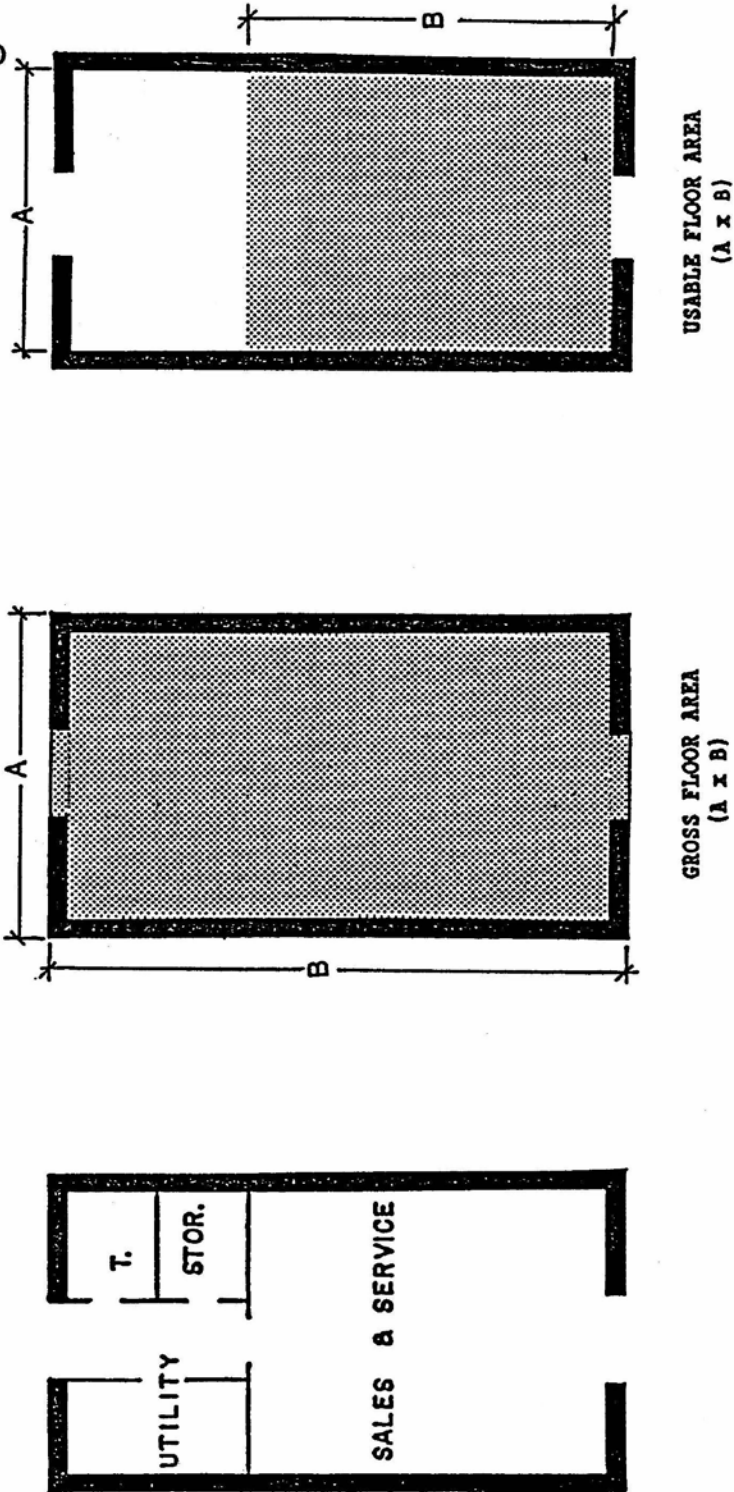


Figure 10



Definitions

floor area

FLOOR AREA OF
COMMERCIAL, OFFICE AND SIMILAR NON-RESIDENTIAL USES

Cross reference(s)--Definitions generally, § 1-2.

Sec. 122-3. Purpose. ~~Reserved.~~

Sec. 122-4. Interpretation and conflict.

- (a) In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, prosperity, and general welfare.
- (b) It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of any law or ordinance other than the above described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of the buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by an existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

Sec. 122-5. Rule of construction.

The rule that a penalty statute is to be strictly construed shall not apply to this chapter or any of the provisions thereof. All provisions of this chapter shall be construed according to the fair import of their terms, to promote justice, and to effect the objectives of this chapter.

Sec. 122-6. Administrative liability.

No officer, agent, employee, or member of the city council, planning commission, or zoning board of appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this chapter.

Sec. 122-7. Vested right.

It is hereby expressly declared that nothing in this chapter shall be interpreted or construed to give or grant to any person, firm or corporation any vested right, license, or privilege in the continuation of any particular use, zoning classification or any permissible activities therein. Such provisions are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

Sec. 122-8. Violations and penalties.

- (a) *Public nuisance.* Any building or structure which is erected, altered, converted, or used, or any use of premises or land which is begun or changed subsequent to the passage of this chapter and in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of the city council, subject to appeal to any court of competent jurisdiction.
- (b) *Municipal civil infraction.* A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.
- (c) *Owner responsibility.* The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable for the fines provided in this chapter.
- (d) *Each day separate offense.* Each and every day during which a violation of this chapter shall exist shall constitute a separate offense.
- (e) *Rights and remedies are cumulative.* The rights and remedies provided in this chapter are cumulative and are in addition to any other remedies provided by law.
- (f) *Rights and remedies preserved, no waiver.* Any failure or omission to enforce the provisions of this chapter, and any failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this chapter.
- (g) *Money received from penalties.* All money received from penalties assessed shall be placed in the city's general fund.

Sec. 122-9. . Eligibility for zoning authorization.

- (a) If a person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by the City of Ypsilanti's Administrative Hearings Bureau, that person is not eligible to apply for any zoning authorization under the City of Ypsilanti's Zoning Ordinance, including but not limited to, the following zoning authorizations:
- (1) A zoning amendment under Article II "Administration," Division 3 "Amendments."
 - (2) A variance under Section 122-94 "Variances."
 - (3) Site plan review or amendment to an approved site plan under Article IV "Site Plan Review."
 - (4) A special use permit or to amend a special land use under Article V "Special Land Use Review."
 - (5) A planned unit development under Article IX "Planned Unit Development."
 - (6) A site condominium subdivision project under Article X "Site Condominium Subdivisions."
 - (7) An application for occupation, construction or substantial improvement in a floodplain under Article XV "Flood Damage Prevention."
- (b) Subsection (a) above does not apply if:
- (1) If the applicant for zoning authorization became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and is one (1) of the following:
 - (i) A government-sponsored enterprise. As used in this subsection, "government-sponsored enterprise" means the term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.
 - (ii) A financial institution. As used in this subsection, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.
 - (iii) A mortgage servicer. As used in this subsection, "mortgage servicer" means that term as defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.
 - (iv) A credit union service organization that is organized under the laws of this state or the United States.
 - (2) If the application for zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment referred to in subsection (a).

Secs. 122-10--122-30. Reserved.

ARTICLE II. ADMINISTRATION*

*Cross reference(s)--Administration, ch. 2.

DIVISION 1. GENERALLY

Sec. 122-31. Establishment of administrative officers.

The provisions of this chapter shall be administered and enforced by the city manager or by such person or persons, such as the city planner or building inspector, that the city manager may delegate to enforce the provisions of this chapter. All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter.

Sec. 122-32. Duties and enforcement powers.

Typical duties and powers of the city manager, or such person or persons the city manager may delegate to act as building inspector, city planner or other agents to enforce this chapter, shall include, but not be limited, to the following:

- (1) The building inspector, or such person or persons as the city manager may delegate, shall have the power to:
 - a. Make inspections of buildings and premises necessary to carry out the duties of enforcement of this chapter.
 - b. Issue building permits.
 - c. Issue certificates of occupancy.
 - d. Conduct surveillance and issue notices of violation pursuant to this chapter.
- (2) Adequate records of permits and applications issued, inspections, violations, nonconformities, variances, construction plans, fees collected, etc., shall be maintained. Public notices shall be published as necessary.
- (3) Persons who have zoning questions shall be assisted, and when applicable, such questions shall be brought before the planning commission or zoning board of appeals.
- (4) Advice may be provided to the city council, planning commission or zoning board of appeals on petitions and applications that come before these bodies.
- (5) It shall be unlawful for the city manager, or his delegate to approve any permits or certificates of occupancy for any excavation or development proposal until such plans have been inspected in detail and found to conform with this chapter, or when applicable, site plan approval has been obtained.
- (6) Under no circumstances shall the city manager or his delegate be permitted to make changes to this chapter nor vary the terms of this chapter in carrying out duties in administering and enforcing this chapter.
- (7) The city manager or his delegate shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant, despite violations of any contract such as covenants or private agreements which may occur upon granting of such permit.

Sec. 122-33. Building permits.

- (a) *Permit requirement.* No building or structure within the city shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, alter, or raze until a building permit has been issued in accordance with the building regulations of this Code. No building permit shall be issued unless it is in conformity with the provisions of this chapter and all amendments hereto.
- (b) *Application requirements.* All applications for building permits shall be submitted to the building department. The application shall be accompanied by a site plan approved by the planning commission (or city planner) when required under article IV of this chapter.

- (c) *Cancellation of permits.* The building department shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this chapter.
- (d) *Expiration of permit.* All building permits shall expire ~~one year~~ **six months** from their date of issuance if construction has not been begun and diligently pursued. The building department may, upon a showing of due cause, extend the permit for one additional time as the building department determines to be reasonably necessary for completion. Thereafter, the applicant shall file a new building permit application, accompanied by the required fee.

Sec. 122-34. Certificate of occupancy.

- (a) *Certificate required.* No dwelling, building, structure or land shall be occupied or used until a certificate of occupancy has been issued for such occupancy or use, which occupancy or use shall be in compliance with this chapter (including approved site plans as applicable). No structure or land shall be occupied by a changed use or occupancy until a certificate of occupancy for the changed use has been issued.
- (b) *Temporary certificate of occupancy.* If the applicant can show prior substantial compliance with this chapter and can demonstrate need, the building department may issue a temporary certificate of occupancy for a period of not more than six months.

Sec. 122-35. Temporary use permits.

The building department may issue temporary use permits for the uses listed below, after determining that such uses will meet the standards under subsection (7) of this section. A second temporary use permit may be issued by the building department at the end of such time limit for good cause shown. A third temporary special use permit may only be authorized by the planning commission as a special use under the procedures of article V of this chapter. The building department, at its discretion, may refer any request for a temporary use permit to the planning commission.

- (1) *Temporary dwellings.* An individual mobile home, private garage, basement, or other temporary structure may be used as temporary living quarters for up to 60 days while a dwelling or structure is being constructed on the same premises. A temporary use permit must be issued prior to any such use.
- (2) *Construction buildings.* Temporary buildings for uses incidental to construction work may be authorized for a period of up to 12 months. Such buildings shall be removed within 15 days after completion or abandonment of construction work.
- (3) *Signs and supplies.* The storage of building supplies and machinery; temporary storage buildings; the assembly of materials and customary trade; and contractor, architect, and identification signs in connection with a construction project may be authorized by the building department for a period of up to 12 months. All signs shall meet the provisions under article XIV of this chapter.
- (4) *Seasonal uses.* The building department may authorize a temporary special permit for up to 30 days for seasonal or unusual nonrecurrent temporary uses and signs.
- (5) *Parking areas.* Temporary special permits may be issued by the building department for the use of unimproved parking areas for a period of up to 30 days.
- (6) *Sales office for subdivision.* Temporary special permits may be issued by the building department for a period of up to six months for a temporary office which is both incidental and necessary for the sale or rental of property in a new subdivision or housing project.
- (7) *Food Concession Sales.* The provisions of this section are intended to allow food vending opportunities that can add vitality to vacant parking lots and underutilized sites and provide food access, employment and entrepreneurship opportunities while preventing predatory practices on brick-and-mortar restaurants. These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties located outside of the public right-of-way. This section does not apply to mobile vendors that move from place to place and are stationary in the same location for no more than thirty (30) minutes at a time or special event vendors. Temporary concession sales, including those conducted outdoors, or in stands, trailers, wagons, or vehicles shall be permitted subject to the following requirements:
 - a. *Districts Allowed.* Food concessions are only allowed as temporary uses in the following districts: Center, Parks, General Corridor, Neighborhood Corridor, and Health and Human Services.

- b. Principal Use. Concession sales as a principal use on a vacant lot or as part of a group of retail business buildings approved under a single approved plan shall be subject to Special Land Use approval in the Center, General Corridor, and Health and Human Services Districts.
- c. Accessory Use. Temporary concession sales may be permitted as an accessory use to the principal permitted use and business on the lot, approved by the City Planner per item s of this sub-section.
- d. Co-Location. Where concession sales have been approved on a lot as a principal use, the Planning Commission may allow locating additional concession sales on the same lot with a ~~site plan~~ or sketch plan meeting the requirements of item q of this sub-section.
- e. Approvals. In addition to satisfying the requirements of this section, evidence of approval from the Washtenaw County Health Department and/or Michigan Department of Agriculture and Rural Development, as applicable, shall be provided for all concession sales. A Transient Merchant License or a Special Peddler's license must also be obtained from the Office of the City Clerk, as applicable.
- f. Outdoor Cooking. With the exception of the Center District, outdoor food preparation and cooking is prohibited within two hundred (200) feet of a first-floor residential use.
- g. Active Use. Any stand, trailer, wagon, or vehicle that is located on a property for the purposes of concession sales shall maintain regular business hours at least two days a week so long as the premises is occupied. If the business closes, ceases to operate, or fails to keep regular business hours then the temporary use permit may be revoked and the stand, trailer, wagon or vehicle shall be immediately removed from the property.
- h. Maximum Duration. Permits may be issued for no more than two hundred (200) consecutive days over a period of twelve (12) calendar months. Permits will be issued annually upon application.
- i. Placement. Concession sales shall be located within the building envelope for the district in which it is located.
- j. Parking Area. The area occupied by accessory concession sales shall be no more than twenty (20) percent of any required parking spaces or area. Sufficient on-site or district parking shall be provided for each stand, trailer, wagon, or vehicle on a lot; this shall be in addition to any other required parking for retail business buildings located on the same parcel.
- k. Pedestrian Space. A minimum pedestrian clear space of five (5) feet is required along all public walkways
- l. Traffic Visibility. Concession sales shall not be located in the public right-of-way or on public property unless otherwise approved, and shall be outside of traffic visibility areas in compliance with Section 122-649.
- m. Outdoor Seating: If provided, all outdoor seating must be in compliance with Sec. 122-799. Outdoor cafes, restaurants and beer gardens.
- n. Sanitary Facilities. Sanitary facilities shall be provided if seating is present for the convenience of guests. The City Planner may waive this requirement if alternative arrangements are made and documentation is provided.
- o. Hours of Operation. Operating hours shall be no later than 10 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission.
- p. Sound. No outdoor amplified music, sound, or noise shall be permitted. Outdoor generators that provide power shall be identified; such generators may be prohibited if it is anticipated that such an operation will create a nuisance to neighbors due to noise, exhaust or vibration.
- q. Required Site Information. A sketch plan shall be submitted that includes:
 - i. location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with concession sales;
 - ii. site dimensions of any existing buildings on the lot including building setbacks;
 - iii. existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters;
 - iv. surface type of the lot (e.g. unimproved/paved);

- v. a parking plan, including traffic circulation patterns;
- vi. location of trash receptacles;
- vii. location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);
- viii. location of sanitary facilities;
- ix. map identifying existing restaurants located within buildings, as well as other concession sales locations within three-hundred (300) feet;
- x. Photographs of the area
- xi. Required Concession Sales Facilities Information. A narrative with elevation drawings shall be submitted that describe/show: the nature of proposed concession sales, include food and/or beverage types; vehicle or structure type; site signage; duration that sales will occur on the site; and hours of operation.
- r. Food Concession Sales Permit Required. A temporary use permit shall be obtained by each concession sales vendor on a property. The vendor shall adhere to all regulations and requirements of this section and any conditions imposed by the Planning Commission. The Planning Director shall apply the Review Standards of this section to insure that the proposed concession sales will not be in conflict with these standards in the issuance of a temporary use permit.
- s. Permit Approval and Administration. The City Planner will review and approve food concession sales permits if all requirements of this sub-section and Section 122-35(9) are met.
- t. Review Standards. The following considerations shall be used by the Planning Commission and the City Planner in the deliberation and approval of a concession sales request for the site and/or vendor(s):
 - i. Will the use contribute to the vitality and experience of the surrounding area?
 - ii. Will the use support or draw new attention to existing brick and mortar establishments?
 - iii. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?
 - iv. Will the use add variety to the types of food or beverage offerings in the district?
 - v. Will the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district?
- (8) *Temporary Businesses in Vacant Storefronts:* In the Center, General Corridor and Neighborhood Corridor Districts, the City Planner may authorize a temporary use permit for a business to occupy a vacant storefront for less than 3 months if the following standards are met:
 - a. The proposed use is a permitted use in that district. Special uses shall not be given temporary use permits.
 - b. All building and fire code requirements are met.
 - c. The standards in Section 122-35(9) are met.
- (9) ~~(7)~~ *Standards.* No temporary use permit shall be authorized until the following standards are met:
 - a. The location and erection of any temporary structure shall conform to all of the regulations of the zoning district in which it is situated and all other applicable regulations of this chapter.
 - b. The location of such use shall not be injurious to adjacent properties or the surrounding neighborhood.
 - c. The water supply and sanitary facilities of any temporary dwelling shall conform to all applicable requirements of the state health department, the county health department and city codes and other regulations.
 - d. The following shall be taken into consideration:
 - 1. The reasons and necessity for the temporary use or structure.
 - 2. The nature of the use or structure.
 - 3. The proposed location of the use or structure.
 - e. **If not required above,** the building department, **City Planner** or Planning Commission may request a plot

plan, drawn to scale no smaller than one inch equals 50 feet, showing the location of the temporary use in relation to the lot lines and other structures.

- f. Reasonable conditions may be required with the approval of a temporary special permit by the building department or planning commission. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities are not adversely affected, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(10)(9) A fee for a temporary use permit shall be paid in accordance with a fee schedule established by the city council.

Secs. 122-36--122-45. Reserved.

DIVISION 2. PLANNING COMMISSION*

*Cross reference(s)--Boards and commissions, § 2-111 et seq.

State law reference(s)--Municipal planning, MCL 125.31 et seq., MCL 125.38 et seq.

Sec. 122-46. Authority.

This ordinance is adopted pursuant to the authority granted the city council under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended, to establish a planning commission with the powers, duties and limitations provided by those Acts.

Sec. 122-47. Purpose.

The purpose of this ordinance is for the city council to confirm the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et seq.*, of the city planning commission, formerly established under the Municipal Planning Act, MCL 125.31 *et seq.*, to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission as provided in and subject to the terms and conditions of this ordinance.

Sec. 122-48. Establishment.

There shall be a city planning commission in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, with the powers and duties as therein set forth and as hereinafter provided.

Section 122-49. Reserved

Sec. 122-50. Zoning board of appeals member of the planning commission.

(c) As provided in the Michigan Zoning Enabling Act, MCL 125.3601, one member of the planning commission may be appointed by the city council to serve on the zoning board of appeals, with the term of that appointment to correspondence to that member's term as a planning commission member.

Sec. 122-51. Procedures of the planning commission.

- (a) The planning commission shall adopt bylaws for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (b) The planning commission's procedures shall be in conformity with applicable ordinances, resolutions and policies adopted by the city council.

Sec. 122-52. Meetings of the planning commission.

- (a) The planning commission shall hold not less than four (4) regular meetings each year. At its first meeting of the calendar year, the planning commission shall adopt and provide notice of its regular meetings for the ensuing year in accordance with the Open Meeting Act, Public Act 267 of 1976, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
- (b) Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. Unless the planning commission bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.
- (c) The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended.

Sec. 122-53. Duties and responsibilities of the planning commission.

The members of the planning commission shall have the following principal duties and responsibilities, among others:

- (a) Prepare, review and update a master plan as a guide for development within the city's planning jurisdiction.
- (b) Take such action on petitions, staff proposals and city council requests for amendments to the zoning ordinance as required.

- (c) In accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, consider, no less frequently than every five (5) years, whether a revision of the master plan or updated amendments in the master plan are needed and prepare, consider and approve any such revisions or amendments.
- (d) Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.
- (e) Review subdivision and condominium proposals and recommend appropriate actions to the city council.
- (f) Prepare special studies and plans, as deemed necessary by the planning commission or city council for which appropriations of funds have been approved by the city council, as needed.
- (g) Prepare an annual written report to the city council concerning its operations and the status of planning activities, including recommendations regarding actions by the city council related to planning and development, with the report to be presented within 90 days of the beginning of each calendar year.
- (h) Promote understanding of and interest in the master plan and the city zoning ordinance.
- (i) The Commission shall review and advise upon plans for capital improvements, such as construction, expansion, removal, or vacating of public lands, buildings, or right-of-ways. This review should focus on consistency with adopted plans of the City and other governmental units. This may be done by an annual review of the City's Capital Improvement Plan prior to adoption by City Council, rather than of each project individually.
- (i) Carry out other duties and responsibilities as set forth in the Michigan Planning Enabling Act, Public Act 33 of 2008.

Sec. 122-54. Approval, ratification and reconfirmation.

All official actions taken by the city planning commission preceding the planning commission established by this ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this ordinance shall continue with the planning commission created by this ordinance, subject to other requirements of this ordinance, and shall be deemed a continuation of any previous city planning commission. This ordinance shall be in full force and effect from and after its adoption and publication.

(Ord. No. 1165, 2011)

Secs. 122-55--122-60. Reserved.

DIVISION 3. AMENDMENTS*

*State law reference(s)--Amendment of zoning ordinance, MCL 125.584, MSA 5.2934.

Sec. 122-61. General requirements.

- (a) The city council shall have authority to amend, supplement, or change zoning district boundaries or the provisions and regulations of this chapter, pursuant to the authority and procedures set forth in Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended.
- (b) Text amendments to this chapter may be initiated by a motion of the city council or the planning commission, or by the filing of an application by any interested person or organization. Changes in district boundaries may be initiated by a motion of the city council or the planning commission, or by the filing of an application by any person having a freehold interest in the subject property or by such person's designated agent.
- (c) The owner of land who has filed an application for changes in district boundaries may voluntarily offer with conditions relating to the use and/or development of land, either at the time the application is filed or may be made at a later time during the approval process. The city council may establish a period of time during which the conditions apply to the land. No employee or official of the City of Ypsilanti shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.
- (d) All proposed amendments shall be referred to the planning commission for a public hearing, review and recommendation, before action may be taken thereon by the city council.

Sec. 122-62. Amendment procedures.

- (a) *Application.* Applications for amendments to this chapter shall be filed with the city planner's office on an appropriate form provided by the city and accompanied by the required fee. No fee shall be required if a proposed amendment was initiated by the city council or planning commission. All applications for amendments to this chapter shall, at a minimum, include the following:
 - (1) The applicant's name, address, and interest in the application; and the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned. The application shall be signed by both the landowner and the applicant, if not the same.
 - (2) The nature and effect of the proposed amendment.
 - (3) If the proposed amendment would require a change in the zoning map, a boundary change and/or a change in building type allowed on a site designated on the zoning map, a fully dimensioned map showing the boundaries of land which would be affected by the proposed amendment, a legal description of the entire land area, a legal description of each subarea owned by a different person or organization, the present zoning of the land, the zoning of all adjacent lands, existing uses and structures on the subject property and adjacent properties, and all public and private rights-of-way and easements bounding or intersecting the land to be rezoned.
 - (4) If the proposed zoning map amendment includes voluntary conditions set forth by the owner of the property, a written statement of those voluntary conditions shall be included. The "Statement of Conditions" shall:
 - (a) Be in a form recordable with the Washtenaw County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the "Statement of Conditions" in a manner acceptable to the City Attorney.
 - (b) Contain a legal description of the land to which it pertains.
 - (c) Contain a statement acknowledging that the "Statement of Conditions" runs with the land and is binding upon successor owners of the land.
 - (d) Incorporate by attachment or reference any site plan, diagram, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the "Statement of Conditions". If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - (e) Contain a statement acknowledging that the "Statement of Conditions" or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Washtenaw County Register of Deeds.

- (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the “Statement of Conditions”.
 - (5) If the application is for an amendment to this chapter text, a description of the proposed change, with a detailed explanation as to why the proposed amendment is needed.
 - (6) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- (b) *Public hearing.*
- (1) At least one public hearing on a proposed amendment shall be held by the planning commission. Notice of such public hearing shall be published at least once in a newspaper of general circulation in the city, not less than 15 days prior to the date set for the public hearing. The contents of the notice shall include the following.
 - (2) Time and place of the public hearing.
 - (3) A description of the proposed amendment.
 - (4) The street address and legal description of any property for which a zoning change is requested, the present zoning of that property, and the proposed new zoning designation. If 11 or more adjacent properties are proposed for rezoning, individual addresses and legal descriptions are not required.
 - (5) Not less than 15 days' notice of the public hearing shall be given by mail to each public utility company and railroad company owning or operating any public utility or railroad within the zoning district affected by the proposed amendment that registers its name and address with the city for the purpose of receiving such notice.
 - (6) If an individual property or up to 10 adjacent properties are proposed for rezoning, written notice of the public hearing shall be given the owner of the property in question, and to all owners of real property and occupants of structures within 300 feet of the property in question. The notice shall be mailed or delivered not less than 15 days before the public hearing.
 - (7) Any notices served by mail require an affidavit of mailing to be filed with the planning commission prior to the public hearing.
- (c) *Planning commission recommendation.* Following the public hearing, the planning commission shall prepare a report of its recommendations regarding the proposed amendment, and transmit such report to the city council. The planning commission may recommend changes in the amendment in order to reflect objections raised at the hearing or to correct typographical or grammatical errors. The planning commission may reduce the area of land to be rezoned as described in the public hearing notice, but may not enlarge the area of land to be rezoned.
- (d) *City council action.* After the planning commission has held a public hearing and has made a written report to the city council indicating their recommendation on the proposed amendment, the city council may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole or part with or without additional changes. The city council may also hold a public hearing on the proposed amendment or refer the proposed amendment back to the planning commission for further study and review or for additional public hearings. Upon the presentation of a protest petition meeting the requirements of section-4 403 of Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.) an amendment to this chapter or zoning map which is the object of such petition shall be passed by an affirmative vote of not less than two-thirds members of the city council.
- (e) *Publication.* Following adoption of an amendment to this chapter by the city council, a notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include the following information:
- (1) Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - (2) The effective date of the amendment.
 - (3) The place and time where a copy of the amendment may be purchased or inspected.

Sec. 122-63. Standards for Amendments

1. *Text Amendment.* For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:
 - (1) The proposed amendment is consistent with the guiding values of the Master Plan; and
 - (2) The rezoning is consistent with description and purpose of the proposed district, and.
 - (3) The proposed amendment consistent with the intent of this Zoning Ordinance; and
 - (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
 - (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
 - (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
 - (7) The proposed amendment will protect the health, safety, and general welfare of the public; or
 - (8) The proposed amendment is needed to correct an error or omission in the original text; or
 - (9) The proposed amendment will address a community need in physical or economic conditions or development practices; and
 - (10) The proposed amendment will not result in the creation of significant nonconformities in the City.
2. *Zoning Map Amendment.* For a change in the zoning map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:
 - (1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.
 - (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
 - (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
 - (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
 - (5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
 - (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
 - (7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
 - (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
 - (9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.
 - (10) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.
- 3- *Building Type Designation on Zoning Map.* For a change in building type designation on the zoning map, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following conditions:
 - (1) The building type change is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the building type change is consistent with recent development trends in the area.
 - (2) The building type sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed on the proposed property and surrounding property.
 - (3) The building type change is consistent with the size, scale and character desired within the zoning district.
 - (4) The property can accommodate the requirements of the proposed building type change.
 - (5) The building type change is compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
 - (6) The capacity of City infrastructure and services sufficient to accommodate the building type change on the property in question without compromising the health, safety, sustainability and welfare of the City.
 - (7) The building type change will not be detrimental to the financial stability and economic welfare of the City.
 - (8) The building type change will not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
 - (9) The building type change is consistent with the trend of development in the neighborhood or surrounding

area.

(10) The building type change on the property in question is consistent with the description and purpose of the district of the property.

(11) In cases where requested building type is designed to accommodate commercial uses on the first floor in Neighborhood district, the parcel must be located on a corner.

4. *Conditional Zoning Map Amendment.* For a change in the zoning map with a conditional site plan, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning and voluntary conditions meet the following conditions:

(1) The rezoning and voluntary conditions are consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.

(2) The rezoning and voluntary conditions are consistent with the description and purpose of the district of the property.

(3) The rezoning and voluntary conditions sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

(4) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district and voluntary conditions.

(5) All the potential uses and building types allowed in the proposed zoning district under the voluntary conditions are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.

(6) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district under the voluntary conditions without compromising the health, safety, sustainability and welfare of the City.

(7) The rezoning and voluntary conditions will not be detrimental to the financial stability and economic welfare of the City.

(8) The rezoning and voluntary conditions will not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.

(9) The rezoning and voluntary conditions is consistent with the trend of development in the neighborhood or surrounding area.

(10) The voluntary conditions bear a reasonable and rational relationship to the property for which rezoning is requested.

Sec. 122-634. Protests.

(a) In case a protest against a proposed rezoning is presented, duly signed by the owners, or part owners, of 20 percent of the area of land proposed to be altered, or by the owners of at least 20 percent of the area of land included with the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds vote of the city council. The protest petition shall be presented to the city council before final city council action on the amendment.

(b) For purposes of the protest, publicly-owned land shall be excluded in calculating the 20 percent land area requirement.

Sec. 122-65. Conditional Zoning Map Amendment Administration.

(a) *Zoning Map.* Upon a conditional zoning map amendment taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a "Statement of Conditions". The Planning Department shall maintain a listing of all lands rezoned with a "Statement of Conditions".

(b) *Statement of Conditions.* The approved "Statement of Conditions" shall be approved by the City Attorney and then filed by the City of Ypsilanti with the Washtenaw County Register of Deeds. If a time period for compliance with conditions has been required by City Council, the time period must be included in the document approved and filed with the Washtenaw County Registrar of Deeds. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.

- (c) *Compliance with Conditions.* Upon a conditional zoning map amendment taking effect, the use of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the “Statement of Conditions”. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the “Statement of Conditions”. Any failure to comply with a condition contained within the “Statement of Conditions” shall constitute a violation of this Ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable “Statement of Conditions”.
- (d) *Time period for conditions.* If approved with a time period for conditions, the City of Ypsilanti shall not add or alter the conditions during that time period. The landowner may request an extension of the time period from the city council. Except if an extension is granted, the land shall revert to its former zoning classification if conditions are not satisfied within the approved time period.

Sec. 122-646. Resubmitted amendments.

No petition for an amendment which has been disapproved by the city council shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the planning commission after new and significant facts or conditions have been offered which might result in favorable action upon resubmission.

Secs. 122-657--122-90. Reserved.

ARTICLE III. ZONING BOARD OF APPEALS*

*Cross reference(s)--Boards and commissions, § 2-111 et seq.

State law reference(s)--Board of appeals, MCL 125.585 et seq., MSA 5.2935 et seq.

Sec. 122-91. Establishment and membership.

- (a) *Established.* There is hereby established a zoning board of appeals, which shall perform its duties and powers in accordance with Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.
- (b) *Membership.* The zoning board of appeals shall consist of five members appointed by the mayor with the city council's consent. The members of the zoning board of appeals shall be residents of the city. No employee or contractor of the city council may sit on the zoning board of appeals. One member of the zoning board of appeals shall also sit on the city planning commission. Each member of the zoning board of appeals shall hold office for a term of three years. Terms shall be staggered to provide for as nearly as possible the appointment of an equal number of members each year. Those persons now serving as members of the zoning board of appeals shall serve the balance of the terms for which they were appointed. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (c) *Officers.* The zoning board of appeals shall annually elect its own chairperson and vice-chairperson. The terms of the chairperson and vice-chairperson shall be for a period of one year.
- (d) *Alternate members.* The mayor, with the city council's consent, shall appoint two alternate members for the zoning board of appeals to sit as regular members of the zoning board of appeals in the absence of a regular member. If a regular member is absent from or unable to attend one or more consecutive meetings of the zoning board of appeals or for a period of more than 30 consecutive days, then alternate members may be called on a rotating basis to serve in the place of a regular member. For the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest, an alternate member may also be called. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the zoning board of appeals.
- (e) *Meetings.* All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such times as the zoning board of appeals may determine. All hearings conducted by the zoning board of appeals shall be open to the public. Minutes shall be kept of each meeting and the zoning board of appeals shall record into the minutes all findings, conditions of approval, facts, and other relevant factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
- (f) *Rules and procedures.* The zoning board of appeals shall adopt general rules and regulations governing its procedure and may make rules for the filing of appeals and other matters requiring its attention which shall not cause reasonable delays in the transaction of its business.
- (g) *Abstention.* A member of the zoning board of appeals shall abstain from voting on any question on which he has a conflict of interest. Failure of a member to abstain in such cases shall constitute misconduct of office.
- (h) *Resignations.* When zoning board of appeals members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairperson, and make the date of resignation effective in such a manner as to allow time for appointment of replacements. Failure to attend three consecutive regular meetings, or three of seven consecutive meetings, without recorded consent of the chairperson shall be construed as resignation from the zoning board of appeals by absence. When a member dies or resigns (including resignation by absence), the chairperson shall promptly notify the mayor that a vacancy exists.

Sec. 122-92. Powers and duties.

- (a) The board of appeals shall hear and decide all questions and decisions regarding the following:
 - (1) Interpretation of the official zoning map, including the interpretation of the location of zoning district boundaries when in doubt.
 - (2) The interpretation of the language of this chapter when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation.

- (3) The hearing of requests for **nonuse** variances from the strict application of the provisions of this chapter in accordance with section 122-94.
- (4) The hearing of requests for appeals from any order, requirement, decisions, or determination made by an administrative body or official charged with the enforcement of this chapter in accordance with section 122-95.
- (5) Hear and decide on any other matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under the terms of this chapter.
- (b) The zoning board of appeals shall not change the zoning district classification of any property or make any change in the terms of this chapter, and shall not take any action which would, as a result, make legislative changes in or negate any provisions of this chapter.
- (c) The zoning board of appeals shall not have authority to hear appeals on decisions made by the planning commission or city council regarding planned unit developments.
- (d) The zoning board of appeals shall not (have the authority to grant a use variance.**

Sec. 122-93. General procedures.

- (a) *Hearings.* The zoning board of appeals shall hold a public hearing on each question submitted to it for decision. Such hearing shall be set within a reasonable time, not to exceed 45 days from the filing date of an appeal or variance request. Written notice of such hearing including the date, time, and place of the public hearing; the nature of the appeal; and a description of any property in question; shall be given to the appellant, if different than owner(s) of the property, to persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Ypsilanti, and to the occupants of all structures within 300 feet of the premises. The notice shall be delivered personally or by mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall also be published in a newspaper of general circulation in the city. All notices shall be given at least 15 days prior to the public hearing. An affidavit of mailing shall be filed with the zoning board of appeals prior to the public hearing. The zoning board of appeals may recess a hearing to gather additional information, to make site inspections, or to engage in other activities as may be necessary to make a proper decision. The zoning board of appeals shall reconvene the hearing within 35 days of the original hearing date. The reconvened hearing date shall be announced at the original hearing and this announcement shall constitute proper public notification.
- (b) *Decisions by the board of appeals.* The concurring vote of a majority of the entire membership of the zoning board of appeals (three votes) shall be necessary to reverse any order, requirement, or decision of any administrative official; to effect any variance in the non-use terms of this chapter; or to decide any matter upon which the zoning board of appeals is required to pass by this chapter. The concurring vote of two-thirds of the entire membership of the zoning board of appeals (four votes) shall be necessary to effect any variance from uses of the land permitted in this chapter.
- (c) *Time limit.* The zoning board of appeals shall decide upon all matters within 90 days from the filing date. The time limit may be extended by written agreement between the applicant or appellant and the zoning board of appeals.
- (d) *Representation.* Any person may appear on his own behalf at a hearing or may be represented by an agent or attorney.
- (e) *Conditions of approval.* The zoning board of appeals may attach conditions to any affirmative action as it deems reasonable to minimize any detrimental effects of its decisions and to promote the purposes of this chapter. Such conditions shall be in accordance with section 122-167 and Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended. A performance guarantee may be required as a condition of an affirmative action when in accordance with section 122-133.⁴
- (f) *Official record.* The decisions and orders of the zoning board of appeals in disposing of an appeal or a request for a variance, along with any conditions attached, shall be entered into the official record for each case. Such

record shall include the reasons for a determination, a summary of the evidence introduced, and the reasons for any conditions imposed.

Sec. 122-94. Variances.

- (a) *Application.* An application for a variance to the provisions of this chapter shall be filed with the city planner's office by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the following information:
- (1) Name, address, and telephone number of the applicant and property owner; and the interest of the applicant in the property.
 - (2) Legal description, address, and tax parcel number of the subject property.
 - (3) An accurate, scaled drawing of the property, showing all property lines and dimensions correlated with the legal description; the location and dimensions of all existing and proposed structures and uses on the property; any roads, alleys, easements, drains, or waterways which traverse or abut the property; and the lot area and setback dimensions necessary to show compliance with the regulations of this chapter. In most cases, a site plan or plot plan will meet this requirement. See subsection 122-33(b) and 122-125.
 - (4) Other reasonable information deemed necessary by the zoning board of appeals in order to make a proper decision.
- (b) *Standards for variances.* A variance from the literal enforcement of this chapter may be granted by the zoning board of appeals only if all of the following standards are met:
- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.
 - (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
 - (3) The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.
 - (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the zoning board of appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.
 - (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure.
 - ~~(7) Variances from uses of land permitted in this chapter shall also meet all of the following standards:~~
 - ~~a. The property in question cannot be put to reasonable use without unnecessary hardship if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.~~
 - ~~b. The variation, if granted, will not alter the essential character of the area or neighborhood.~~
 - ~~c. The conditions upon which the petition for a variance is based is not applicable to other property within the same zoning classification.~~
- (c) *Variances; reapplication.* An application for a variance which has been denied wholly or in part by the zoning board of appeals shall not be resubmitted for a period of ~~365 days~~ **one year** from the date of denial, except on grounds of new evidence of changed conditions found by the zoning board of appeals to be valid. The zoning board of appeals shall review any subsequent application for a variance on the conditions and circumstances which exist at the time of the subsequent application.

- (d) *Variance to run with land.* A variance shall run with the land and shall not become void if property is sold to a new owner. However, a variance shall become null and void if no building permit or no construction is started within one year of the approval date of the variance (see section 122-97).

Sec. 122-95. Appeals.

- (a) *Questions first go to administrative official.* All questions concerning administrative decisions under this chapter shall first be presented to the applicable city official or agency. Such questions shall be presented to the zoning board of appeals only on appeal from the decisions of the applicable city official or agency.
- (b) *Filing appeal.* Appeals may be commenced by a person aggrieved or by any officer, department, board, agency, or bureau of the city, county, state, or federal governments by filing a notice of appeal with the city planner's office. The notice of appeal shall be signed, shall specify the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of appeal; such fee shall be nonrefundable. Appeals shall be filed within 60 days of the decision in question.
- (c) *Stay of action.* An appeal stays all proceedings in the furtherance of the action appealed from unless the building department certifies to the zoning board of appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the zoning board of appeals or by circuit court, following written request, notice to the officer or body from whom the appeal is taken, and due cause shown.
- (d) *Power to subpoena.* The zoning board of appeals shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files, and other evidence pertinent to the matters before it.
- (e) *Decisions regarding appeals.* The zoning board of appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination from which an appeal is sought. To that end, the zoning board of appeals shall have the powers of the public official or body from whom the appeal is taken.

Sec. 122-96. Decisions final.

All decisions of the zoning board of appeals are final. However, a person having an interest aggrieved by a decision may appeal to the circuit courts, as provided in Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended. Such an appeal must be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision.

Sec. 122-97. Time limitations.

If a variance or other requested action is granted or authorized, the necessary permits shall be obtained and any authorized actions shall be begun within one year following the date of such variance or authorization and shall be completed as authorized by the permit or elsewhere in this chapter. Should the applicant/appellant fail to obtain such permits or fail to commence work within such subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, or abandoned his appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.

Sec. 122-98. Fees.

The city council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals or variances requested from zoning board of appeals. Fees shall be paid at the time of application and shall be nonrefundable. Fees shall be placed in the general revenue fund of the city.

Secs. 122-99--122-120. Reserved.

ARTICLE IV. SITE PLAN REVIEW*

*State law reference(s)--City may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance, MCL 125.584d, MSA 5.2934(4).

Sec. 122-121. Purpose.

- (a) The purposes of site plan review are as follows:
- (1) To determine compliance with the provisions of this chapter;
 - (2) To promote the orderly development of the city, to prevent the depreciation of land values through uses or structures which do not give proper attention to site or area protection; and
 - (3) To provide consultation and cooperation between the applicant and the city in order to accomplish the developers objectives in harmony with the spirit and intent of this chapter.
- (b) The site plan review procedures and standards in this article are intended to provide a consistent and uniform method of review of proposed development plans. Through the application of these regulations, the attainment of the city master plan will be assured, and the city will develop (or redevelop) in an orderly fashion.

Sec. 122-122. Requirement for Zoning Compliance Review

- (a) Zoning compliance review shall be required for the activities or uses listed in the table below. Zoning compliance is required for certain site or building activities not complicated enough to warrant site plan review. Zoning compliance review shall be approved by the city planner or designee.

Activity/Use	Regulations
New Construction	
Building permit for single & 2 family dwelling on individual lot, except if limited building type	Zoning district regulations
Building permit for accessory dwelling unit	Zoning district regulations
Expansion/Modification to Existing Principal or Residential Buildings	
Building permit for building expansion of single or two family dwelling on individual lot	Zoning district regulations
Building permit for building expansion of accessory dwelling unit	Zoning district regulations
Change in Use	
Reuse of an existing building where no building expansion is proposed and the City Planner determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	Zoning district regulations
Temporary uses, buildings & structures	Section 122-35
Accessory Structures & Site Improvements	
Accessory buildings, structures, and off-street parking for single- and two-family dwelling units on individual lots	Zoning district regulations
Accessory buildings less than 250 square feet	Zoning district regulations
Expand/modify parking lot with existing or proposed ten (10) or less spaces that does not result in drainage alterations, changes in circulation patterns or access, or addition or replacement of base or subgrade with no requests for exceptions allowed in this Chapter	Article XIII
Community Garden	Section 122-815
Infrastructure and paving improvements including sidewalks, bicycle facilities and pathways	Section 122-647
Construction, relocation or erections of signs, screening walls, trash receptacles, fences, walls, lights, poles, cooling/heating or other mechanical equipment	Signs must comply with Article XIV; screening wall, fences and walls with Section 122-714; trash receptacles with Section 122-650
Swimming pools	Section 122-668

Sec. 122-123. Requirement for and Authority to Review Site Plans

- (a) Site plan review shall be required for the activities or uses listed in the table below. The city planner, planning commission or city council shall have the authority to review and to approve, approve with conditions, or deny site plan applications as provided in this Ordinance, when an “X” is in the table below. Any decision made by the city council shall be based upon recommendation by the planning commission.

Activities or uses	City Council	Planning Commission	City Planner
New Construction			
Site plan for essential services, electrical substations, private utilities and similar uses			X
New construction with no requests for exceptions allowed by this Chapter and not a limited building type			X
Site plan for new construction where the building encroaches into the required setback from a planned easement for a street		X	
Site plan for new construction with request for exceptions allowed by the Chapter		X	
Site plan for new construction of limited building types in a zoning district		X	
Special Land Use		X	
Subdivisions (site condominiums & plats)	X	Recommend	
Conditional Rezoning	X	Recommend	
Planned Unit Development (PUDs)	X	Recommend	
Expansion/Modification to Existing Principal or Residential Buildings			
Site plan for building expansion with no requests for exceptions allowed by the Chapter			X
Site plan for building expansion where the building encroaches into the required setback from a planned easement for a street		X	
Site plan for building expansion with request for exception allowed by this Chapter		X	
Expansion/intensification of a special land use		X	
Change in Use			
Reuse of an existing building where no building expansion is proposed and the City Planner determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects			X
Change of land or building to a more intensive use, as determined by the City Planner that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site and no requests for exceptions under this Chapter			X
Change of land or building to a more intensive use, as determined by the City Planner that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site, with request for exception allowed by this Chapter		X	
Change in use to special land use		X	
Accessory Structures & Site Improvements			
Accessory buildings, except for those uses noted above, 250 square feet or more			X
New parking lot and/or garage with no requests for exceptions			X

Activities or uses	City Council	Planning Commission	City Planner
allowed in this Chapter			
Modify parking lot that results drainage alterations, changes in circulation patterns or access, or addition or replacement of base or subgrade with no requests for exceptions allowed in this Chapter			X
Expand/modify parking lot to with existing or proposed 11spaces or more with no requests for exceptions allowed in this Chapter			X
New parking lot and or garage, or expand/modify existing parking lot with requests for exceptions allowed in this Chapter		X	

(b) *Deferral to planning commission.* The city planner may defer approval of any site plan to the planning commission.

(c) *Planning commission review.* The planning commission in its entirety may review and approve site plans, or the planning commission may designate a subcommittee of no less than three of its members to review and/or approve site plans.

~~(a) Submission of a site plan shall be required for any of the following:~~

- ~~(1) Any proposal to construct, move, relocate, convert, or structurally alter a building. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building.~~
- ~~(2) Any change and/or conversion of use as permitted and regulated by this ordinance which may require additional off street parking and modification of interior circulation or landscaping.~~
- ~~(3) Any proposal to expand an off street parking lot or to when construction includes, drainage alterations, changes in circulation patterns or access, or addition or replacement of base or subgrade.~~
- ~~(4) Any development or use for which submission of a site plan is elsewhere required by this chapter.~~

~~(b) Submission of a site plan shall not be required for the following:~~

- ~~(1) Single and two family dwelling units on individual lots.~~
- ~~(2) Buildings, structures, and off street parking accessory to single and two family dwelling units on individual lots.~~
- ~~(3) Existing parking lots, of which the majority of the surface area is paved, being modified to 15 proposed spaces or less.~~
- ~~(4) Existing gravel or paved parking lots being modified to 10 proposed spaces or less.~~
- ~~(5) Change or conversion of uses on the ground floor, or conversion of above ground floors to residential dwellings, in the B3, Central Business District.~~
- ~~(6) New accessory buildings/structures or additions thereto not exceeding a total of 250 square feet.~~

Sec. 122-124. Authority to approve site plans. Site Plan Review Checklist

(a) *Site Plan Review Checklist Development.* The city planner shall draft a site plan review checklist, which shall be reviewed and approved by the planning commission. The city planner shall update the site plan review checklist at least once every three (3) years or earlier, if deemed necessary. All changes shall be approved by the planning commission.

(b) *Transmission to planning commission.* The review checklist for all site plans shall be transmitted to the planning commission, no matter which body is the approving authority, in accordance the process procedure in Section 122-126. ~~(a) Planning commission.~~ Except as specified under subsection (b) of this section, the planning commission shall have authority to grant final approval of the site plans in accordance with section 122-126. The planning commission in its entirety may review and approve site plans, or the planning commission may designate a subcommittee of no less than three of its members to review and/or approve site plans.

~~(b) City planner. The city planner shall have authority to review and approve site plans for the following uses in accordance with section 122-126.~~

~~(1) A multiple family dwelling containing not more than four dwelling units located in an existing building.~~

~~(2) Accessory buildings and structures, for uses other than single or two family units on individual lots.~~

~~(3) Any change or alteration to an existing parking lot containing 25 or less parking spaces when not part of a development or use for which site plan approval by the planning commission is required, or addition or replacement of base or subgrade of an existing parking lot of 25 parking spaces or less. A change or alteration may include small expansions of the lot up to 20%, provided total resulting spaces does not exceed 25.~~

~~(4) Principal building additions that do not exceed 25% of the existing total gross floor area of the building (up to a maximum 5,000 square feet), or 500 square feet, whatever is greater.~~

~~(c) Deferral to planning commission. The city planner may, in his best judgment, defer approval of any site plan to the planning commission.~~

Sec. 122-125. Application procedure; contents.

(a) An application for site plan review shall be made to the city planner along with a fee as required by the city council. The application shall, at a minimum, contain the following information:

(1) The applicant's name, address and phone number.

(2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.

(3) The name, address and phone number of the owner of record if different from the applicant.

(4) The address and/or parcel number of the property.

(5) Brief project description, including number of structures and dwelling units, square footage of each building, number of parking spaces, estimated number of employees, and any unique features of the site or proposed development.

(6) Area of the parcel in acres, excluding street rights-of-way.

(7) A site plan for the project containing all of the information listed in section 122-125. **See item b of this sub-section for type and number of copies.**

(b) For all site plan submittals, four (4) paper copies drawn at a minimum scale of one inch equals 200 feet and one (1) electronic copy of the site plan shall be submitted. Depending on whether or not If the site plan will go to the planning commission for review, the city planner may require that up to 12 folded paper copies at a smaller scale than required above on a minimum size of 11 inch by 17 of the site plan be provided by the applicant.

(c) The city planner shall review all application materials. If such materials are incomplete, they shall be returned to the applicant.

Sec. 122-126. Site plan content.

Each site plan submitted for review under this chapter shall be drawn at a minimum scale of one inch equals 200 feet and shall contain the following information:

(1) Name of development, scale, north arrow, date of original drawing and any revisions, and general location map showing major thoroughfares and site location.

(2) Name, address and phone number of the site owner, developer and plan designer, and the professional seal of the designer.

(3) The area of the site in square feet and acres, excluding all existing and proposed rights-of-way. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within 50 feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding shall be shown.

(4) Existing zoning of the site and all adjacent properties.

(5) Direction of stormwater drainage, ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions shall be provided. Indicate any areas located within floodplains.

- (6) Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building. The location and dimensions of any open air uses shall also be provided, such as recreational fields, outdoor cafes, or open air sales areas.
- (7) Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within 100 feet of the site. The centerline of road rights-of-way shall be shown.
- (8) Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. Also, the proposed method of surfacing such areas shall be noted.
- (9) Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
- (10) Landscape plan in accordance with article XI, division 5, of this chapter, which indicates type and size of all plant material, including all areas to be sod or seeded for grass. Cross sections of all proposed berms shall be provided. Existing vegetation which is to be retained on the site shall be illustrated.
- (11) Location of all proposed accessory structures, including fences or walls, outdoor lighting fixtures (including photometric study to demonstrate compliance with section 122-641), outdoor communication devices, flagpoles, storage sheds, transformers, dumpsters or trash removal areas, and signs. Also show the location of all sidewalks or pathways, fire hydrants, existing and proposed utility poles, utility easements, and drainways.
- (12) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.
- (13) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this chapter or other state or federal agencies.
- (14) If phased construction is to be used, each phase must be noted and each phase must stand on its own.
- (15) Notation of any variances or special use permits which are required, any legal nonconforming uses or structures, and any state or federal permits which have been secured or may be necessary to secure.
- (16) Locations of all planned easements for non-motorized pathways in the City of Ypsilanti's Non-Motorized Plan, a 50 to 100 foot conservation and /or access easement along any Huron River frontage and any planned road easement expansions approved by City Council.
- (17) For proposals in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, the following information shall be provided:
 - a) *Circulation Plan Requirements.* For proposed development less than three acres in size, a circulation plan shall be submitted which identifies potential cross-and joint-access to adjacent parcels, the existing block layout. The block shall be defined as lots and/or all contiguous lots shall be considered to be part of a block for this purpose. Pedestrian accommodations and alternative transportation modes shall be reflected in the submitted circulation plan, as required by Section 122-647. The street trees, as required by Section 122-705 will also be required to be applied to existing streets.
 - b) *Block Plan Requirements.* When a proposed development is three acres or greater, a block plan shall be submitted. The block plan must show the street layout, proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. The proposed method of surfacing such areas shall be noted.
 - c) the building type
 - d) the building lot configuration
 - e) the parking location
- (18) Other data which the planning commission, city planner, or consulting engineer may deem reasonably necessary for adequate review.
- (19) The approving body, planning commission or city planner, may grant waivers of data requirements when specific data is deemed unnecessary in determining compliance of a site plan with the regulations or standards of this chapter. For zoning compliance reviews or site plans approved by the City Planner, the City Planner may allow a sketch plan, defined as a scaled drawing based on a legal survey containing less information than

a site plan; drawn in compliance with this Ordinance but not required to be prepared by a licensed professional. Sketch plans shall contain the following information:

- (a) Name of development, scale, north arrow, date of original drawing and any revisions,
- (b) Name, address and phone number of the site owner, developer and/or plan designer,
- (c) The area of the site in square feet or acres.
- (d) Existing zoning of the site and all adjacent properties.
- (f) Location and setbacks of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building. The location and dimensions of any open air uses shall also be provided, such as recreational fields, outdoor cafes, or open air sales areas.
- (g) Location of abutting streets, existing rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site.
- (h) Parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps.
- (i) Landscape plan in accordance with article XI, division 5, of this chapter, which indicates type and size of all plant material, including all areas to be sod or seeded for grass. Existing vegetation which is to be retained on the site shall be illustrated.
- (j) Location of all proposed and existing accessory structures, including fences or walls, outdoor lighting fixtures, outdoor communication devices, flagpoles, storage sheds, transformers, dumpsters or trash removal areas, and signs. Also show the location of all sidewalks or pathways, fire hydrants, and utility poles.
- (k) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.
- (l) Notation of any variances or special use permits which are required, any legal nonconforming uses or structures, and any state or federal permits which have been secured or may be necessary to secure.
- (m) For proposals in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, the following information shall be provided:
 - 1) *Circulation Plan Requirements.* For proposed development less than three acres in size, a circulation plan shall be submitted which identifies potential cross-and joint-access to adjacent parcels, the existing block layout. The block shall be defined as lots and/or all contiguous lots shall be considered to be part of a block for this purpose. Pedestrian accommodations and alternative transportation modes shall be reflected in the submitted circulation plan, as required by Section 122-647. The street trees, as required by Section 122-705 will also be required to be applied to existing streets.
 - 2) the building type
 - 3) the building lot configuration
 - 4) the parking location
- (n) Other data which the planning commission, city planner, or consulting engineer may deem reasonably necessary for adequate review.

Sec. 122-127. Review procedure and authorization.

All site plans required under this article shall be subject to review as follows:

- (1) *Pre-application conference required for new construction.* For any new construction, the applicant/property owner must attend a pre-application conference to be coordinated by the city planner. This meeting may include the building official, city attorney, city engineer, fire inspector, police chief, city manager, economic development official, planning commission member(s) and city council member(s) and any other government official deemed applicable. The city planner may consult with any of the above offices and share input at the conference. The applicant shall not be bound by the plan reviewed in a pre-application conference, nor shall the any approving authority be bound by any such conference.

- (2) *Distribution of plans/department of community and economic development.* Upon submission of all required application materials, the site plan proposal shall, when applicable, be placed on the planning commission agenda for review. Before the planning commission meeting, the site plan and application shall be reviewed for comment by the city department of community and economic development and any other city officials deemed necessary. The plan may also be submitted to the city engineer or city attorney for review.
- (3) *Authorization.* The ~~city planner planning commission~~, or when applicable the ~~planning commission city planner~~ (as per section 122-123), shall have the power to approve, approve subject to conditions, or deny any site plan submitted to it under this chapter. The planning commission may also table consideration of a site plan until a later meeting. The applicant shall be advised of any action in writing. A building permit shall not be issued until a site plan has been approved as required in this chapter.
- (4) *Review period.* The ~~planning commission or city planner~~ ~~city planner or planning commission~~ shall render a decision on a site plan within 65 days of its initial review of the site plan, unless an extension of time is agreed to by the ~~planning commission or city planner~~ ~~city planner or planning commission~~ and the applicant.
- (5) *Review standards.* The ~~planning commission or the city planner~~ ~~city planner or planning commission~~ shall review each site plan according to the standards for site plan review as contained in section 122-127 and any other applicable regulations of this chapter. In addition, the ~~planning commission or city planner~~ ~~city planner or planning commission~~ shall consider the findings and recommendations of the department of community and economic development, and is empowered to seek the review and recommendation of appropriate county, state or federal agencies, or other professionals, consultants, or agencies deemed necessary to assist in the review.
- (6) *Signature of approval.* Upon approval of a site plan, three ~~paper~~ copies of the plan and one electronic copy shall be signed and dated by the ~~chair of the planning commission or the city planner~~ ~~city planner or the chair of the planning commission~~. If approval is subject to conditions, such conditions shall also be written on each of the ~~three~~ site plans. One ~~paper~~ copy of the plan shall be retained by the applicant, one ~~paper~~ copy of the plan shall be retained by the city planner's office, and one ~~paper and one electronic~~ copy of the plan shall be submitted to the building department as part of the building permit review process.
- (7) *Effect of approval.* Approval of a site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificates have been met.
- (8) *Expiration of approval.* Approval of a site plan shall expire and be of no effect unless a building permit shall have been issued within ~~six months~~ ~~one (1) year~~ of the date of the site plan approval. Approval of a site plan shall expire and be of no effect two years following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.

Sec. 122-128. Standards for site plan review.

Site plans shall be reviewed for compliance with the following general standards:

- (1) The applicant is eligible to legally apply for site plan review, and all required information has been provided.
- (2) The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located.
- (3) All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (4) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; ~~circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout.~~ Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, ~~pedestrian and bicyclist safety, access~~

to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code.

- (5) Streets are designed in context with the urban form and continue the established pattern of the surrounding area.
- (6) Adequate services and utilities including sanitary sewers shall be available or provided, with sufficient capacity to properly serve the development. Appropriate measures will be taken to ensure that site drainage will not adversely affect adjoining properties or the capacity of the public storm drainage system, or nearby bodies of water. Provisions shall be made to accommodate stormwater and prevent soil erosion. All stormwater management facilities, including but not limited to storm sewers and detention/retention facilities, shall be designed in accordance with the “Rules of the Washtenaw County Water Resources Commissioner,” together with any special provisions established by the city.
- (7) Natural resources will be protected to the maximum feasible extent. The proposed development will not cause soil erosion or sedimentation problems, and will respect floodways or floodplains on or in the vicinity of the subject property.
- (8) The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walks, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets.
- (9) Separate phases of development shall be in logical sequence, and each phase shall stand alone so that no one phase will depend upon a subsequent phase for adequate access, public utility services, drainage, or other improvements.
- (10) Site plans shall conform to all applicable requirements of state and federal statutes, including health and pollution laws, fire or explosion hazards, toxic and hazardous materials, and barrier-free requirements. Site plan approval may be conditioned on the applicant receiving necessary county, state, or federal permits before a local building permit or occupancy permit is granted.
- (11) An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan.

Sec. 122-129. Issuance of building permit.

The building department shall, upon receipt of notice of approval from the planning commission or city planner and upon application by the applicant, issue a building permit provided all other applicable city regulations have been met.

Sec. 122-130. Amendment of approved site plan.

- (a) A site plan may be amended upon application and in accordance with the procedures and requirements provided in section 122-126.
- (b) Minor changes to a site plan may be made without following the procedures of section 122-126 at the discretion of the city planner. The ~~planning commission or city planner~~ original approving body shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. A sketch plan, meeting the requirements of Section 122-125 (19), may be allowed by the original approving body for submission for review for a minor or major revision.
- (c) Major revisions would include, but not be limited to, increases in scope or density of use, land area, or building size; the addition of uses not authorized by the original site plan approval; the rearrangement or relocation of buildings or structures; changes in the character or function of drives, parking areas, and landscaping; or changes in the concept of the development.
- (d) A record of such determinations and reasons for allowing any minor amendment shall be recorded in writing. In the case of minor changes to an approved site plan, two paper copies and one electronic copy of the revised site plan or sketch plan drawing shall be submitted by the applicant showing such minor changes for purposes of city record.

Sec. 122-131. Modification of plan during construction.

All site improvements shall conform to the approved site plan. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk, without any assurance that the planning commission or city planner will approve the changes. It shall be the responsibility of the applicant to notify the city building department and the city planner of any changes. The building department, the city planner, or the planning commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

(Ord. No. 626A, § 5.265, 7-15-1994)

Sec. 122-132. As-built drawings.

Upon completion of the installation of required improvements as shown on an approved site plan, the property owner shall submit to the building department an **electronic and paper** "as-built" site plan, certified by an engineer or architect, at least one week prior to the anticipated occupancy of any building. A certificate of occupancy shall be withheld by the building department in any case where the site plan and major conditions as approved by the planning commission or city planner have not been complied with and a performance guarantee has not been issued for incomplete improvements in accordance with 122-133~~4~~.

Sec. 122-133. Phasing of development.

- (a) The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size, and character of each phase. However, complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.
- (b) Each phase of a project shall stand on its own. No phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping, or any other element required by this chapter.

Sec. 122-134. Performance guarantee.

- (a) *Purpose.* To ensure faithful compliance with the provisions of this chapter and any conditions imposed thereunder, a performance guarantee may be required by city staff, the planning commission, or when appropriate the city council to be deposited with the city. Improvements for which a performance guarantee may be required include, but are not limited to, landscaping, berms, screening, lighting, surfacing of drives, parking, traffic control devices, water or sewer line expansions, sidewalks, drainage, and other improvements.
- (b) *General requirements.* A performance guarantee may be in the form of a bond, irrevocable bank letter of credit, cash deposit, or other form of security. Such guarantee shall be provided to the city clerk, and shall be provided any time after a site plan has been approved.
- (c) *Amount.* The amount of the performance guarantee shall be ~~200%~~ **100%** of the cost of the improvements associated with the performance guarantee. Accordingly, the applicant shall provide an itemized cost estimate of the improvements, and such estimate shall be verified by the building department. The form of the guarantee shall be approved by the city attorney.
- (d) *Failure to complete improvements.* If the applicant should fail to provide any of the site improvements according to the approved site plans within the time period specified in the guarantee, the performance guarantee shall be forfeited. The city shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the building department. In cases where the provisions of this article have not been met, the amount of the aforementioned performance guarantee shall be used by the city to complete the required improvements and the balance, if any, shall be returned to the applicant.

Sec. 122-135. Fees.

Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution of the city council.

Sec. 122-136. Record of approval.

An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the ~~planning commission~~ **city planner** (or ~~city planner~~ **planning commission**, as applicable) agrees to such changes as provided in this article. Any violation of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this chapter and shall be subject to all penalties therein.

Secs. 122-137--122-160. Reserved.

ARTICLE V. SPECIAL LAND USE REVIEW*

*State law reference(s)--Special land uses, MCL 125.584a, MSA 5.2934(1).

Sec. 122-161. Statement of intent.

- (a) The formulation and execution of this chapter is based upon the division of the city into districts, within each of which certain specified, mutually compatible uses are permitted by right, and the bulk and location of buildings and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district without special consideration. Such uses are essential or desirable for the welfare of the community and are essentially appropriate and not incompatible with the uses permitted by right in a zoning district; but not at every location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties.
- (b) This article requires special approval of such uses. The procedures and standards in this article are intended to provide a consistent and uniform method for review of proposed plans for special land uses.

Sec. 122-162. Authority to grant permits.

The city planning commission shall have the authority to approve special uses and to attach conditions to any approved special use. Only those uses specifically listed as special uses in this chapter shall be considered for special use review and approval, except as provided for unclassified uses in Section 122-651.

Sec. 122-163. Application; contents.

- (a) An application for a special use permit shall be made by filing an application form, the required information, and fee with the city planner's office. The fee shall be set by resolution of the city council. No part of the fee shall be returnable to the applicant. An application for a special use permit shall contain the following information:
 - (1) The applicant's name, address, and telephone number; and the names and addresses of all record owners and proof of ownership.
 - (2) The applicant's interest in the property and, if not the fee simple owner, a signed authorization from the owner for the application.
 - (3) Legal description and address of the property.
 - (4) Reference to the section of this chapter under which the special land use permit is sought.
 - (5) A description of the proposed use of the property.
 - (6) A site plan, which shall include all of the information required by this chapter in section 122-125. **For special land uses to occupy an existing building with no building additions, the City Planner may allow a sketch plan, defined as a scaled drawing based on a legal survey containing less information than a site plan; drawn in compliance with this Ordinance but not required to be prepared by a licensed professional with the minimum requirements in as defined in Section 122-125 (19).**
- (b) A public hearing by the planning commission shall be scheduled for within 65 days of the filing date of an application for a special use permit. The applicant or designated representative shall be present at the public hearing and any other scheduled review meetings on the proposal. Otherwise, consideration of the proposal may be tabled due to lack of representation.

Sec. 122-164. Public hearing.

- (a) *Notification requirements.* A notice of a public hearing shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of the public hearing. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(b) *Contents of notification.* The notice shall include the following:

- (1) Description of the nature of the special use request.
- (2) A legal description or address of the property which is the subject of the special use request.
- (3) Statement of when and where the public hearing will be held.
- (4) Statement of when and where comments will be received concerning the request.

Sec. 122-165. Standards for reviewing special use requests.

(a) Following the public hearing, the planning commission shall review the application for the special land use proposal, together with the public hearing findings and any reports or recommendations of the city planner, department of community and economic development, city attorney, city building inspector, or other reviewing agencies.

(b) Approval of a special land use permit shall be based on the determination that ~~the proposed use will comply with all requirements of this chapter, including all site plan review criteria (section 122-127) and the applicable site development standards for the specific use. In addition,~~ the following standards shall be met:

- (1) ~~The proposed use conforms with all the provisions and requirements of this chapter, including all site plan review criteria (section 122-127) and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan.~~ The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. ~~Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered.~~
- (2) The proposed use shall promote the use of land in a socially and economically ~~desirable~~ **sustainable** manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. ~~Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.~~
- (3) The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.
- (4) The proposed special land use shall not present unreasonable adverse impacts on ~~traffic circulation~~ **the transportation system**. Consideration shall be given to the estimated ~~pedestrian, bicycle and vehicular~~ **pedestrian, bicycle and vehicular** traffic generated by such use, ~~access to transit~~ **access to transit**, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian ~~and bicycle~~ **pedestrian and bicycle** traffic.
- (5) The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic ~~welfare~~ **sustainability** of the community.
- ~~(7) Within the MD district, the proposed special land use will help to allow residents to access everyday needs by foot, if a similar service is not currently provided within a quarter mile walking distance.~~

~~The location of the proposed use shall not result in a small residential area being substantially surrounded by nonresidential development, nor a small nonresidential area being substantially surrounded by incompatible uses.~~

Sec. 122-166. Planning commission action.

The planning commission must approve, approve with conditions, or deny a special use permit application. The planning commission's decision, the basis for the decision, and all conditions imposed, must be described in a written statement which must be made a part of the record of the meeting.

Sec. 122-167. Conditions of approval.

(a) Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural

resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.
 - (2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards.
- (b) Failure by an applicant to comply with any such conditions must be considered a violation of this chapter and grounds for Special Use Permit revocation. Conditions of approval must remain unchanged except upon mutual consent of the city planning commission and the landowner. Any such changes must be recorded in the minutes of the city planning commission meeting at which the action occurred.

Sec. 122-168. Duration of special use approval.

- (a) Approval of a special use permit must expire and be of no effect unless a building permit ~~shall have~~ **has** been issued within six months of the date of approval, and unless construction has begun within two years of the date of approval and diligently pursued to completion in conformance with all approved plans and conditions attached thereto. Expiration of a special use permit may be extended one time by the planning commission for a period of six months; otherwise, a new application for an expired special use permit must be filed.
- (b) Once a special use is established, special use permits must run with the land and must not be issued for specified periods, unless the use is clearly temporary or time-related in nature. Special Use Permits may be revoked by the planning commission in accordance with Section 122-170.

Sec. 122-169. Amendments to special land uses.

When an application is received to expand the use, change the traffic pattern, or otherwise alter elements of a special land use, the application must be subject to the same procedures followed for an original special approval of land use.

Sec. 122-170. Revocation of special land use approval.

Approval of a special land use permit may be revoked by the planning commission if construction is not in conformance with the approved plans, or if compliance with Special Use Permit conditions has not been consistently demonstrated. In such case, the issue must be placed on the agenda of the planning commission for consideration. Written notice must be given to the applicant not less than ten days prior to the meeting. The applicant must be given the opportunity to present information to the planning commission and answer questions. The planning commission may revoke the special use permit if it finds that a site plan or special use permit violation exists and has not been remedied prior to the meeting.

Sec. 122-171. Appeals.

Any decision of the planning commission regarding a special use permit must not be appealed to the city zoning board of appeals. Such appeals must be taken to the circuit court.

Sec. 122-172. Reapplication.

No application for a special use permit which has been denied wholly or in part by the planning commission must be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.

Secs. 122-173--122-200. Reserved.

ARTICLE VI. NONCONFORMING USES, BUILDINGS, STRUCTURES OR LOTS*

*State law reference(s)--Nonconforming uses and structures, MCL 125.583a, MSA 5.2933(1).

Sec. 122-201. Description and purpose.

Certain existing lots, structures, buildings and uses of lots and structures were lawful before this chapter was adopted, but have become nonconformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are abandoned or removed, but not to encourage their survival or, where abandonment or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities must not be enlarged, expanded, or extended, except as provided in this chapter and must not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

Sec. 122-202. Authority to continue nonconforming uses and structures.

Any nonconforming use, building, structure, or lot which existed lawfully at the time of the adoption of the ordinance from which this chapter derives and which remains nonconforming and any such use, building, structure or lot which must become nonconforming upon the adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations in this article.

Sec. 122-203. Nonconforming lots.

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of the ordinance from which this chapter derives that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations must apply to any nonconforming lot:

- (1) *Use of nonconforming lot.* Any nonconforming lot must be used only for a use permitted in the district in which it is located.
- (2) *Single lot of record.* A principal structure and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision must apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard setback dimensions and requirements other than those applying to area or width of the lot must conform to the regulations for the district in which such lot is located. However, no more than one dwelling unit must occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.
- (3) *Variance from yard or other requirements.* If the use of a legal nonconforming lot requires a variation from any yard or other requirements, other than lot area or width, then such variance must be obtained only through action by the zoning board of appeals.
- (4) *Contiguous lots in same ownership.* When two or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this chapter, such lots must be considered to be a single lot for the purposes of this chapter, and no portion of such lot must be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this chapter.

Sec. 122-204. Nonconforming use of land.

- (a) A nonconforming use of land occurs when property is used for a purpose or in a manner which was lawfully in existence before this chapter was adopted, but has become nonconforming under the terms of this chapter or its amendments.
- (b) The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations which follow:
 - (1) *Change.* The nonconforming use of land must not be changed to any other use except to a use permitted in the district in which the land is located.
 - (2) *Expansion.* A nonconforming use of land must not be expanded or extended beyond the area it occupies.
 - (3) *Moving.* No such nonconforming use must be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

- (4) *Change in occupancy of ownership.* A change in occupancy or ownership must not constitute a change in use.
- (5) *Abandonment.* If the nonconforming use of land is abandoned for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:
- (a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
 - (b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
 - (c) Cessation of business operations;
 - (d) Receipt of a written declaration by the property owner.
 - (e) Signs or other indications of the existence of the nonconforming use have been removed;
 - (f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
 - (g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
 - (h) Bank or tax foreclosure;
 - (i) Operation or maintenance of a permitted use at the property; or
 - (j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

Sec. 122-205. Nonconforming uses of buildings or structures.

The nonconforming use of a building or structure, or structure and lot in combination, may be continued subject to the following provisions:

- (1) *Change in use.* The nonconforming use of a building or structure may not be changed to a different use unless the new use is permitted in that same district. Any structure, or structure and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.
- a. A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.
 - b. Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the planning commission after a public notice and hearing in accordance with section 122-164. In considering such authorization, the planning commission must consider the following:
 - 1. Whether the proposed use is equally or more appropriate than the present nonconforming zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the planning commission.
 - 2. Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.
 - 3. The effect of the proposed use on adjoining lands and the surrounding neighborhood.
 - 4. In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
 - 5. Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.
- (2) *Expansion of nonconforming use.*

- a. The nonconforming use of any part of a building or structure must not be expanded or extended into any other portion of such building or structure.
 - b. No visible structural alteration must be made to the building or structure devoted to a nonconforming use, except repairs and maintenance work which are required to keep such building in sound condition or as required by law.
 - c. An existing structure containing a nonconforming use must not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located.
- (3) *Change in occupancy or ownership.* A change of occupancy or ownership must not constitute a change in use.
- (4) *Removal or destruction.* If a building or structure in which a nonconforming use is being conducted is removed, destroyed, or severely damaged to the extent that the cost of restoration of the structure exceeds 100 percent of the state equalized value (SEV) or 50 percent of a higher value established by the most recent appraisal of the structure exclusive of the foundation and land, the nonconforming use must not be renewed, and any subsequent use of the premises must conform to the use regulations of the district in which the premises are located. Single-family homes on individual lots that are considered a non-conforming use in the ~~B-1~~ **Neighborhood Corridor** Zoning District must be allowed to be rebuilt regardless of the amount of damage done to the structure.

For the purpose of calculating a fair and equitable cost of restoration regulated by this section, the average of two bid estimates from licensed contractors must be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code must be included. Clean up costs, demolition, furnishings, appliances, and site work, i.e. landscaping, fencing, paving, must not be included. The actual repair and reconstruction may be done by the owner or contractor of his or her choice.

- (5) *Abandonment.* If the nonconforming use of land is abandoned for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:
- (a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
 - (b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
 - (c) Cessation of business operations;
 - (d) Receipt of a written declaration by the property owner.
 - (e) Signs or other indications of the existence of the nonconforming use have been removed;
 - (f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
 - (g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
 - (h) Bank or tax foreclosure;
 - (i) Operation or maintenance of a permitted use at the property; or
 - (j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

(6) *Restoration of Historic Structures.* Restoration may be permitted of a legal nonconforming structure, designated as historic by the Ypsilanti Historic District Commission, which has been destroyed or abandoned (as defined in this section 122-206) provided the planning commission finds all of the following provisions are met:

- (a) The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.
- (b) All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and will be implemented in the restoration project.

Sec. 122-206. Nonconforming buildings or structures.

- (a) A nonconforming building or structure is a structure which was lawful on the effective date of adoption or amendment of this chapter, but which does not conform to the new chapter regulations for **building type**, lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, greenbelts or screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located.
- (b) **Nonconforming buildings and structures may be re-used and occupied by new owners or tenants if all requirements of this Chapter are met and the restrictions below are met.**
- (b) Nonconforming buildings and structures must be subject to the following restrictions:
 - (1) *Expansion.* Nonconforming structures may be expanded only in compliance with the following regulations:
 - a. All nonconforming structures, in any zoning district, may only be expanded in such a way that does not increase a non-conforming characteristic. All expansions must meet all requirements of the zoning district in which it is located, including lot coverage, heights, yard requirements, and off-street parking. **A non-conforming building type may not be expanded.**
 - (2) *Alterations.* A nonconforming structure may be altered to decrease its nonconformity.
 - (3) *Moving.* A nonconforming structure which is moved within a site or to another site must thereafter conform to the regulations of the district in which it is located.
 - (4) *Damage and removal.* A nonconforming structure which is damaged by any means may be restored to its original conditions and location prior to such damage, provided such construction is completed within 18 months of the date of damage and is diligently pursued to completion. Failure to complete reconstruction must result in the loss of legal, nonconforming status.
 - (5) *Restoration or repair.*
 - a. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but such building or structure must not be structurally altered in a way inconsistent with the description and purpose of this article.
 - b. If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure must be declared by the building department to be unsafe or unlawful by reason of physical condition. Such structure must not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this chapter.
- (6) *Restoration of Historic Structures.* Restoration may be permitted of a legal nonconforming structure, designated as historic by the Ypsilanti Historic District Commission, which has been destroyed or abandoned (as defined in this section 122-206) provided the planning commission finds all of the following provisions are met:
 - (a) The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.
 - (b) All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and will be implemented in the restoration project.

Sec. 122-207. Acquisition of nonconformities.

The city may acquire private property to remove a nonconformity, as provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.

Sec. 122-208. Building or structure under construction on effective date of the ordinance from which this chapter is derived.

Any building or structure must be considered existing and lawful for the purposes of this article if, on the effective date of the ordinance from which this chapter is derived, a building permit has been obtained therefore, if required; or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

Sec. 122-209. Unlawful nonconformities.

- (a) No nonconformity must be permitted to continue in existence if it was unlawful at the time it was established.
- (b) The city must maintain records of nonconforming uses and structures as accurate as is feasible for determining legal nonconforming uses and structures in existence on the effective date of the ordinance from which this chapter is derived. However, failure on the part of a property owner to provide the city with necessary information to determine legal nonconforming status may result in denial of a required or requested permit.

Secs. 122-211--122-230. Reserved.

ARTICLE VII. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 122-231. Establishment of districts.

Ypsilanti's Master Plan classified the City into neighborhoods, corridors, centers, and special districts. These classifications are the basis for the regulation of these areas. Outlying neighborhoods (outlying residential and multiple-family) and special districts (parks and production, manufacturing and distribution) are areas where regulation by use and intensity remain appropriate. Core neighborhoods, corridors, and centers were classified as walkable urban places, where the regulations must go beyond use or intensity to reinforce the context of the built environment through form and scale. The office district has been included as an Neighborhoods, Centers, Corridors and Health and Human Services area because it is surrounded by Neighborhoods, Centers, Corridors and Health and Human Services areas and has underlying street network and mixture of uses for an Neighborhoods, Centers, Corridors and Health and Human Services area.

For the purposes of this chapter, the city is hereby divided into the following zoning districts having the names and symbols here shown:

R1 Single-family residential district

MD Multiple dwelling residential district

~~R2 One and two family residential district~~

~~R3 Multiple family medium density residential district~~

~~R4 Multiple family high density residential district~~

~~RO Residential office district~~

~~RC Residential Commercial district~~

Neighborhoods, Centers, Corridors and Health and Human Services Districts:

CN Core Neighborhood

CN-SF Core Neighborhood Single Family

CN-Mid Core Neighborhood Mid

C Center

HC Historic Corridor

NC Neighborhood Corridor

GC General Corridor

HHS Health and Human Services

P Parks

PMD Production, Manufacturing and Distribution

Commercial:

~~B1 Neighborhood business district~~

~~B2 Community business district~~

~~B3 Central business district~~

~~B4 General business district~~

~~CI Commercial Industrial district~~

Manufacturing:

~~WS Workshop/studio district~~

~~M1 Light manufacturing district~~

~~M2 General manufacturing district~~

Overlay:

~~H Historic preservation overlay district~~

~~S Student overlay district~~

~~RCO Residential Commercial overlay district~~

~~Entryway overlay district~~

Public Uses:

~~PL Public land district~~

Sec. 122-232. Zoning map.

- (a) The locations and boundaries of the zoning districts are hereby established as shown on a map adopted by the city council. The map must be entitled the "Zoning Map, City of Ypsilanti, Washtenaw County, Michigan," and must bear the date adopted or amended. It must be the duty of the city mayor and clerk to authenticate such records by placing their official signatures thereon. Such map with all accompanying explanatory matter is hereby made a part of this chapter as if the matters and information set forth thereon were all fully described in this chapter.
- (b) **In Neighborhoods, Centers, Corridors, and Health and Human Services Districts, the zoning map must contain notations on property where building types noted in Section 122-274 are allowed in certain areas and required street construction or connections.**
- (b) A copy of the zoning map must be available for sale or distribution to the public. The zoning map must be updated regularly.

Sec. 122-233. Application of chapter.

- (a) Land uses are permitted specifically in the various zoning districts of this chapter. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted.
- (b) Except as otherwise provided in this chapter, erection of buildings and uses of land must conform to the specific provisions for the zoning districts involved. No land must be redeveloped or a use commenced, expanded or continued within the city except as specifically, or by necessary implication, authorized by this chapter.
- (c) Lawful nonconforming structures and uses existing at the time of passage of this chapter are specifically governed by article VI of this chapter and generally governed by this chapter.

Sec. 122-234. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules must apply:

- (1) Boundaries indicated as approximately following lot lines, the centerlines of streets or alleys, and city limits must be construed as following such lines.
- (2) Boundaries indicated as parallel to or extension of features indicated in subsection (1) of this section must be so construed. Distances not specifically indicated on the official zoning map must be determined by the scale of the map.
- (3) Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered above, the zoning board of appeals must interpret the district boundaries.
- (4) Where one parcel is divided into two or more portions by reason of different zoning district classifications, each of these portions must be used independently of the others in respective zoning classifications; and for the purposes of applying the regulations of this chapter, each such portion must be considered as if in separate and different ownership. However, if the zoning board of appeals finds that any portion of a lot so divided is inadequate in area for a viable use, such portion may be combined with an adjacent lot and/or rezoned as appropriate.

Sec. 122-235. Uses permitted as a right.

Permitted uses, as identified in the divisions covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, district intent, permit, certificate and site plan requirements found elsewhere in this chapter, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated in this chapter.

Sec. 122-236. Uses permitted under special approval.

The uses identified as special uses in divisions covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service and utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Article V of this chapter, regarding procedure and requirements for special uses, must apply to these uses.

Sec. 122-237. Zoning of vacated land.

Vacated streets or alleys, or the divided portions thereof, must automatically be given the same zoning classification as the private property to which they are attached upon vacation.

Sec. 122-238. Zoning of annexed land.

Property duly annexed to the city will be zoned R1, single-family residential, upon annexation. However, the city council may, in the annexation ordinance, designate an appropriate zoning designation upon annexation, based upon existing use of the property, the city's adopted master plan, or the use of surrounding properties.

Secs. 122-240--122-250. Reserved.

DIVISION 2.
R1 SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 122-251. Description and purpose.

The R1 single-family district is designed to provide an environment of predominantly low-density, single-family detached dwellings, along with other related facilities such as schools and churches religious institutions. The purpose of the R1 single-family residential district to encourage the preservation and the continuation of the long-standing residential fabric in existing neighborhoods of predominantly single-family dwellings. Multiple-family, business, or industrial uses which would substantially interfere with the development or continuation of single-family dwellings in the district are prohibited.

Sec. 122-252. Permitted uses.

The following uses are allowed in the R1 single-family residential district.

P=Principal, A=Accessory, S=Special Land Use

Uses	R1	Notes & Other Regulations for Use
RESIDENTIAL		
Single-Family Detached Dwelling	P	Manufactured and premanufactured dwellings may be located and installed according to same standards that would apply to a site-built single-family dwelling on the same lot.
Home Occupation	A	Section 122-669
Family Child Care Home	A	1-6 children, day care and 24 hour care Section 122-779
Adult foster care family homes	A	1-6 adults, day care and 24 hour care, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities. Section 122-773
Group Child Care Home	S	6-12 children, day care only Section 122-779
RECREATION, EDUCATION & PUBLIC ASSEMBLY		
Park	P	
Primary & Secondary Schools (public & private)	S	Section 122-805
Post-secondary educational institutions (public & private)	S	Section 122-805
Religious institution	S	Section 122-780
Municipal, county, regional & state service uses	S	Section 122-795
SERVICES		
Bed & Breakfast or Inn	S	Section 122-778
Farmers' Market	A	When accessory to a nonresidential use.
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Communication Devices	A	Article XI, division 3
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
GARDENS/COMMUNITY GARDENS		
Community Gardens	P	Exempt from area regulations in Section 122-253, subject to Section 122-815

P=Principal, A=Accessory, S=Special Land Use

Uses	R1	Notes & Other Regulations for Use
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A	Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only.
Passive solar structure (greenhouse, hoophouse, etc.)	A	Must meet accessory structure regulations for lot coverage. Rear or side yard only. Maximum floor area must meet regulations in Section 122-253, with an exception for an up to 200 square foot passive solar structure if floor area of existing detached accessory structures are less than 200 square feet or equal to the gross floor area of the ground floor of the principal structure.

Sec. 122-253. Schedule of Regulations.

(a) All principal structures and attached accessory structures must comply with the following regulations in the R-1 single-family residential zoning district:

Regulations	R1	Notes
Minimum Lot Width		
Lot width for all buildings	45 ft.	
Minimum Lot Size		
Single-family detached dwelling	5,000 sq. ft.	
Minimum Setbacks (Residential Uses)		
		Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must not be less than the average depth of the front yards of the existing buildings on each side
Front yard	25 feet	
Side yard	4 feet	
Side yards (combined)	12 feet	
Street Side yard	8 feet	
Rear yard	25 feet	
Minimum Setbacks (Non-Residential Uses)		
	25 feet	Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must not be less than the average depth of the front yards of the existing buildings on each side
Front yard		
Side yard	8 feet	
Side yards (combined)	Equal to the height of the structure or the setbacks required for residential uses, whichever is greater	
Street side yard	8 feet	
Rear yard	25 feet	
Parking Setbacks (other than single-family dwellings)		
Front & side street yard	Not allowed	
Side and rear yards	10 feet	
Height		
Maximum height	30 feet or 2.5 stories	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication devices

Regulations	R1	Notes
		antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet.

Minimum Floor Area

Dwelling unit	500 sq. ft.	
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Maximum Lot Coverage

Residential Uses	35%
Non-residential Uses	50%

- (b) All detached accessory structures must meet the following standards

Regulations	R1	Notes
Minimum Setbacks (Accessory to Residential Uses)		
Front yard	Not allowed	
Side yard	3 feet	1 foot if lot line abuts an alley
Street Side yard	8 feet	
Rear yard	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	7 feet	Minimum distance to comply with fire regulations and/or building code, if greater than minimum listed. An attached enclosure or roof over a pathway between structures on a lot, such as a breezeway, is exempt from this setback provided it is 8 feet or less in width and 15 feet or less in height.

Minimum Setbacks (Accessory to Non-Residential Uses)

Front yard	Not allowed	
Side yard	3 feet	1 foot if lot line abuts an alley
Street Side yard	8 feet	
Rear yard	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	5 feet	Minimum distance to comply with fire regulations and building code, if greater than setback listed.

Height

Maximum height	15 feet	
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Size of Accessory Buildings

Maximum Floor Area	Floor area of all accessory buildings must not exceed gross floor area of the ground floor of the principal structure and must not cause lot coverage regulations for all buildings and paved surfaces on-site to be exceeded.
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Secs. 122-254--122-260. Reserved.

DIVISION 3.
MD MULTIPLE DWELLING RESIDENTIAL DISTRICTS

Sec. 122-261. Description and purpose.

The MD multiple-family residential district is designed to allow a multiple-family residential development, rental or owner-occupied, designed specifically for apartments, townhouses, and/or other housing types. The multiple-family residential district is located adjacent to high traffic generators and major thoroughfares and corridors, and can serve as zones of transition between nonresidential districts and neighborhoods. The multiple-family residential district is designed to insure sound development policies for areas having a concentration of multifamily units, while assuring an adequate supply of multiple-family living units in the housing mix of the city overall. Recreation, services and retail uses are allowed as special land uses to allow residents to access everyday needs by foot, if they are not already within walking distance on a corridor or in a center.

Sec. 122-262. Permitted uses.

The following uses are allowed in the MD multiple-family residential district.

P=Principal, A=Accessory, S=Special Land Use

Uses	MD	Notes & Other Regulations for Use
RESIDENTIAL		
Two-Family Dwelling	P	Manufactured and premanufactured dwellings may be located and installed according to same standards that would apply to a site-built two-family dwelling on the same lot.
Multiple Family Dwellings, maximum of 6 units per building	P	Includes senior housing, student housing, and co-housing. Responsible party for management must be on file with the City.
Multiple Family Dwellings, more than 6 units per building	S	Includes senior housing, student housing, and co-housing. Responsible party for management must be on file with the City.
Home Occupation	A	Section 122-669
Family Child Care Home	A	1-6 children, day care and 24 hour care Section 122-779
Adult foster care family homes	A	1-6 adults, day care and 24 hour care, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities. Section 122-773
Group Child Care Home	S	6-12 children, day care only Section 122-779
GROUP LIVING		
Group living with support staff, not licensed by State of Michigan	S	Includes supportive housing, rehabilitation housing, or dormitories.
Adult foster care small & group homes, adult congregate facilities	S	7 or more adults, licensed by State of Michigan Section 122-773
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional-facilities.	S	
RECREATION, EDUCATION & PUBLIC ASSEMBLY		
Park	P	
Outdoor recreation areas	A	Section 122-802
Social facility for multiple dwelling residents and their guests	A	Subject to detached accessory structure regulations.
Primary & Secondary Schools	S	Section 122-805

P=Principal, A=Accessory, S=Special Land Use

Uses	MD	Notes & Other Regulations for Use
(public & private)		
Post-secondary educational institutions (public & private)	S	Section 122-805
Religious institution	S	Section 122-780
Municipal, county, regional & state service uses	S	Section 122-795
SERVICES		
Bed & Breakfast or Inn	S	Section 122-778
Child care centers and day care centers	S	Section 122-779
Nursing homes	S	Section 122-796
Medical or Dental Offices	S	
Financial services, including banks	S	Drive through facilities are not allowed in MD
Personal service establishments	A	
COMMERCIAL		
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	
Farmers' Market	A	
RESTAURANTS		
Carry-out and/or delivery restaurant	S	Drive through facilities are not allowed in MD
Café or coffee shop	S	Drive through facilities are not allowed in MD
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Communication Devices	A	Article XI, division 3
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
Automobile Share Parking	A	
GARDENS/COMMUNITY GARDENS		
Community Gardens	P	Exempt from area regulations in 122-263, subject to 122-815
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A	Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only.
Passive solar structure (greenhouse, hoophouse, etc.)	A	Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only.

Sec. 122-263. Schedule of Regulations.

(a) All principal structures must comply with the following regulations in the MD multiple-family residential district:

Regulations	MD	Notes
Minimum Lot Width		

Regulations	MD	Notes								
Lot width for all buildings	45 ft.									
Minimum Lot Size										
Two-family dwelling	6,000 sq. ft.									
Group living	6,000 sq. ft.									
Multiple-family	8,000 sq. ft.									
Ratio of Lot Sizes to Number of Units										
		The total number of rooms in a multiple apartment dwelling structure must not be more than the area of the parcel in square feet divided by 1,400 square feet. The required minimum floor area per unit type is as follows: <table><tr><td>Unit Type</td><td>Required Min. Square Footage</td></tr><tr><td>1 Bedroom</td><td>600</td></tr><tr><td>2 Bedroom</td><td>800</td></tr><tr><td>3+ Bedroom</td><td>1,000</td></tr></table>	Unit Type	Required Min. Square Footage	1 Bedroom	600	2 Bedroom	800	3+ Bedroom	1,000
Unit Type	Required Min. Square Footage									
1 Bedroom	600									
2 Bedroom	800									
3+ Bedroom	1,000									
Minimum Setbacks (Residential Uses)										
Front yard	25 feet	Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must not be less than the average depth of the front yards of the existing buildings on each side								
Side yard	4 feet	For buildings with more than 4 units, 6 feet or, if lot directly abuts R1 district, 25 feet.								
Side yards (combined)	12 feet	For buildings with more than 4 units, 14 feet								
Street Side yard	8 feet	For buildings with more than 4 units, 15 feet								
Rear yard	25 feet									
Distance between buildings	20 feet									
Minimum Setbacks (Non-Residential Uses)										
Front yard	25 feet									
Side yard	6 feet									
Side yards (combined)	14 feet									
Street side yard	15 feet									
Rear yard	25 feet									
Parking Setbacks (other than single-family dwellings)										
Front & side street yard	Not allowed									
Side and rear yards	10 feet									
Height										
Maximum height	65 feet or 6 stories	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet								
Minimum Floor Area										
Dwelling unit	See Section 122-794									

Regulations	MD	Notes
Bedrooms in Group Residence	See Section 122-804	

Outdoor Space

A total of one hundred thirty (130) square feet of outdoor living space must be provided for each bedroom or studio/efficiency unit. Porches, balconies and improved roof areas may count toward the required outdoor living space, provided no such area is less than five (5) feet in width. Such outdoor areas must be buffered from streets and parking lots. Off-street parking areas, driveways, and accessory uses must not be counted as required open space.

- (b) All detached accessory structures must meet the following standards

Regulations	MD	Notes
Minimum Setbacks (Accessory to Residential Uses)		
Front yard	Not allowed	
Side yard	3 feet	1 foot if lot line abuts an alley
Street Side yard	8 feet	
Rear yard	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	7 feet	Minimum distance to comply with fire regulations and/or building code, if greater than 7 feet. An attached enclosure or roof over a pathway between structures on a lot, such as a breezeway, is exempt from this setback provided it is 8 feet or less in width and 15 feet or less in height.

Minimum Setbacks (Accessory to Non-Residential Uses)

Front yard	Not allowed	
Side yard	3 feet	1 foot if lot line abuts an alley
Street Side yard	8 feet	
Rear yard	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	5 feet	Minimum distance to comply with fire regulations, if greater than 7feet

Height

Maximum height	15 feet	
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Size of Accessory Buildings

Maximum Floor Area	No limitations other than maximum impervious surface lot coverage
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- (c) All structures (principal and accessory) and paved surfaces must meet the following standards:

Regulations	MD
Maximum Impervious Surface Lot Coverage	
Residential Uses	45%
Non-residential Uses	50%

~~Secs. 122-254–122-260. Reserved.~~

~~Secs 122-264-122-270. Reserved~~

DIVISION 4.

NEIGHBORHOODS, CENTERS, CORRIDORS AND HEALTH AND HUMAN SERVICES DISTRICTS

Sec. 122-271. Description and purpose.

In Ypsilanti's Master Plan, core neighborhoods, corridors, and centers were classified as walkable urban places, where the regulations must go beyond use or intensity to reinforce the context of the built environment through form and scale. The Health and Human Services district is included due to its location and character.

These districts are places where a person can walk, bike or ride transit to work and to fulfill most shopping and recreation needs. These environments allow for the use of automobiles but do not require the use of a vehicle to accommodate most daily needs.

These districts were primarily developed prior to the 1940's. Such places were developed in a pattern where a person could live with limited reliance on the automobile and were conducive to destination walking and cycling. They are largely supported through a network of interconnected, tree-lined streets, a diversity of housing choices and a mix of appropriate commercial and residential uses in a compact form. These areas also support public transit due to their compact nature.

1. *Core Neighborhoods.* Core neighborhoods are built on a grid street network connected to the adjacent business districts. They border center districts or other core neighborhoods. These neighborhoods have a range of residential building types, with religious institutions, schools, stores and automobile filling stations intermixed. There are three types of core neighborhoods:
 1. *CN Core Neighborhoods.* These neighborhoods directly border center districts and have a variety of housing types, ranging from cottages to group living to apartment buildings. This district also affords opportunities for accessibly-placed walkable, neighborhood businesses.
 2. *CN-Mid Core Neighborhood Mid.* These neighborhoods generally abut the Core Neighborhoods, and offer a less dense and less intense residential area with opportunities for accessibly-placed low-intensity walkable, neighborhood businesses. Housing types range from mansions to cottages, with multiple-family and single-family uses. This zoning may also be used as a transition zone between single-family districts and mixed used districts.
 3. *CN-SF Core Neighborhood Single Family.* These neighborhoods are east of Depot Town and north of Michigan Avenue, known as the historic eastside. Housing types include mansions, estates, houses, and cottages. Residential uses are restricted to single-family; neighborhood businesses are limited.
- (b) *C Center.* These are mixed-use areas with historic buildings. These are the places where people shop, go to school, live, come to work, visit, drop by City Hall, eat, gather and have fun. They host events that bring thousands of visitors each year and bring the City together as a community. The intent of the zoning district is preserve the urban form, walkable nature and vibrant mix of uses in these areas.
- (c) *Corridors.* Corridors are mixed-use and commercial areas located along the arteries of the City, such as Washtenaw, Huron, Hamilton, Michigan, Harriet, and River.
 - (1) *HC Historic Corridor.* Historic corridors are located entirely in the Historic District and are on Cross Street, Huron Street, Hamilton Street, and River Street. These corridors are lined with historic buildings and are integrated into the adjacent neighborhoods and centers. The intent of this district is to preserve the walkability, character and historic nature of these streets, while allowing for adaptive re-use of historic buildings ranging from single-family to multiple-dwelling to office uses.
 - (2) *NC Neighborhood Corridor.* Neighborhood corridors have a linear land pattern and are adjacent to residential neighborhoods. The size, form and scale of buildings and the type and intensity of uses should be complementary to abutting single-family or core neighborhoods, including less intense multiple-family residential building types and uses.
 - (3) *GC General Corridor.* General corridors are located along roads with heavy traffic and have commercial establishments, restaurants, offices, and other businesses that are geared toward automobile traffic. Multiple-family residential building types and uses are appropriate in this district.
- (d) *HHS Health and Human Services.* The Health and Human Services district is located on either side of Towner between Prospect and Arnet Streets. A cluster of office, health and human service uses are in this district. The intent of the district is to provide regulations to require a more urban form through redevelopment of parking

lots and reconnecting the street grid and circulation system.

Sec. 122-272. Permitted uses.

(a) Core Neighborhoods

The following uses are allowed in CN, CN-Mid, and CN-SF districts:

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	CN	CN-Mid	CN-SF	Notes & Other Regulations for Uses
RESIDENTIAL				
Single-Family Detached Dwelling	P	P	P	
Accessory Dwelling Unit	A	A	--	
Two-family dwelling units	P	P	--	
Multiple Family Dwellings, maximum of 4 units per building	P	S	--	
Multiple Family Dwellings, more than 4 units per building	S	--	--	
Apartments located above ground floor of permitted nonresidential uses	P	--	--	
Home Occupation	A	A	A	Section 122-669
Family Child Care Home	A	A	A	1-6 children, day care and 24 hour care Section 122-779
Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care Section 122-773
Group Child Care Home	S	S	S	6-12 children, day care only Section 122-779
GROUP LIVING				
Group residence, maximum of 6 residents	P	--	--	Responsible party for management must be on file with the City. Section 122-804
Group residence with 7 or more residents	S	--	--	Responsible party for management must be on file with the City. Section 122-804
Group living with support staff, not licensed by State of Michigan	S	--	--	Includes supportive housing, rehabilitation housing or dormitories.
Roominghouse	S	--	--	Section 122-804
Adult foster care small & group homes, adult congregate facilities	S	S	--	Licensed by State of Michigan for 7 or more adults. Section 122-773
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S	--	--	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Park	P	P	P	
Outdoor recreation	A	--	--	Section 122-802
Primary & Secondary Schools (public & private)*	S	S	S	Section 122-805

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	CN	CN-Mid	CN-SF	Notes & Other Regulations for Uses
Post-secondary educational institutions (public & private)	S	S	S	Section 122-805
Religious institution	S	S	S	Section 122-780
Private assembly, banquet hall allowed	S	--	--	
Municipal, county, regional, & state service uses	S	S	S	Section 122-795
Public Art	A	A	A	
SERVICES				
Bed & Breakfast or Inn	S	S	S	Section 122-778
Funeral Homes	S	S	--	
Nursing Homes	S	S	--	Section 122-796
Medical or Dental Offices	S	S	--	
COMMERCIAL				
Arts & crafts studios	S	--	--	
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	S	S	
Farmers' Market	A	A	A	When accessory to a non-residential use
RESTAURANTS				
Carry-out and/or delivery restaurant	S	--	--	
Café or coffee shop	S	--	--	
AUTO-ORIENTED				
Automobile Filling Station - no repair	S	S	S	Section 122-776
Automobile Share Parking	A	--	--	
INFRASTRUCTURE				
Essential Services	P	P	P	Section 122-637
Communication Devices	A	A	A	Article XI, division 3
Alternative Energy	A	A	A	Section 122-788
Stormwater Control	A	A	A	Section 122-789
GARDENS/COMMUNITY GARDENS				
Community gardens	P	P	P	Section 122-815
Passive solar structure (hoophouse, greenhouse, etc.)	A	A	A	Must meet accessory building regulations for building type
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A	A	A	Must meet accessory building regulations for building type

(b) Corridors

The following uses are allowed in the HC, NC and GC districts:

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	HC	NC	GC	Notes & Other Regulations for Uses
RESIDENTIAL				
Single-Family Detached Dwelling	P	--	--	
Accessory Dwelling Unit	A	--	--	
Two-family dwelling units	P	P	P	
Multiple Family Dwellings, maximum of 4 units per building	P	P	P	
Multiple Family Dwellings, more than 4 units per building	S	S	P	Section 122-794
Apartments located above ground floor of permitted nonresidential uses	P	P	P	
Home Occupation	A	A	A	Section 122-669
Family Child Care Home	A	A	A	1-6 children, day care and 24 hour care Section 122-779
Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care Section 122-773
Group Child Care Home	A	A	A	6-12 children, day care only Section 122-779
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Parks	P	P	P	
Outdoor recreation	--	S	P	Section 122-802
Museums & libraries, less than 15,000 square feet	P	P	--	
Museums & libraries 15,000 square feet or more	S	S	--	
Primary & Secondary Schools (public & private)	S	S	--	Section 122-805
Post-secondary educational institutions (public & private)	S	S	--	Section 122-805
Religious institution	S	S	--	Section 122-780
Private assembly, banquet hall allowed	S	S	--	
Indoor recreation less than 15,000 square feet	--	P	P	
Indoor recreation 15,000 square feet or more	--	--	P	
Municipal, county, regional & state service uses	S	P	P	Section 122-795
Public Art	A	A	A	
SERVICES				
Business and professional offices less than 15,000 square feet	P	P	P	
Business and professional offices, 15,000 square feet or more	--	S	P	

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	HC	NC	GC	Notes & Other Regulations for Uses
Financial services, including banks, less than 15,000 square feet	P	P	P	Drive through or drive-up facilities require special land use
Financial services, including banks, 15,000 square feet or more	--	S	P	Drive through or drive-up facilities require special land use
Homeless Shelter	--	--	P	Section 122-785
Personal service establishments, less than 15,000 square feet	P	P	P	
Personal service establishments, 15,000 square feet or more	--	--	P	
Body art facilities	--	--	P	
Offices for skilled trade services including but not limited to plumbing, electric, heating, and painting establishments	--	S	P	Section 122-797
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	--	S	S	Section 122-810
Bed & Breakfast or Inn	P	S	--	Section 122-778
Hotels & motels	--	--	P	
Child Care Centers	S	P	P	Section 122-779
Funeral homes	S	S	S	
Laundromats and dry cleaners, less than 15,000 square feet	--	P	P	No dry cleaning on premises
Laundromats and dry cleaners, 15,000 square feet or more	--	--	P	No dry cleaning on premises
Nursing Homes	S	--	S	Section 122-796
Medical or dental offices	P	P	P	No more than 4 practitioners
Medical or dental clinics	S	S	P	5 or more practitioners Section 122-793
Veterinary hospitals and clinics	--	S	S	Section 122-809
Kennels, commercial	--	--	S	Section 122-791
Medical laboratories	--	--	S	-
Substance abuse treatment facilities	--	--	S	Section 122-808
Catering services, less than 15,000 square feet	P	P	P	
Catering services, 15,000 square feet or more	--	--	P	
Self-storage	--	--	P	Section 122-806
COMMERCIAL				
Retail stores, less than 15,000 square feet	S	P	P	
Retail stores, greater than 15,000 square feet	--	--	P	
Resale stores	--	P	P	
Arts & crafts studios	P	P	P	
Food stores, excluding sale of	S	P	P	

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	HC	NC	GC	Notes & Other Regulations for Uses
alcohol, less than 15,000 square feet				
Food stores, with sale of alcohol, less than 15,000 square feet	--	S	P	
Food stores greater than 15,000 square feet with or without sale of alcohol	--	--	P	
Commercial Greenhouse			P	
Farmers' market and other organized markets	--	P	P	
Outdoor retail sales	--	S	S	Section 122-800
RESTAURANTS				
Carry-out and/or delivery restaurant	--	P	P	
Café or coffee shop	P	P	P	
Sit-down, with seating limit of 50 seats	P	P	P	
Sit-down, no seating limit	--	--	P	
Bar/Lounge	--	S	P	
Tasting room and accessory to microbrewer/ small distiller/ small wine maker	--	S	P	Carry-out sales allowed with proper licenses
Fast Food	--	S	P	Must be located on major thoroughfare; Drive through or drive-up facilities require special land use
Drive through restaurant of any type	--	--	S	Section 122-783
Outdoor cafes	A	A	A	Section 122-799
AUTO-ORIENTED				
Parking lot (as primary use)	--	--	S	Section 122-782
Parking Garage	--	--	S	Section 122-781
Automobile Sales	--	--	S	
Automobile Filling Station - no repair	--	S	S	Section 122-776
Automobile Filling Station with repair	--	--	S	Sections 122-775 and 122-776
Automobile Wash & Detailing	--	--	S	
Automobile Repair	--	--	S	Section 122-775
Automobile Share Parking	A	A	A	
Automobile rental or share organization (parking, storage, wash & repair)	--	--	S	
Vehicle, Recreational Vehicle, Storage and Towing	--	--	S	
RESEARCH				
Laboratories	--	--	S	
Research & Development	--	--	S	
PRODUCTION, MANUFACTURING & DISTRIBUTION				

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	HC	NC	GC	Notes & Other Regulations for Uses
Craft production, clothing production or food production, less than 16,000 square feet	--	P	P	
Craft production, clothing production or food production, 16,000 square feet or greater	--	--	S	
Microbrewer/ small distiller /small wine maker, less than 16,000 square feet	--	P	P	
Microbrewer/ small distiller /small wine maker, 16,000 square feet or greater	--	--	S	Carry-out sales allowed with proper licenses
Wholesale or distribution facility with total gross floor area of less than 16,000 square feet	S	S	P	
Wholesale or distribution facility with total gross floor area 16,000 square feet or greater	--	--	S	
Medical Marijuana Growing/Manufacturing Facility	--	--	S	
TEMPORARY USES				
Temporary permitted use in vacant storefront	--	P	P	Section 122-35 (8)
Food concession sales	--	P	P	Section 122-35 (7)
INFRASTRUCTURE				
Essential Services	P	P	P	Section 122-637
Communication Devices	A	A	A	Article XI, division 3
Alternative Energy	A	A	A	Section 122-788
Stormwater Control	A	A	A	Section 122-789
GARDENS/COMMUNITY GARDENS				
Passive solar structure (greenhouse, hoophouse, etc.)	A	A	A	Must meet accessory structure regulations for building type
Community gardens	--	A	A	Section 122-815
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE				
Operation between 2 a.m. and 6 a.m. during any 24-hour period	--	S	S	
Drive through facilities	--	S	S	Section 122-784
Ongoing outdoor retail sales or display	--	S	S	Section 122-800
Outdoor storage	--	S	S	Section 122-801

- (c) Centers
The following uses are allowed in C districts:

P=Principal, A=Accessory, S=Special Land Use

Uses	C	Notes & Other Regulations for Uses
RESIDENTIAL		
Multiple Family Dwellings	P	
Apartments located above ground floor of permitted nonresidential uses	P	
Home Occupation	A	Section 122-669
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
Museums & libraries	P	
Parks	P	
Public Art	A	
Indoor recreation	P	
Performance venues/theaters	P	
Municipal, county, regional & state service uses	P	Section 122-795
Post-secondary educational institutions (public & private)	P	Section 122-805
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Communication Devices	A	Article XI, division 3
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
Public & Private Transportation Passenger Terminals	S	Section 122-786
SERVICES		
Business and professional offices and services	P	
Financial services, including banks	P	No drive through or drive-up facilities are permitted in C
Personal service establishments	P	
Body Art Facilities	P	
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	S	
Hotels & motels	P	
Child Care Centers	P	Section 122-779
Laundromats and dry cleaners	P	No dry cleaning on premises

P=Principal, A=Accessory, S=Special Land Use

Uses	C	Notes & Other Regulations for Uses
Medical or dental offices	P	
Medical or dental clinics	P	
Medical Marijuana Dispensary	P	Section 122-813
Catering services	A	
Self-storage	S	Section 122-806
COMMERCIAL		
Retail stores	P	
Resale stores	P	
Arts & crafts studios	P	
Food stores, excluding sale of alcohol	P	
Food stores less than 15,000 square feet, with sale of alcohol	S	
Food stores greater than 15,000 square feet with sale of alcohol	P	
Farmers' market and other organized markets	P	
Auction houses	P	Section 122-812
RESTAURANTS		
Carry-out and/or delivery restaurant	P	
Café or coffee shop	P	
Sit-down	P	
Bar/Lounge	P	
Tasting room and/or restaurant	A	Carry-out sales allowed with proper licenses
Outdoor cafes	A	Section 122-799
Fast Food	P	No drive through or drive-up facilities are permitted in C
AUTO-ORIENTED		
Parking lot (as principal use)	S	Section 122-782
Parking Garage	S	Section 122-781
Automobile Share Parking	A	
PRODUCTION, MANUFACTURING & DISTRIBUTION		
Microbrewer/ small distiller /small wine maker	P	Carry-out sales allowed with proper licenses
TEMPORARY USES		
Temporary permitted use in vacant storefront	P	Section 122-35 (8)
Food concession sales	P	Section 122-35 (7)
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		
Operation between 2 a.m. and 6 a.m. during any 24-	P	

P=Principal, A=Accessory, S=Special Land Use

Uses	C	Notes & Other Regulations for Uses
hour period		
Sale of alcoholic beverages for consumption off the premises	S	

- (d) Health and Human Services
The following uses are allowed in the HHS district:

P=Principal, A=Accessory, S=Special Land Use

Uses	HHS	Notes & Other Regulations for Uses
RESIDENTIAL		
Two-family dwelling	P	
Multiple Family Dwellings, maximum of 6 units per building	P	
Multiple Family Dwellings, more than 6 units per building	S	Section 122-794
Apartments located above ground floor of permitted nonresidential uses	P	
Home Occupation	A	Section 122-669
Group living with support staff, not licensed by State of Michigan	P	Includes supportive housing, rehabilitation housing or dormitories.
Family Child Care Home*	A	1-6 children, day care and 24 hour care Section 122-779
Adult foster care family homes*	A	1-6 adults, day care and 24 hour care, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities. Section 122-773
Group Child Care Home*	A	6-12 children, day care only Section 122-779
GROUP LIVING		
Group residence, maximum of 6 residents	P	Responsible party for management must be on file with the City. Section 122-804
Group residence with 7 or more residents	S	Responsible party for management must be on file with the City. Section 122-804
Roominghouse	S	Section 122-804
Adult foster care small & group homes, adult congregate facilities	P	7 or more adults, licensed by State of Michigan Section 122-773
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
Parks	P	
Public Art	A	
Indoor recreation	P	

P=Principal, A=Accessory, S=Special Land Use

Uses	HHS	Notes & Other Regulations for Uses
Municipal, county, regional & state service uses	P	Section 122-795
Post-secondary educational institutions (public & private)	S	Section 122-805
Outdoor recreation	A	Section 122-802
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Communication Devices	A	Article XI, division 3
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Business and professional offices and services	P	
Financial services, including banks	P	Drive through or drive-up facilities require special land use
Adult drop-in center	P	Section 122-793
Homeless Shelter	P	Section 122-785
Personal service establishments	P	
Child Care Centers	P	Section 122-779
Funeral homes	S	
Nursing Homes	P	Section 122-796
Medical or dental offices	P	
Medical or dental clinics	P	Section 122-793
Hospitals	P	
Substance abuse treatment facilities	S	Section 122-808
Catering services	P	
COMMERCIAL		
Retail stores less than 15,000 square feet	P	
Food stores, excluding sale of alcohol	P	
Farmers' market and other organized markets	P	
RESTAURANTS		
Carry-out and/or delivery restaurant	P	
Café or coffee shop	P	
Cafeteria	A	
AUTO-ORIENTED		
Parking Garage	S	Section 122-781
Automobile Share Parking	A	
RESEARCH		
Laboratories	P	
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		

P=Principal, A=Accessory, S=Special Land Use

Uses	HHS	Notes & Other Regulations for Uses
Community gardens	A	Exempt from area regulations in 122-274, subject to 122-815
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A	Must meet accessory structure regulations for building type
Passive solar structure (greenhouse, hoophouse, etc.)	A	Must meet accessory structure regulations for building type
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		
Operation between 2 a.m. and 6 a.m. during any 24-hour period	S	

Sec. 122-273. Circulation Standards.

Circulation Standards will apply to redevelopment and new development of parcels within the walkable urban districts.

(a) General

1. Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.
2. Streets must generally consist of vehicular lanes and public frontages.
3. Streets must be designed in context with the urban form and desired design speed of the districts through which they pass. The public frontages of streets that pass from one district to another must be adjusted accordingly or, alternatively, the district may follow the alignment of the street to the depth of one lot, retaining a single public frontage throughout its trajectory.
4. Within all the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS Districts, pedestrian comfort must be a primary consideration of the street. Design conflict between vehicular and pedestrian movement generally must be decided in favor of the pedestrian.
5. The street network must be designed to define blocks as established by district. The perimeter must be measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel must be subject to approval by the Planning Commission.
6. All streets must terminate at other streets, forming a network. Internal streets must connect wherever possible to those on adjacent sites. Cul-de-sacs must be subject to approval by the Planning Commission to accommodate specific site conditions only.
7. Each lot must front a street, pedestrian passage, and/or civic space, such as a park. An entrance to the building with required frontage must face the street or, if a street is not present, the planning commission may approve an entrance on the pedestrian passage or civic space.
8. All circulation and block plans must include the easements for non-motorized pathways in the City of Ypsilanti's Non-Motorized Plan, the ReImagine Washtenaw Corridor Improvement Study and any planned road easement expansions approved by city council.

(b) *Circulation plan required with site plan for proposal less than 3 acres.* For proposed development that is less than three acres in size, a circulation plan must be submitted which identifies potential cross-and joint-access to adjacent parcels, the existing Block Layout. The Block must be defined as lots and/or all contiguous lots must be considered to be part of a block for this purpose. Pedestrian accommodations and alternative transportation modes must be reflected in the submitted circulation plan. The streetside zone parameters, as outlined Article XI, Division 4 of this Ordinance will also be required to be applied to existing streets. The measurement of the streetside zone, must be from the edge of curb.

(c) *Block plan required with site plan for proposal greater than 3 acres.* When a proposed development is three acres or greater, a block plan must be required as part of the proposed development which requires the proposed development to construct a block assembly as part of the development as outlined in sub-section d of this Section: Circulation standards for new streets. An applicant must submit the block length, block perimeter and the street type that will be constructed for the development. Streets must be designed to allow for adjacent parcels to connect to existing streets.

(d) Circulation standards.

1. Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.
2. Circulation standards must generally consist of vehicular lanes, parking, bicycle lanes, landscape, sidewalks, and outdoor seating.
3. Streets must be designed in context with the urban form and desired design speed of the districts through which they pass. Circulation that pass from one districts to another must be adjusted accordingly or, alternatively, the district may follow the alignment of the street to the depth of one lot, retaining a single public frontage throughout its trajectory.
4. Within all the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, pedestrian comfort must be a primary consideration of the street. Design conflict between vehicular and pedestrian movement generally must be decided in favor of the pedestrian.
5. *Block Perimeter and Block Size.* The street network must be designed around a series of blocks. In order to

create a system of land subdivision and development which links one area to another, land should be organized by development blocks to the maximum extent feasible given the topography and physical characteristics of each individual site. A block perimeter must be measured as the sum of lot frontages. Each district is regulated by a varying block size and perimeter:

- a. Centers and Core Neighborhoods (C, CN, CN-SF, CN-Mid): Block perimeter must not exceed a total length of 1600 feet and the maximum block length must generally be 400 feet.
 - b. Corridors and Health and Human Services (HC, NC, GC, HHS): Block perimeter must not exceed a total length of 2,000 feet and the maximum block length must generally be 500 feet.
6. All Streets must terminate at other streets, in order to form a network. Internal streets must connect wherever possible to those on adjacent sites. Cul-de-sacs must be subject to approval by the Planning Commission to accommodate specific site conditions only.
 7. Each lot must front a street, pedestrian passage, or civic space.
 8. A continuous network of rear and side alleys or lanes, must serve as the primary means of vehicular ingress to individual lots, when possible within Center Districts. Alley or lane entrances should generally align so as to provide ease of ingress for service vehicles.
- (e) Vehicular access for infill and new development
1. *New development and redevelopment for joint use driveways and cross access easements.* A system of joint use driveways and cross access easements must be established wherever feasible and the building site must incorporate the following:
 - a. A continuous service drive or cross access extending the entire length of each parcel served to provide for driveway separation consistent with access management classification system and standards.
 - b. Stub-outs and other design features to make it visually obvious that the butting properties may be tied in to provide cross access via a service drive;
 - c. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
- (f) Access for outparcels and phased development plans
1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site must not be considered separate properties in relation to the access standards of this code. The number of connections permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum permitted for that frontage. All necessary easements, agreements, and stipulations required under joint use driveways and cross access easements must be met. This must also apply to phased development plans.
 2. All access to outparcels must be internalized using the shared circulation system of the principal development. Access to outparcels must be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

Sec. 122-274. Building Types.

Building types are permitted by Core Neighborhoods, Centers, Corridors and Health and Human Services District(s) as identified in Sec. 122-271 when any new and/or redevelopment occurs on any parcel within these Districts. The building typologies are consistent with the size, scale and character desired within each Neighborhoods, Centers, Corridors and Health and Human Services District.

- (a) *Building Types by Neighborhoods, Centers, Corridors and Health and Human Services District.* The following building types are allowed in Neighborhoods, Centers, Corridors and Health and Human Services districts as shown in the table below. “P” stands for permitted building types, “L” stands for building types allowed in special locations shown on the zoning map.

Building Type		CN	CN-Mid	CN-SF	C	HHS	HC	NC	GC
MA	Mansion	L	L	L	--	--	L	--	--
ES	Estate	P	P	P	--	--	P	P	--
HS	House	P	P	P	L	P	P	P	--
CO	Cottage	P	P	P	--	--	--	--	--
TH	Townhouse	P	P	--	L	--	--	P	--
AH	Apartment House	P	P	--	P	P	P	P	--
CA	Courtyard Apartment	P	--	--	L	--	P	P	P
AB	Apartment Building	P	--	--	L	--	L	P	P
CS	Commercial/Mixed-Use Small	L	--	--	P	--	P	P	P
CM	Commercial/Mixed Use Medium	--	--	--	P	--	P	P	P
CL	Commercial/Mixed Use Large	--	--	--	P	P	--	--	P
SC	Single Story Commercial Building	L	L	L	--	--	L	P	P
LS	Large Single Story Commercial Building	--	--	--	--	P	--	--	P
MB	Multiple Story	--	--	--	P	P	--	--	P
IT	Institutional	P	P	P	P	P	P	P	P

- (b) *New Construction of Limited Building Types requires Site Plan Approval by Planning Commission.* All new construction of limited building types must be subject to site plan review with approval by the Planning Commission per Section 122-122.
- (c) *Categories for Building Types.* The following categories are included in the table provided for each building type. Each standard is labeled by a letter (A, example) which directly relates to the table provided on each building type. The categories are described as follows:
1. *Lot requirements.* Provisions for minimum and maximums; lot depth, lot size and the permitted lot coverage.
 2. *Building envelope.* Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards. There are minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback.
 3. *Accessory Structure Envelope.* Provides the setbacks and maximum building footprints permitted for accessory structures.

1. **Building height:** Provisions for permitted heights in stories. The minimum height for all first floors is twelve (12) feet. The maximum height for first floor residential development must be fourteen (14) feet and twenty (20) feet for nonresidential. Institutional building types may receive a waiver from the planning commission (see IT institutional building type and Section 122-780). The minimum height for second story and higher is ten (10) feet. The maximum height for second story and higher must not exceed twelve (12) feet. Each building lot typology provides the range of height appropriate for the building type. Height must be measured from finished floor.

2. **Parking provisions:** The amount of parking must be determined by Article XIII of this Chapter. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by provided the frontage requirements have been met as required by building type. The diagram illustrates a Primary and Secondary street.

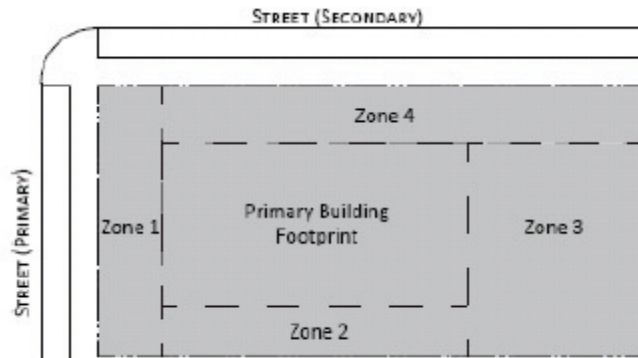
Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:

Zone 1: the right-of-way of any primary street.

Zone 2: any common interior lot line.

Zone 3: any rear lot line.

Zone 4: the right-of-way of any secondary street.



3. **Private frontages,** refers to the area that is attached or integrated into the primary building. The building types are either required or preferred. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. The private frontage area may count towards the calculation of the frontage build out requirement under the “Building Envelope” category.

- (d) **Building Type Parameters.** The diagrams and text that follow provide the building parameters by building type. Building types must be consistently applied by District and not permitted a variance or waiver to increase in lot size.

1. **Lot Size determines Building Types.** The size of the lot determines what type of building may be placed on a lot. For instance, a cottage or a house building type may be constructed on 5,000 square foot lot, since all of the those building types fit within the allowed lot size for those building types, but an estate building type is not allowed. Maximum lot depth and width do not determine building types, but all building types must meet the minimum lot width, depth and size.
2. **Infill and Redevelopment.** Additions, renovations and new buildings on existing built parcels, will require the assembly of building types. The building types are outlined by lot size and will not necessarily need to be replatted or divided to meet the standards. For instance, an addition to an existing building that meets the setbacks in the following table but is on a lot larger than the maximum size does not need to adjust lot lines.
3. **Lot Requirements For New And Infill Development.** Lot requirements for parcels that may fit more than one building type or several buildings of the same type are permitted. There is no requirement to plat or divide land to create lots on the existing parcel site. However, the building type’s lot requirements as outlined in the table below must be met. For example, a multiple-story building and a commercial mixed use building can be built on the same parcel, without any changes to the lot line locations or a lot split, as long as the other lot requirements for the district can be met. In terms of buildings of a single type, two rows of rental townhouses can be built on a single parcel, without changes or splits of the lot, as long as the width of each unit met the lot requirements and the distance between the two buildings met the side or rear yard setback for both buildings, whichever is applicable.

In the event an existing building exceeds the lot requirements, the Planning Director must determine if a waiver can be granted or require a review by the Planning Commission. A waiver can be issued if the existing and or proposed additions do not exceed the District’s block area and perimeter defined in Section

4. If the proposed additions to an existing building exceed the block requirements, the applicant may be subject to review by the Planning Commission.
5. *Exceptions to Setbacks.* The following exceptions apply to setbacks for all building types:
 - (a) *Historic Structure Front and Rear Yard.* With planning commission approval, a structure, if deemed historic by the Ypsilanti Historic District Commission, may encroach up to within five feet within a required front or rear yard or within three feet within a side yard in order to allow the re-use of an existing historic structure or to enhance the authenticity of an historic site; provided that no part of any structure is located on or over any adjacent property.
 - (b) *Accessory Structure Adjacent to Alley or Railroad.* Any setback for an accessory structure adjacent to an alley or railroad right-of-way is one foot.
6. *Double Frontage Lots.* In the case of a row of double frontage lots, one street must be designated as the front street for all lots in the row, with rear setbacks applying to the yards fronting the other street. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback must be observed on the street where buildings presently front.

MA

MANSION

Very large buildings originally built as residences, they are located on very large lots that distinguish the building from others nearby with expansive yards. They generally have a single primary entrance. This building type is only permitted by the Planning Commission.

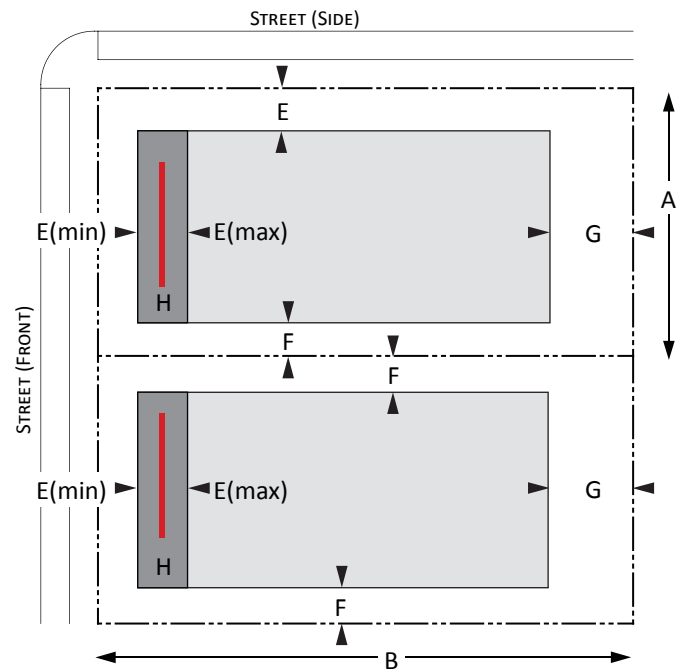
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	120	--
B - Lot Depth (ft)	120	--
C - Lot Size (sf)	14,440	--
D - Lot Coverage (%)	--	30
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	30 ⁽¹⁾	--
F - Side Setback (ft)	25	--
G - Rear Setback (ft)	40	--
H - Frontage Buildout (%)	--	--
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	1200
Note: There is a maximum of two accessory buildings.		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Front, Side, street-side yard, and rear yards	

⁽¹⁾ The street setback will be determined by the average of the front yards of existing buildings on the same street side and block in which the new building is being proposed.

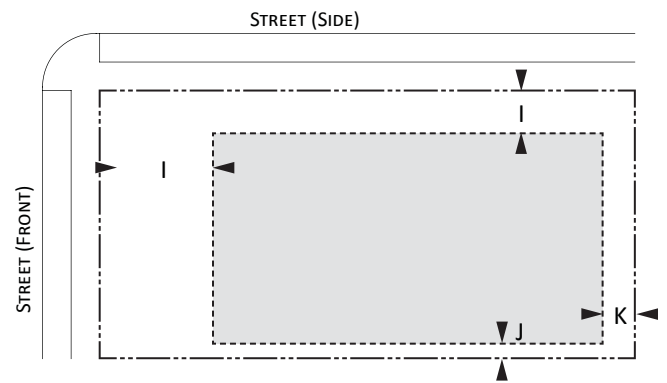


EXAMPLE

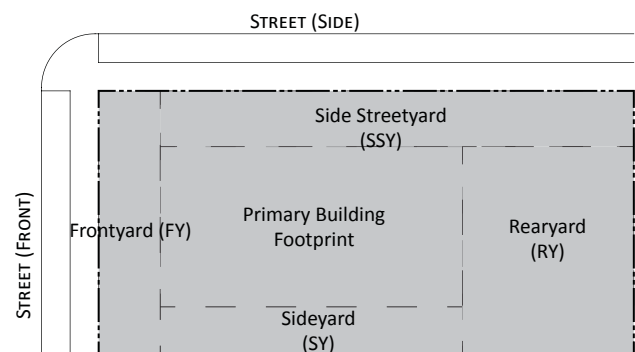
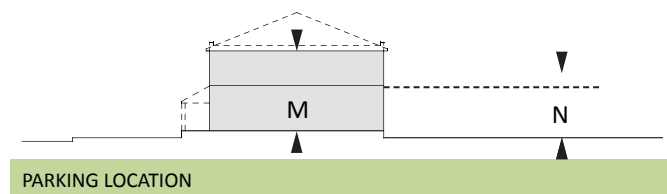
LOT REQUIREMENTS AND BUILDING ENVELOPE



ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



Large buildings, built as residences, they are located on large lots that accommodate large yards. They generally have distinguishing architectural features and one primary entrance.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	80	120
B - Lot Depth (ft)	120	--
C - Lot Size (sf)	9,600	21,780
D - Lot Coverage (%)	--	30
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	20 ⁽¹⁾	--
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	25	--
H - Frontage Buildout (%)	--	80
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	950
Note: There is a maximum of two accessory buildings.		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		

Location Side, street-side yard, and rear yards

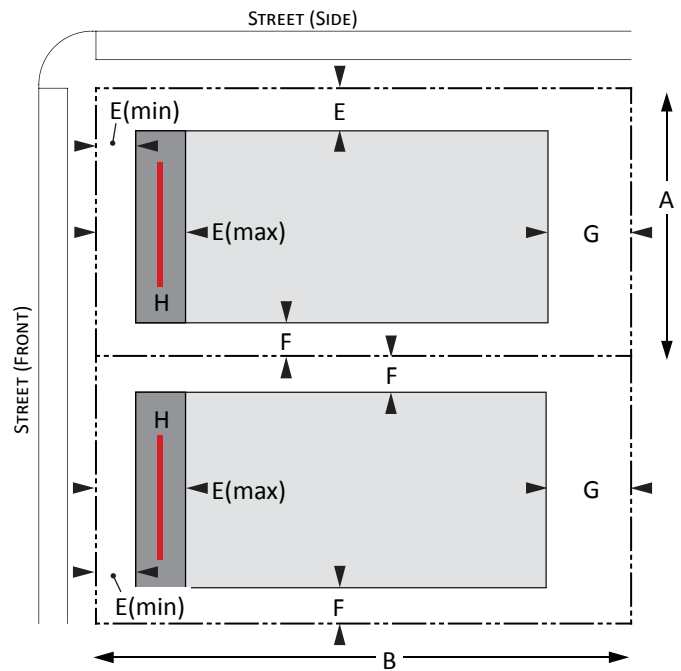
PRIVATE FRONTAGES Required:

⁽¹⁾ The street setback will be determined by the average of the front yards of existing buildings on the same street side and block in which the new building is being proposed in residential districts only.

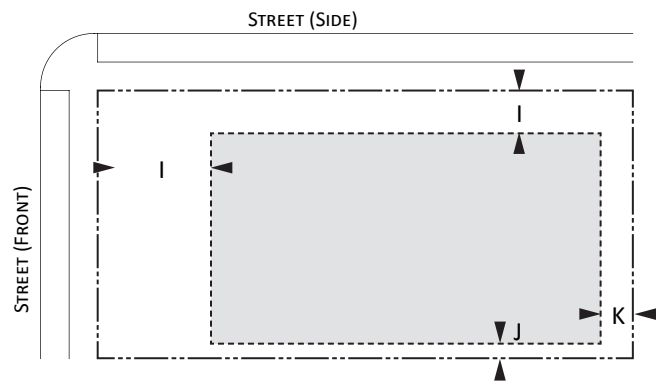


EXAMPLE

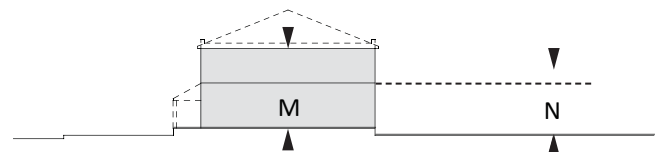
LOT REQUIREMENTS AND BUILDING ENVELOPE



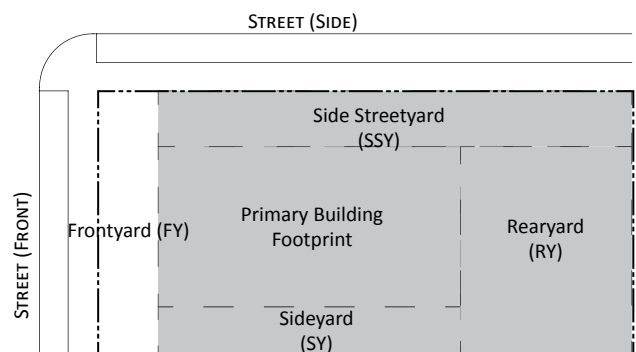
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Detached residential buildings built for a single dwelling unit. They are located on lots that accommodate a detached primary building with small side yards and relatively large rear or front yards. They generally have one primary entrance.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	35	80
B - Lot Depth (ft)	100	--
C - Lot Size (sf)	4,000	12,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15 ⁽¹⁾	25
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
H - Frontage Buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
Note: There is a maximum of two accessory buildings		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side, street-side yard, and rear yards	
PRIVATE FRONTAGES	Required:	

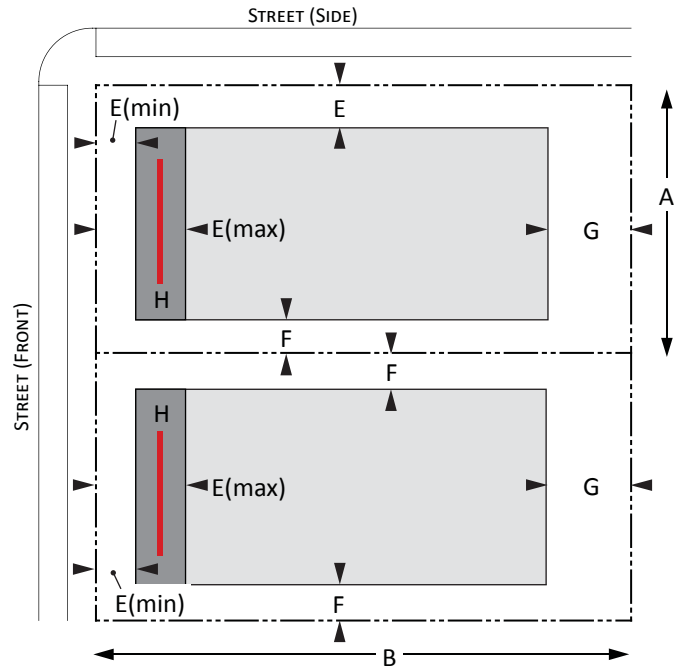
Porch or Stoop

⁽¹⁾ The street setback will be determined by the average of the front yards of existing buildings on same street side and block in which the new building is being proposed in residential districts only.

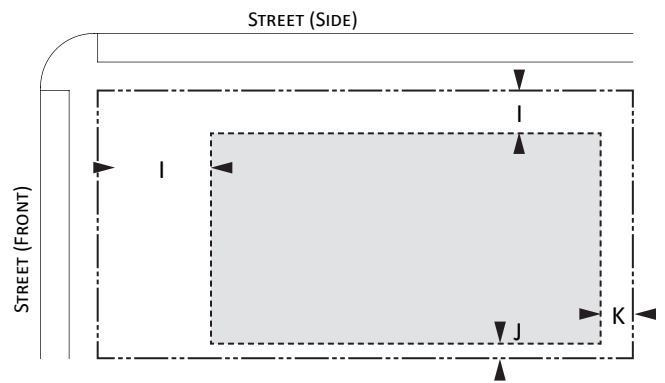


EXAMPLE

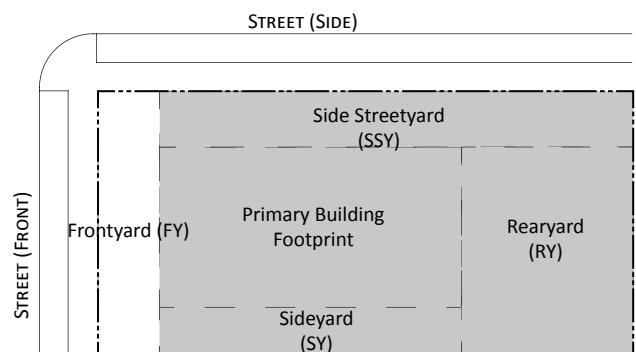
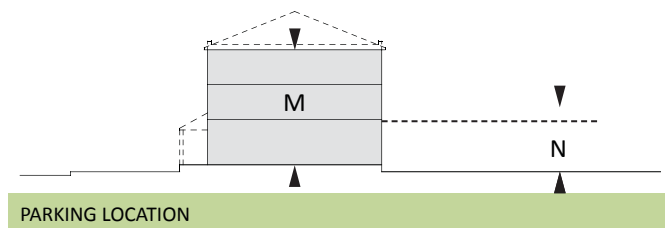
LOT REQUIREMENTS AND BUILDING ENVELOPE



ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



Small residential buildings, sized for a single dwelling. They are located on lots that accommodate a detached primary building with small yards. They are generally a single-story building or bungalow with a single primary entrance.

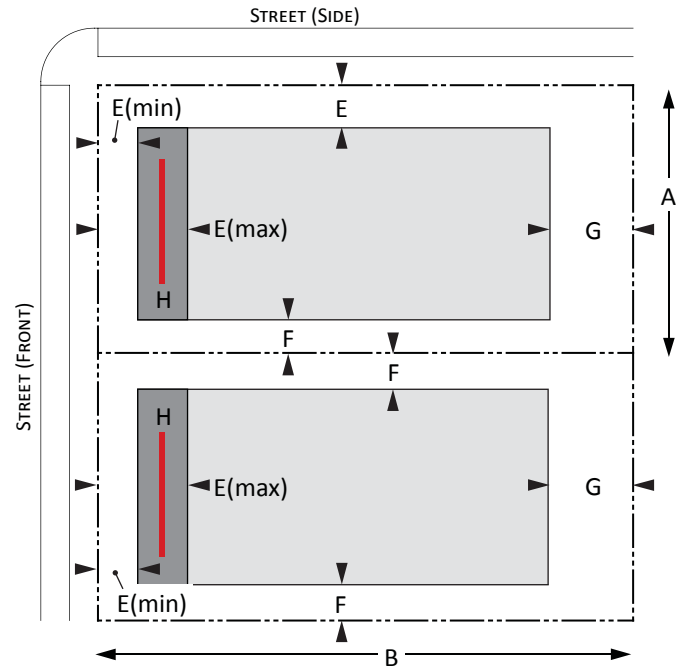
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	25	35
B - Lot Depth (ft)	50	150
C - Lot Size (sf)	2,500	6,300
D - Lot Coverage (%)	--	70
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10 ⁽¹⁾	20
F - Side Setback (ft)	3	--
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	70	90
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	7	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	500
Note: There is a maximum of two accessory buildings		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	2
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS	Location	
	Side, street-side yard, and rear yards	
PRIVATE FRONTAGES	Required:	

⁽¹⁾ The street setback will be determined by the average of the front yards of existing buildings on the same street side and block in which the new building is being proposed in residential districts only.

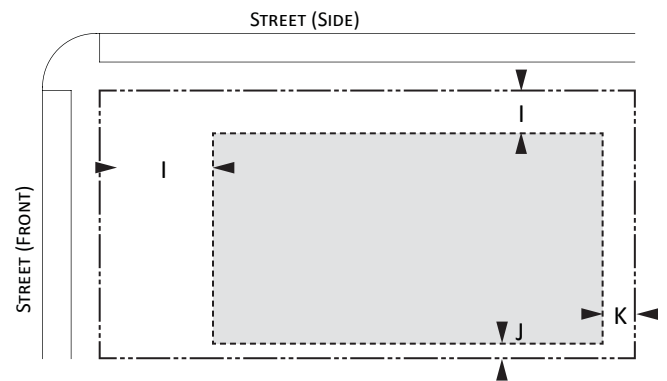


EXAMPLE

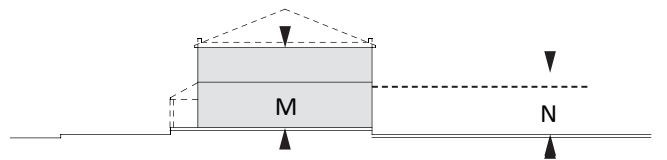
LOT REQUIREMENTS AND BUILDING ENVELOPE



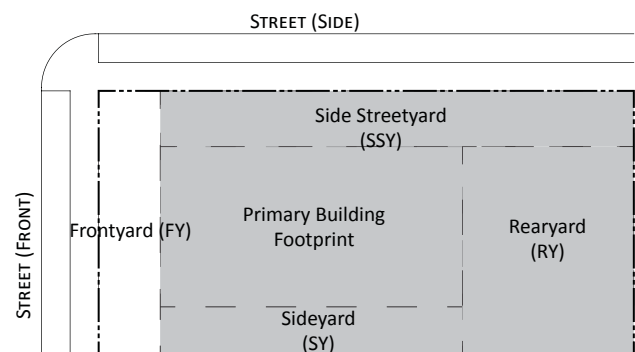
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



A row of attached residential buildings. They are located on lots which accommodate a building of two or more units with party walls and a private back yard. Each dwelling has its own entrance to the street.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	15	25 (2)
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,200	3,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10 ⁽¹⁾	20 ⁽¹⁾
F - Side Setback (ft)	0 ⁽²⁾	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	90	100
Note: A maximum of 6 units may be provided in a row		
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	3	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
Note: There is a maximum of two accessory buildings.		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Rear Yard	
PRIVATE FRONTAGES	Required:	
	Porch or Stoop	

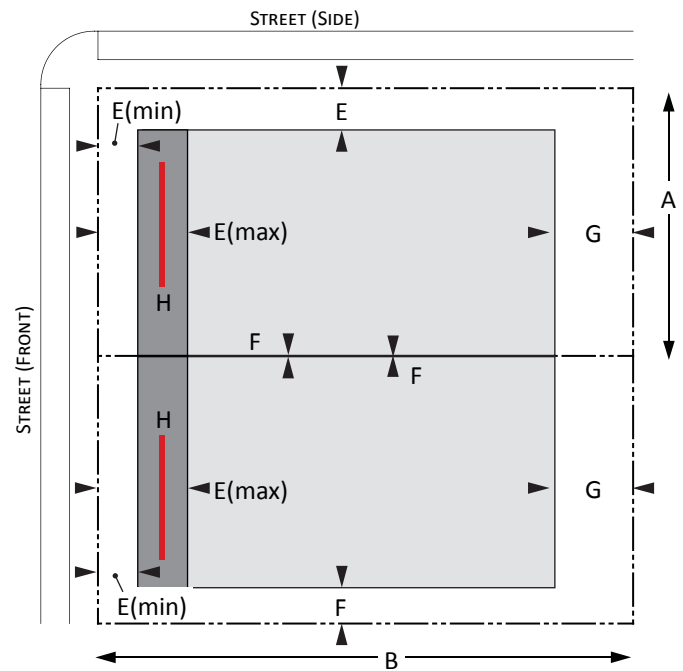
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10 ft from future right-of-way line

⁽²⁾ End unit lot may be up to 10' larger.

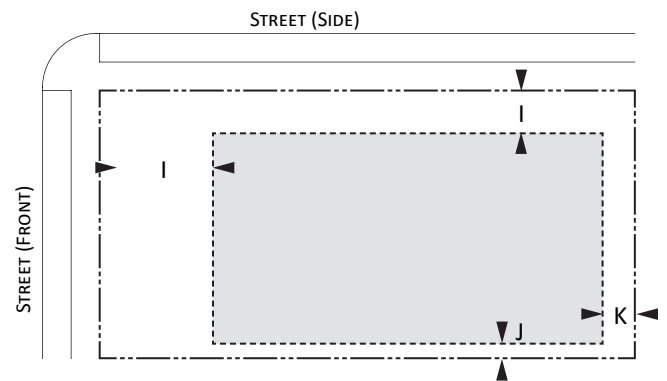


EXAMPLE

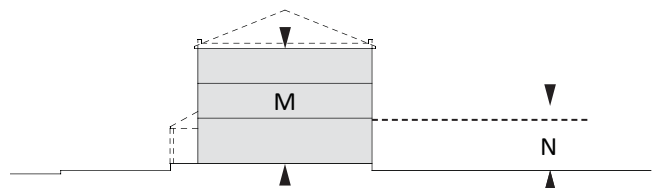
LOT REQUIREMENTS AND BUILDING ENVELOPE



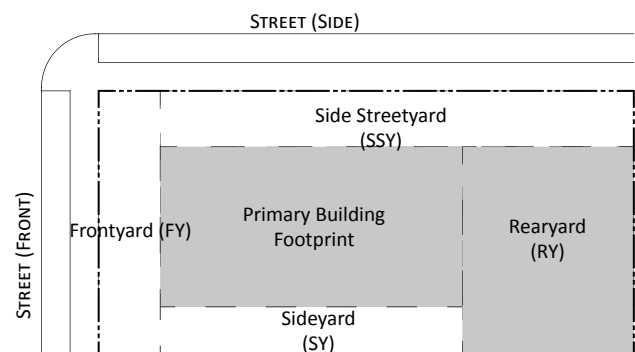
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Detached residential buildings converted to contain two or more dwelling units. They are located on lots that accommodate the associated parking and outdoor living areas for several dwellings. Each may have its own entrance.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	120
B - Lot Depth (ft)	100	150
C - Lot Size (sf)	4,000	18,000
D - Lot Coverage (%)	--	50
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15 ⁽¹⁾⁽²⁾	25
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
H - Frontage Buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30 (1)	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
Note: There is a maximum of two accessory buildings.		
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS	Location Side, street-side yard, and rear yards	
PRIVATE FRONTAGES	Required:	
	Porch or Stoop	

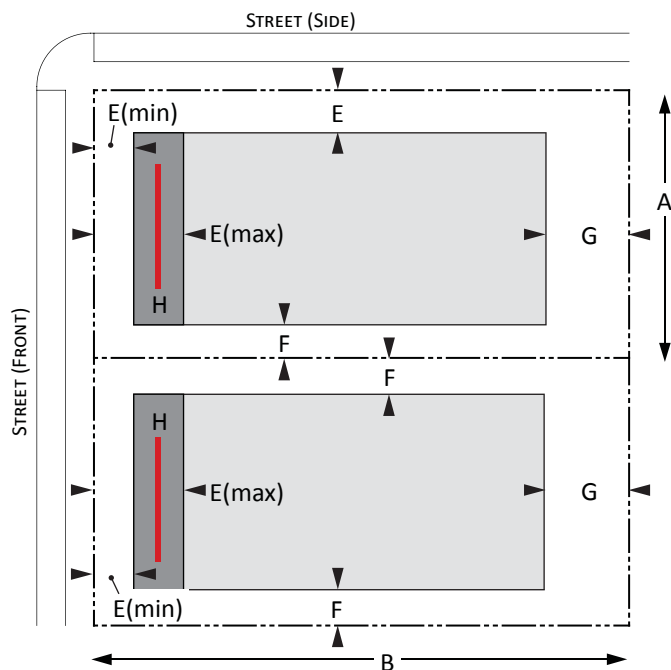
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ The street setback will be determined by the average of the front yards of existing buildings on the same street side and block in which the new building is being proposed in residential districts only.

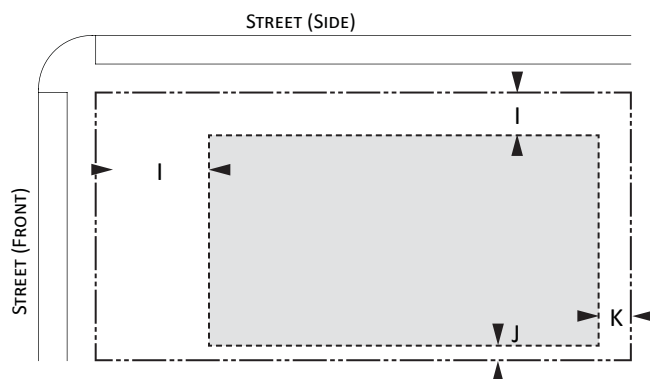


EXAMPLE

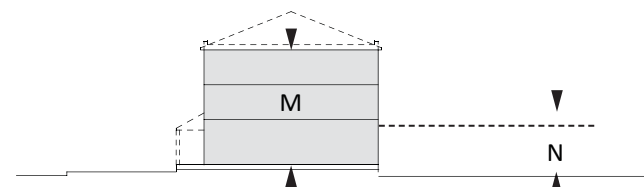
LOT REQUIREMENTS AND BUILDING ENVELOPE



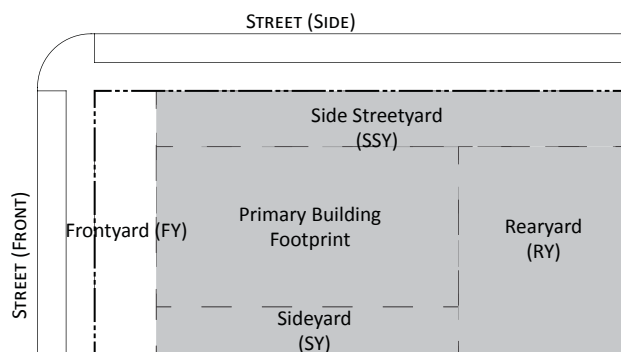
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



A grouping of buildings, containing multiple dwellings each, arranged around and fronting on a central courtyard that may be partially or wholly open to the street. The lot also accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

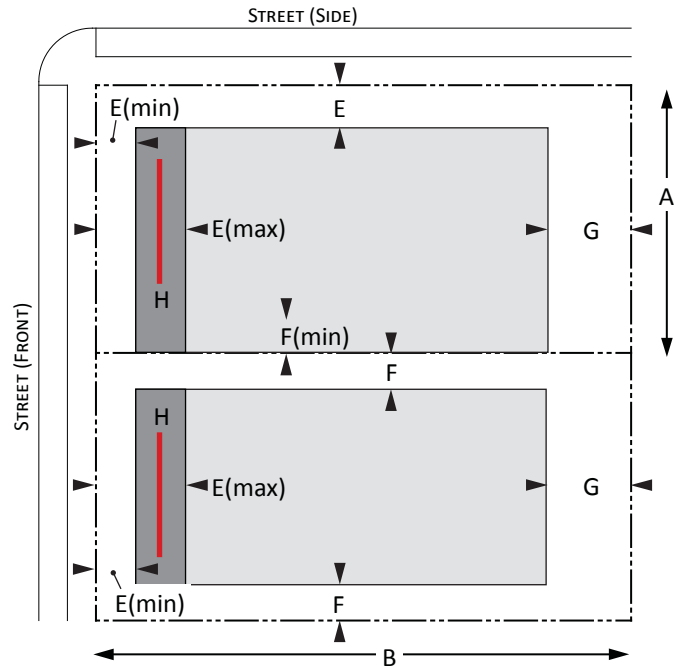
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	80	200
B - Lot Depth (ft)	80	180
C - Lot Size (sf)	6,400	20,000
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	10 ⁽¹⁾	20
F - Side Setback (ft)	0	10
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	50	75
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	4
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side and Rear Yards	
PRIVATE FRONTAGES	Required:	
	Forecourt	

⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

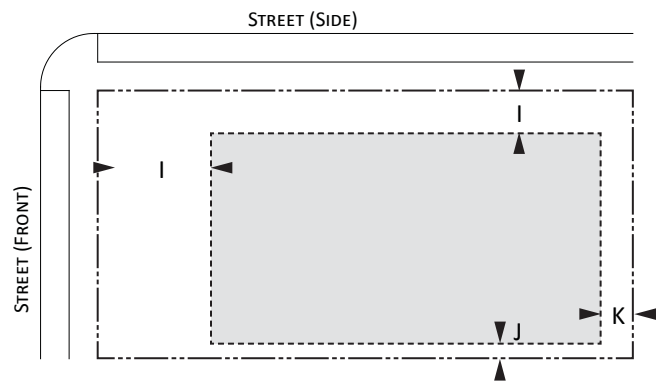


EXAMPLE

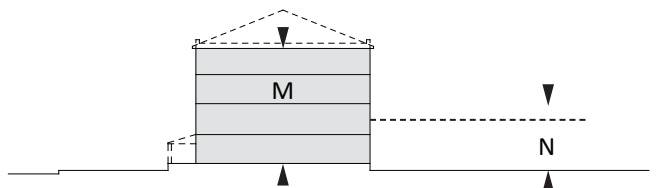
LOT REQUIREMENTS AND BUILDING ENVELOPE



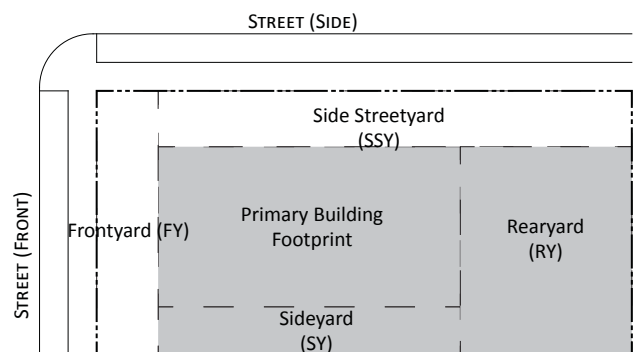
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



AB

APARTMENT BUILDING

Multiple-story buildings, designed for multifamily residential use. They are located on lots that may be as large as a city block and can accommodate two or more dwellings as well as the associated parking, waste disposal, and outdoor living areas.

LOT REQUIREMENTS		MIN	MAX
A - Lot Width (ft)		40	300
B - Lot Depth (ft)		100	300
C - Lot Size (sf)		4,000	90,000
D - Lot Coverage (%)		--	80
BUILDING ENVELOPE		MIN	MAX
E - Street Setback (ft)		10 ⁽¹⁾	25 ⁽¹⁾
F - Side Setback (ft)		5	--
G - Rear Setback (ft)		15 ⁽²⁾	--
H - Frontage Buildout (%)		60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I - Street Setback (ft)		30	--
J - Side Setback (ft)		10	--
K - Rear Setback (ft)		10	--
L - Building Footprint (sf)		--	800
BUILDING HEIGHT		MIN	MAX
M - Principal Building (st)		2	6
N - Accessory Structure(s) (ft)		--	15
PARKING PROVISIONS			
Location	Side and Rear Yards		
PRIVATE FRONTAGES		Required:	
		Porch, Forecourt or Stoop	

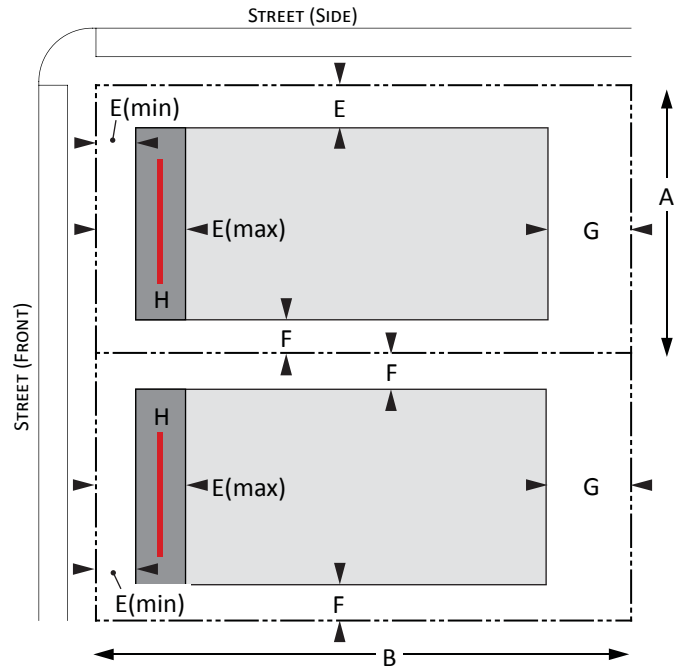
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.

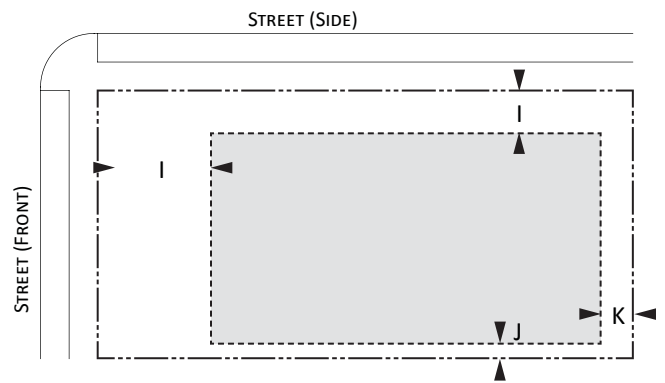


EXAMPLE

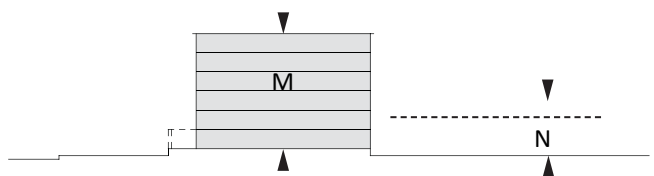
LOT REQUIREMENTS AND BUILDING ENVELOPE



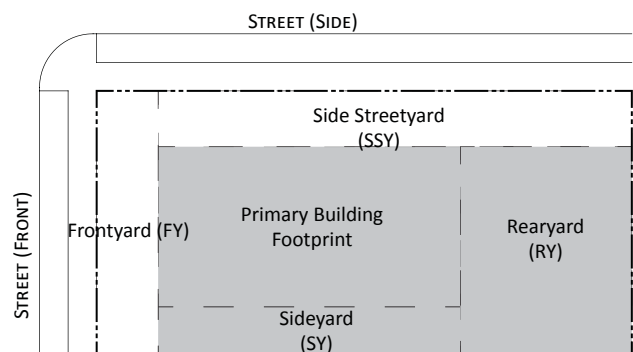
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Small multiple-story buildings, often designed for commercial or office uses on the ground floor and dwellings or offices above. They are located on lots that can accommodate a building that is less than 20% of a city block width.

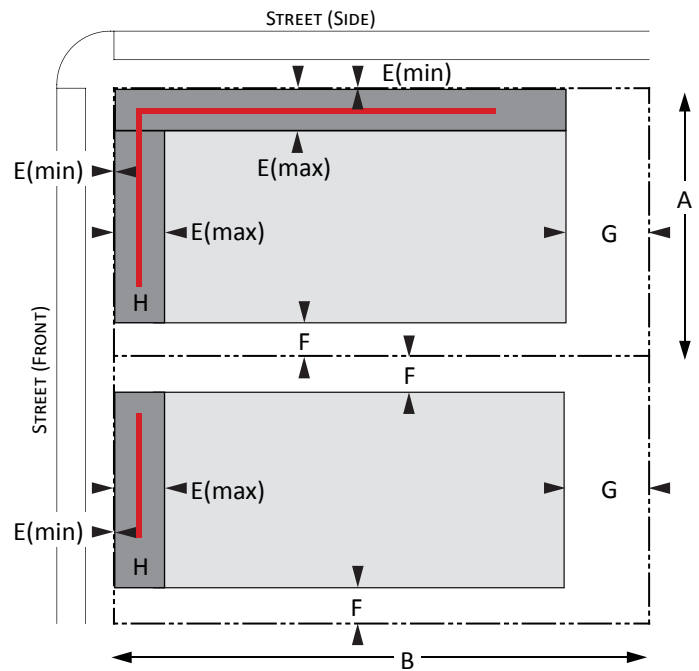
LOT REQUIREMENTS		MIN	MAX
A - Lot Width (ft)		15	60
B - Lot Depth (ft)		80	120
C - Lot Size (sf)		1,800	7,200
D - Lot Coverage (%)		--	90
BUILDING ENVELOPE		MIN	MAX
E - Street Setback (ft)		0 ⁽¹⁾	15 ⁽¹⁾
F - Side Setback (ft)		0	--
G - Rear Setback (ft)		5	--
H - Frontage Buildout (%)		80	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I - Street Setback (ft)		30	
J - Side Setback (ft)		3	--
K - Rear Setback (ft)		10	--
L - Building Footprint (sf)		--	800
BUILDING HEIGHT		MIN	MAX
M - Principal Building (st)		2	4
N - Accessory Structure(s) (ft)		--	15
PARKING PROVISIONS			
Location		Side and Rear Yards	
PRIVATE FRONTAGES		Required:	
		Commercial	

⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

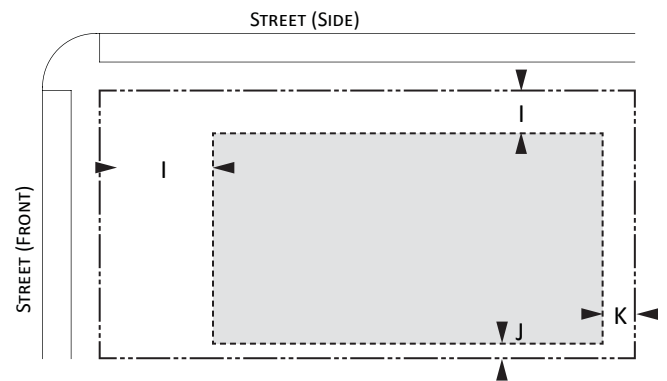


EXAMPLE

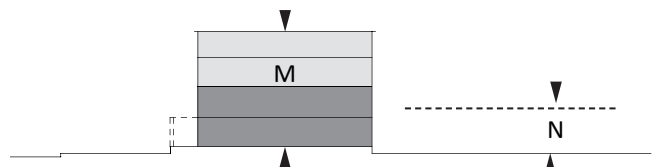
LOT REQUIREMENTS AND BUILDING ENVELOPE



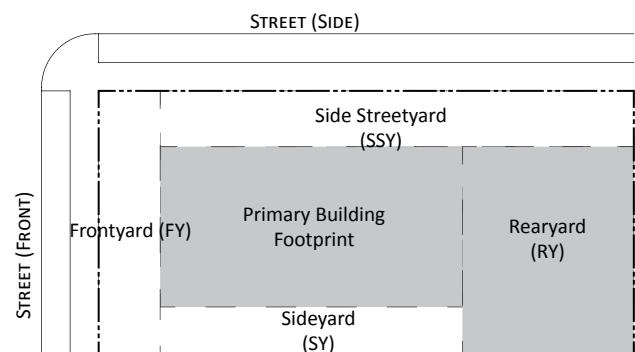
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Average-sized multiple-story buildings, often designed for commercial or office uses on the ground floor and dwellings or offices above. They are located on lots that can accommodate a building that spans 20-40% of a city block width.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	120
B - Lot Depth (ft)	--	500
C - Lot Size (sf)	--	60,000
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	0 ⁽¹⁾	15 ⁽¹⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10 ⁽²⁾	--
H - Frontage Buildout (%)	90	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	5
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side and Rear Yards	
PRIVATE FRONTAGES	Required:	
	Commercial	

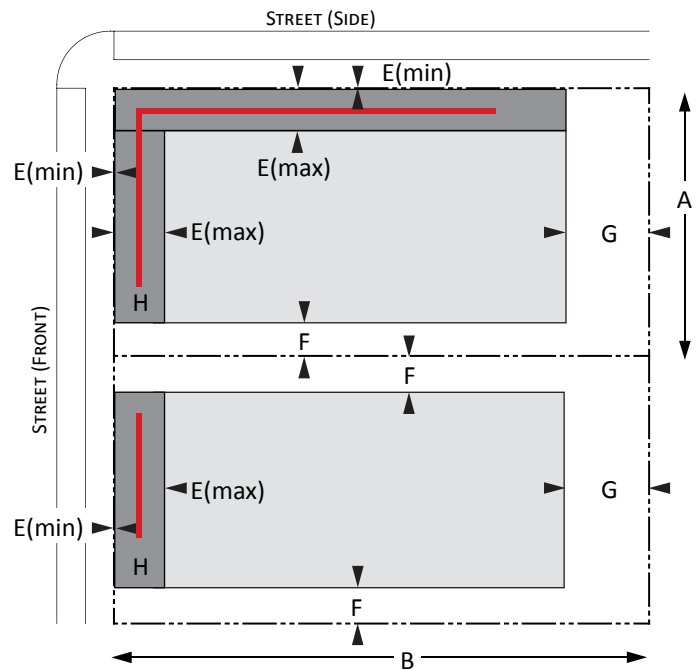
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.

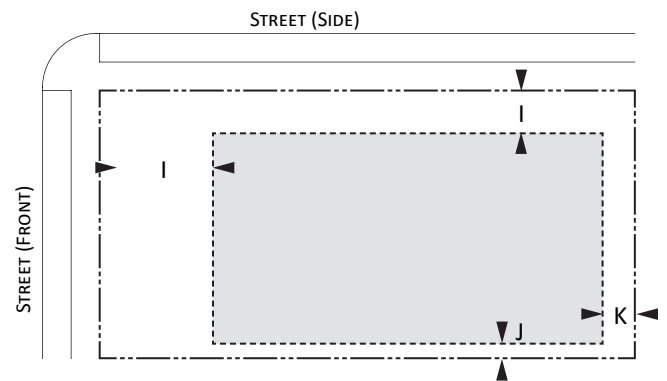


EXAMPLE

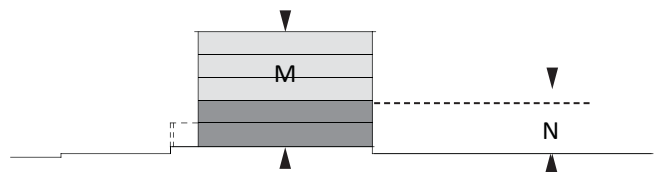
LOT REQUIREMENTS AND BUILDING ENVELOPE



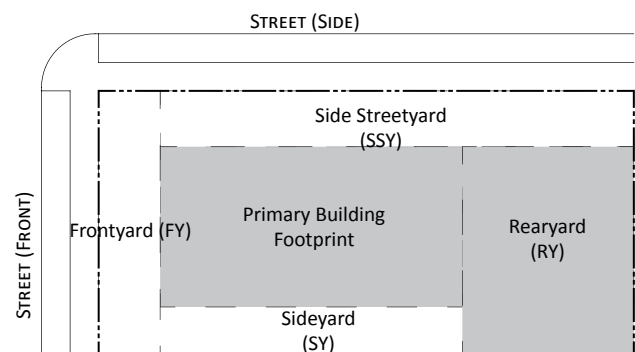
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Large multiple-story buildings, often designed for commercial or office uses on the ground floor and dwellings or offices above. They are located on lots that can accommodate a building that spans up to an entire city block width. .

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	120	300
B - Lot Depth (ft)	--	500
C - Lot Size (sf)	--	150,000
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	0 ⁽¹⁾	15 ⁽¹⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10 ⁽²⁾	--
H - Frontage Buildout (%)	90	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	8
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side and Rear Yards	
PRIVATE FRONTAGES	Required:	
	Commercial	

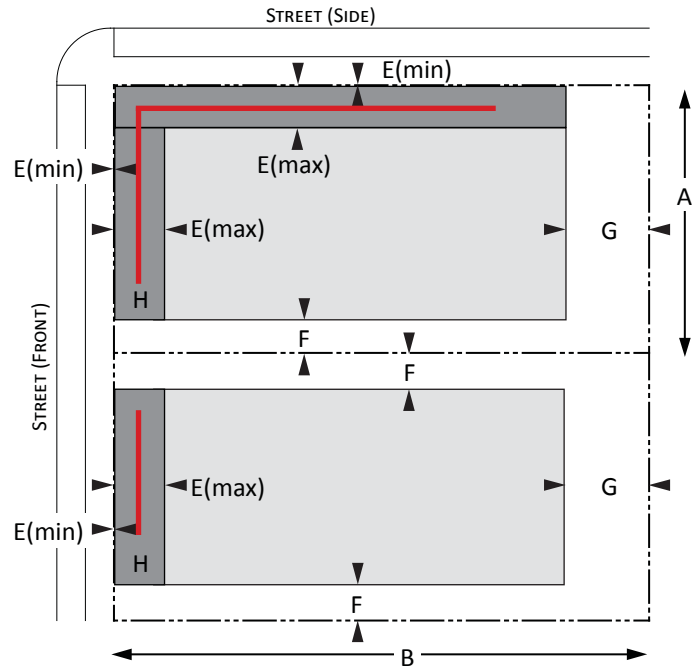
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.

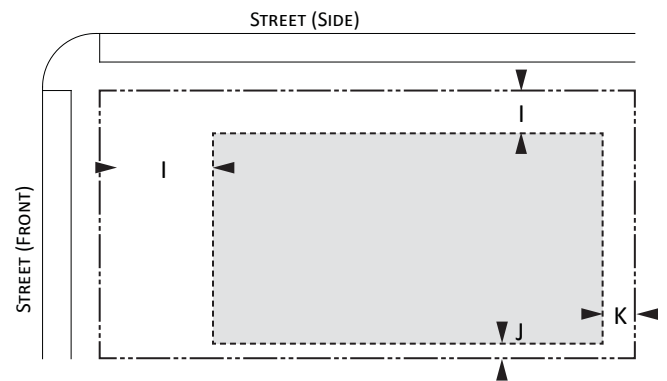


EXAMPLE

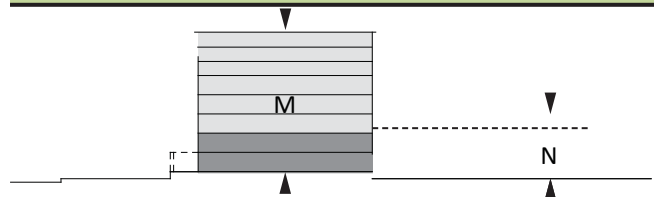
LOT REQUIREMENTS AND BUILDING ENVELOPE



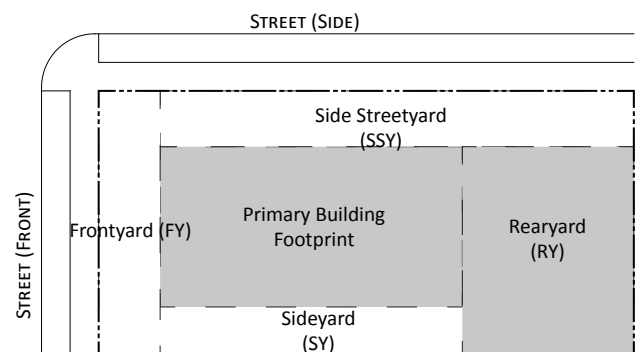
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



SC

SINGLE STORY COMMERCIAL BUILDING

A single-story building, designed for non-residential use. They are located on lots that accommodate a detached primary building with the associated parking, loading, and waste disposal areas. A single use is generally located in each building.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	300
B - Lot Depth (ft)	100	300
C - Lot Size (sf)	7,500	90,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	5 ⁽¹⁾	15 ⁽¹⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15 ⁽²⁾	--
H - Frontage Buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30 ⁽¹⁾	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10 ⁽¹⁾	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	1
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side, Street-Side and Rear Yards	
PRIVATE FRONTAGES	Permitted:	
	Commercial	

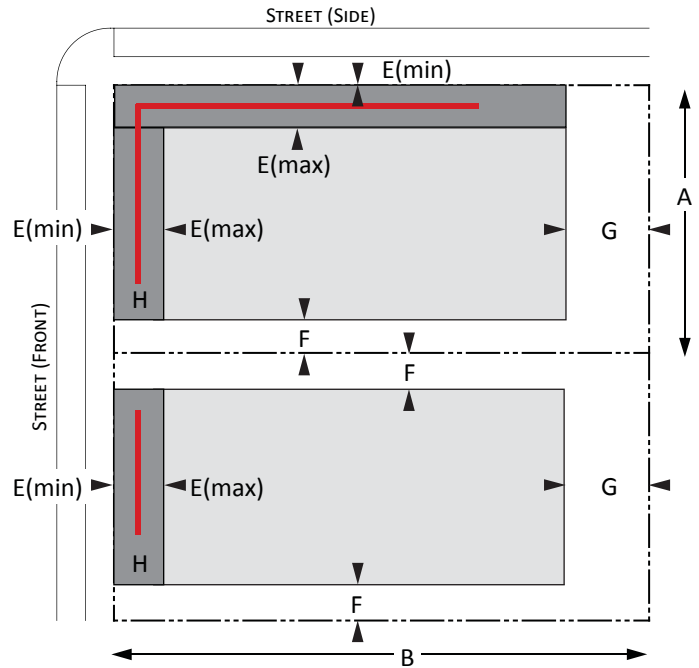
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.

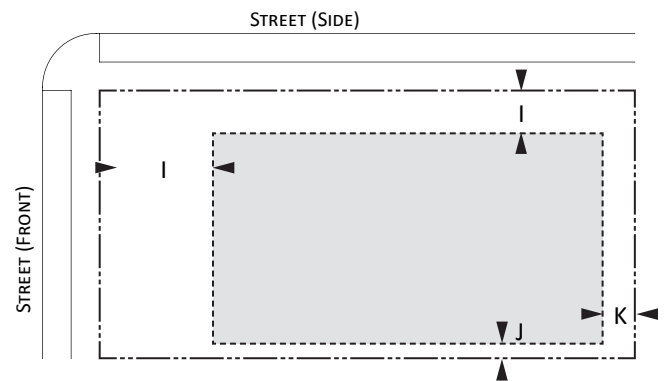


EXAMPLE

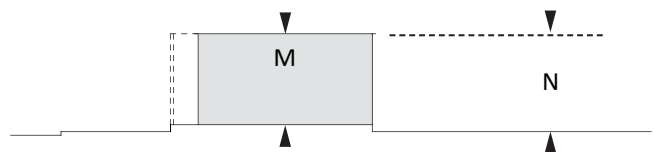
LOT REQUIREMENTS AND BUILDING ENVELOPE



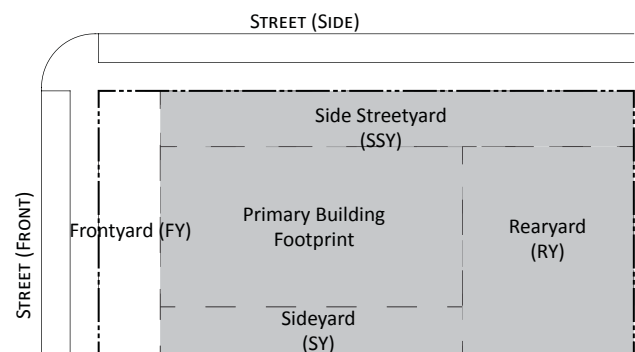
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



LARGE SINGLE STORY COMMERCIAL BUILDING

Large one-story buildings that contain one or more uses. They are located on lots that accommodate the building and its associated parking, loading, and waste disposal areas. Each unit may have its own entrance to the street.

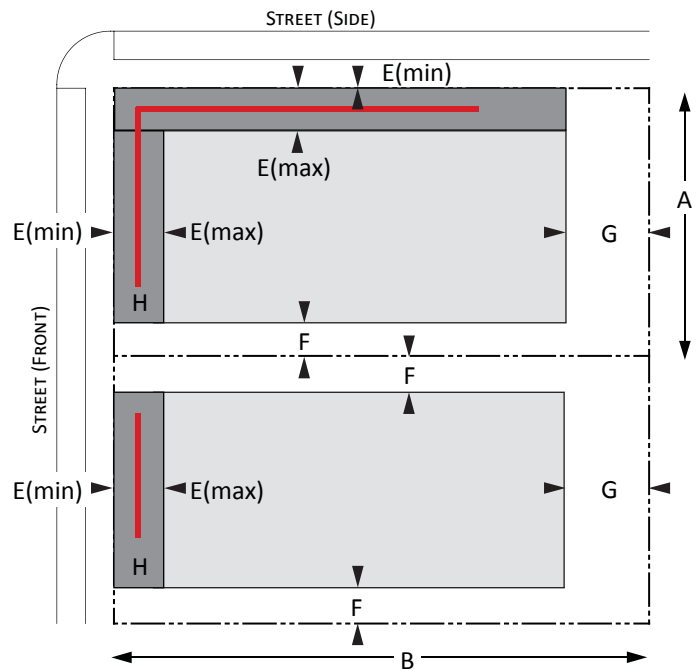
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	300	Block
B - Lot Depth (ft)	300	Block
C - Lot Size (sf)	90,000	--
D - Lot Coverage (%)	45	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	5 ⁽¹⁾	15 ⁽¹⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10 ⁽²⁾	--
H - Frontage Buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	1
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side and Street-Side and Rear Yards	
PRIVATE FRONTAGES	Permitted:	
	Commercial	

⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

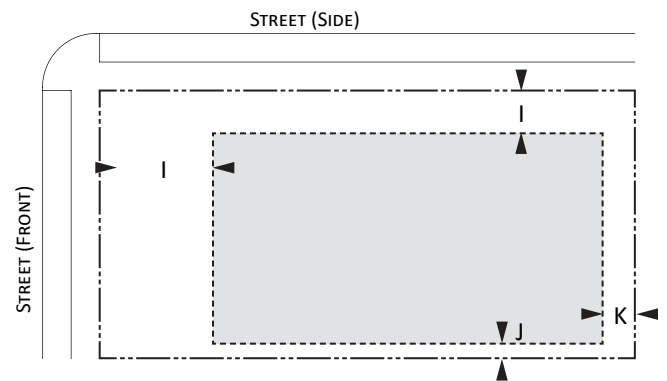
⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.



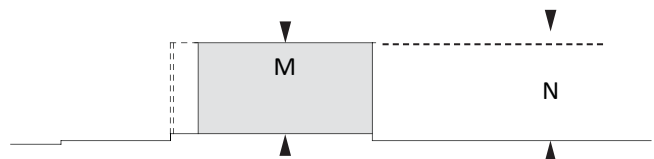
LOT REQUIREMENTS AND BUILDING ENVELOPE



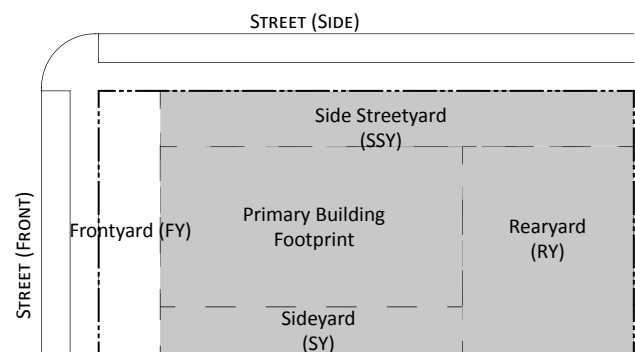
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



MB

MULTIPLE STORY BUILDING

Large multiple-story buildings, designed for a single type of commercial use, such as office. They are located on lots that can accommodate a building that spans up to an entire city block width.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	120	310
B - Lot Depth (ft)	--	500
C - Lot Size (sf)	--	150,000
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Front Setback (ft)	5 ⁽¹⁾	25 ⁽¹⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10 ⁽²⁾	--
H - Frontage Buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	6
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side, Street-Side and Rear Yards	
PRIVATE FRONTAGES	Permitted:	
	Commercial	

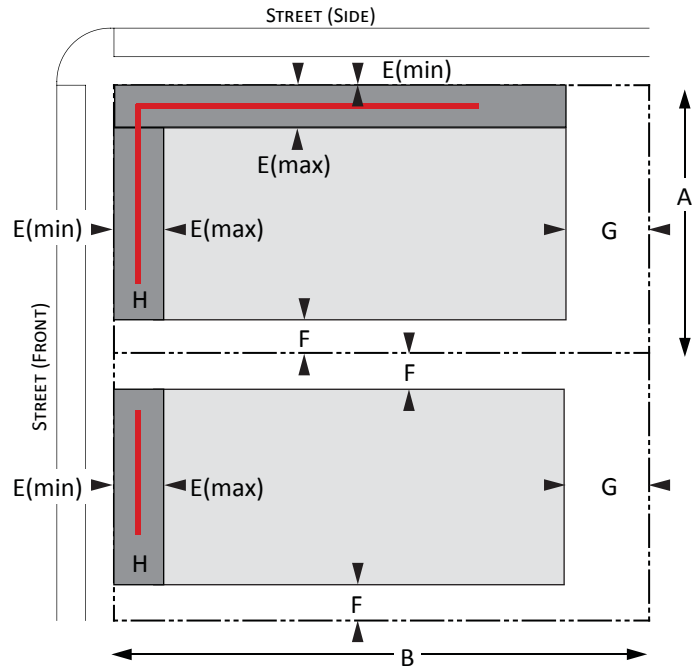
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25'.

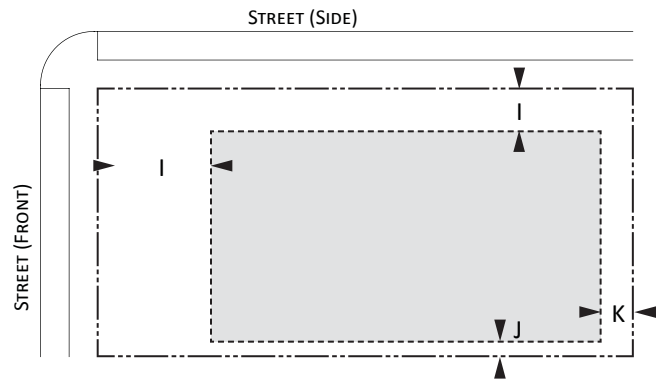


EXAMPLE

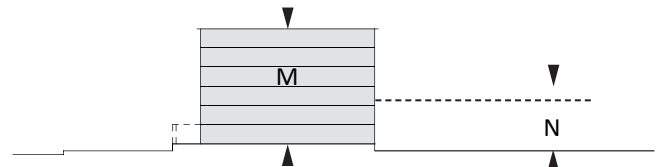
LOT REQUIREMENTS AND BUILDING ENVELOPE



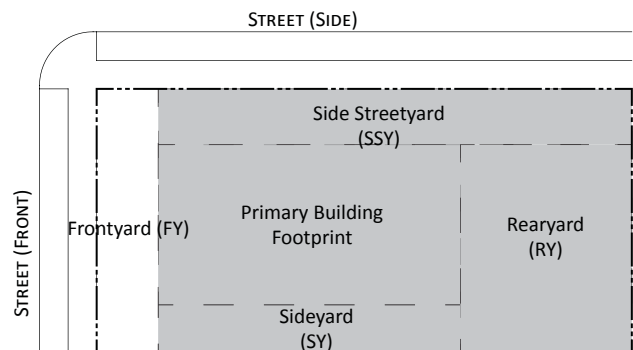
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



Buildings originally designed to house government, assembly, or institutional uses. They are located on lots that can accommodate the primary building, associated parking, loading, waste disposal areas, and outdoor living areas, as applicable.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	Block Max
B - Lot Depth (ft)	100	Block Max
C - Lot Size (sf)	5,000	--
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	15 ⁽¹⁾	--
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	4 ⁽²⁾
N - Accessory Structure(s) (ft)	--	15
PARKING PROVISIONS		
Location	Side, Street Side and Rear Yards,	
PRIVATE FRONTAGES	Required:	
	No specific frontage required	

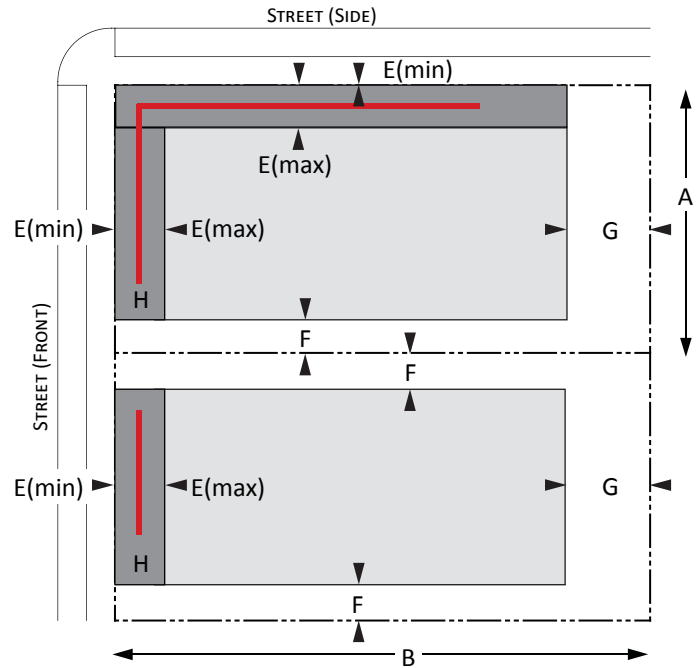
⁽¹⁾ If located on Washtenaw Avenue must build no more than 10ft from future right-of-way line

⁽²⁾ Additional height may be granted by the Planning Commission if the Commission finds the additional height to be consistent within that district.

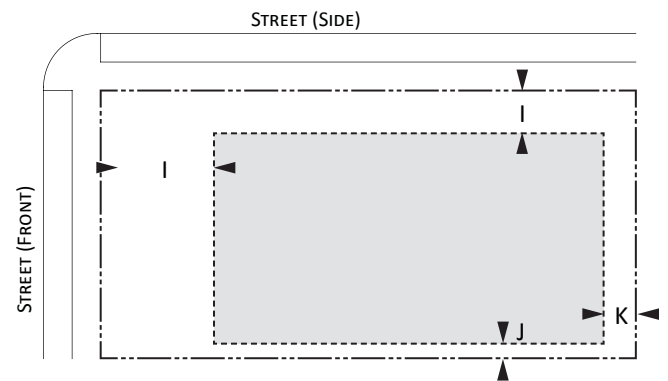


EXAMPLE

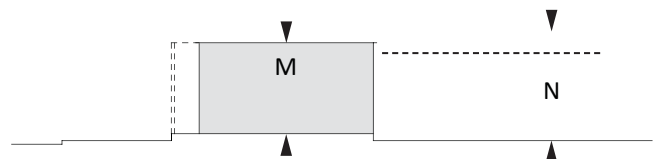
LOT REQUIREMENTS AND BUILDING ENVELOPE



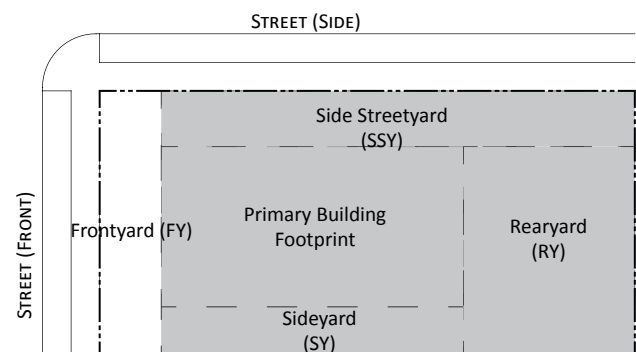
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



P

PORCH

The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible.

FRONTAGE ZONE (FZ)	MIN	MAX
Porch structure requirements:		
A - Width (clear) (ft)	10	--
B - Depth (clear) (ft)	5	--
C - Height (clear) (ft)	7	--

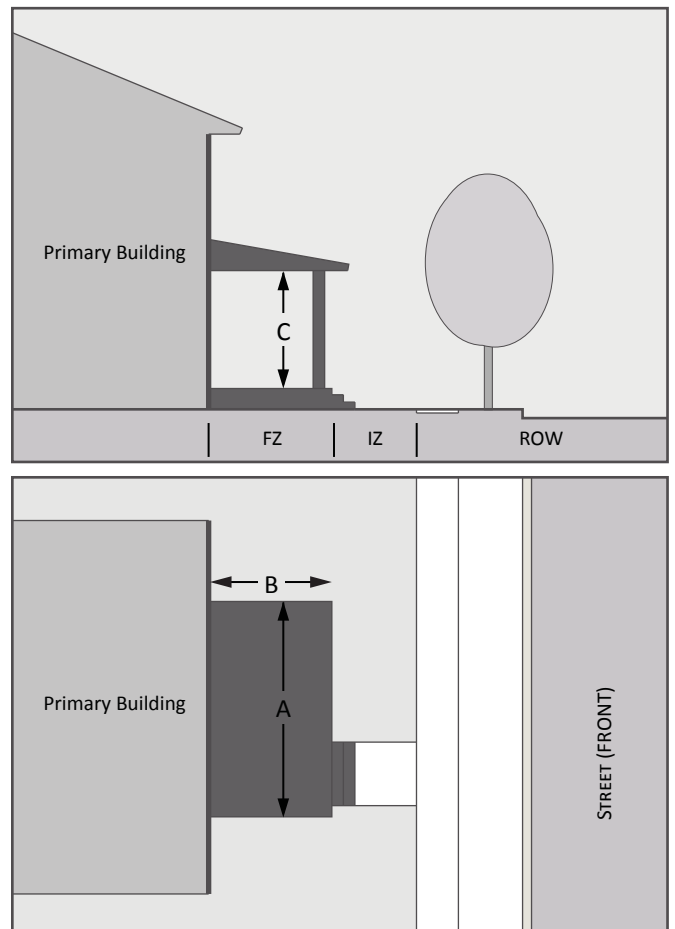
INTERFACE ZONE (IZ)

Landscape with path (3' wide min) from sidewalk to structure

OTHER REQUIREMENTS

Refer to Historic Guidelines when developing within the Historic District.

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS

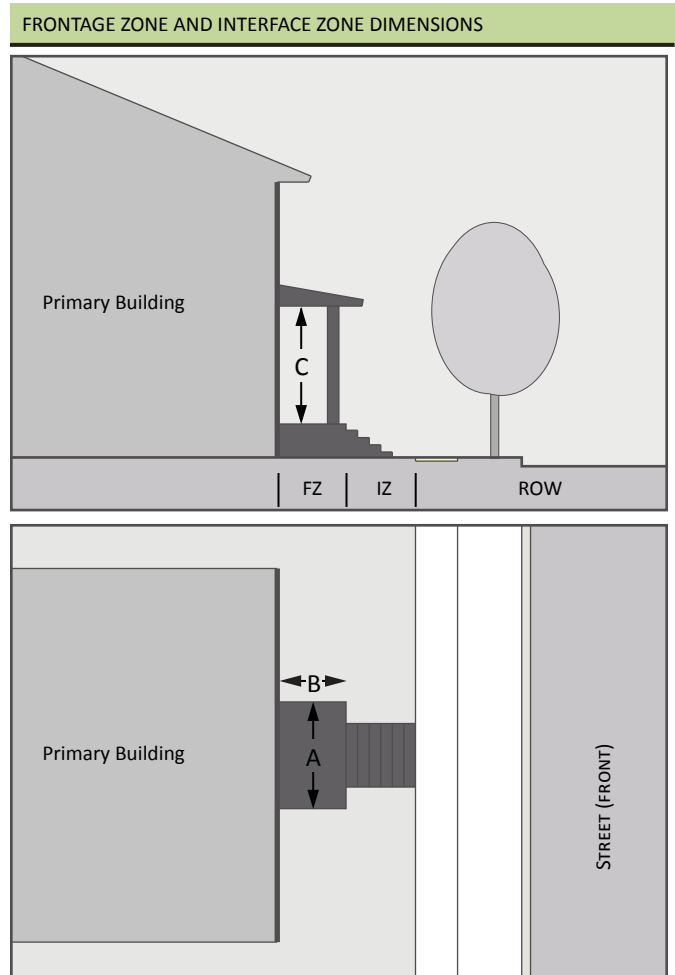


S

STOOP

The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line. The ground floor is elevated to provide privacy. The stoop may include a roof.

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Width (clear) (ft)	5	8
B - Depth (clear) (ft)	3	8
C - Height (clear) (ft)	7	--
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		
OTHER REQUIREMENTS		
Refer to Historic Guidelines when developing within the Historic District.		



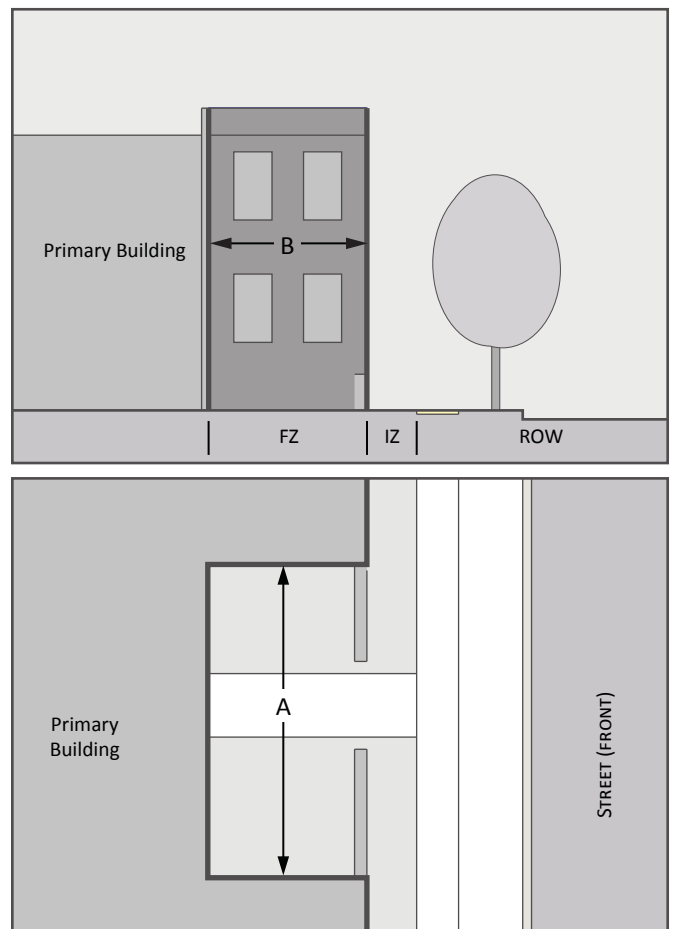
F

FORECOURT

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, vehicle drop-offs, formal entries etc.. A fence or wall may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FRONTAGE ZONE (FZ)	MIN	MAX
Courtyard requirements:		
A - Width (clear) (ft)	12	--
B - Depth (clear) (ft)	12	50
INTERFACE ZONE (IZ)		
Landscape with path (6' wide min) from sidewalk to structure		
OTHER REQUIREMENTS		
Refer to Historic Guidelines when developing within the Historic District.		

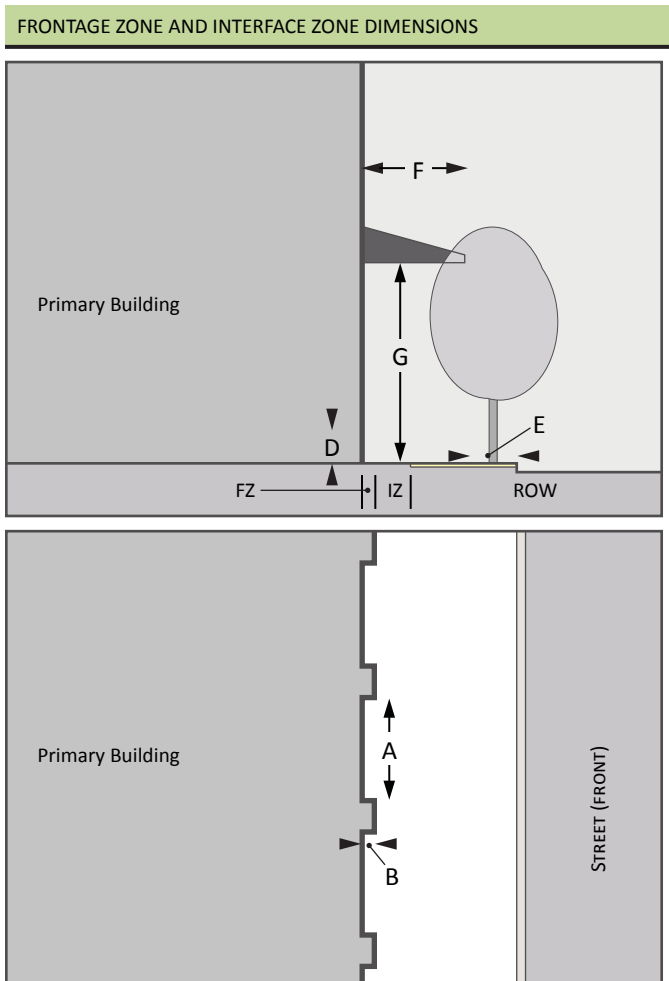
FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS



The façade is set back from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The façade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FRONTAGE ZONE (FZ)	MIN	MAX
Building facade requirements:		
A - Distance between openings (ft)	--	2
B - Door recess (ft)	--	5
C - Ground floor transparency (%)	60	--
D - Height to bottom of window (ft)	--	2.5
INTERFACE ZONE (IZ)		
Extended sidewalk from right-of-way edge to structure		
OPTIONAL ELEMENTS	MIN	MAX
AWNING or GALLERY		
E - Setback from curb (ft)	2	--
F - Depth (clear) (ft) (Gallery min 8')	4	10
G - Height (clear) (ft)	8	--
OTHER REQUIREMENTS		

Refer to Historic Guidelines when developing within the Historic District.



Sec. 122-275. Reserved.

Sec. 122-276. Number of detached accessory buildings

No more than two detached accessory buildings are permitted on a lot in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts.

Sec. 122-277. Steps for Use of Regulations for CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts

The following illustrates the steps a user would follow for projects in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts. This is illustrative only and is not intended to set forth the administration and procedures, which are set in Article IV.

Quick Code Guide: CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS Districts – Projects 3 acres or more

Step	Instructions	Section	Title
(1)	Find the district for your parcel	Sec. 122-232	Zoning Map
(2)	Confirm proposed use(s) is allowed in district	Sec. 122-272	Permitted Uses
(3)	Create a Block Plan that complies with the circulation standards of these districts	Sec. 122-125 17 (b)	Block Plan Requirements
		Sec. 122-273	Circulation Standards
(4)	If the project requires division of property, follow procedures and comply with the requirements for land division or site condominiums	Article X	Site Condominiums
		Sec. 122-756	Land Division
(5)	Comply with parking and landscaping requirements	Article XI, Division 4	Landscaping and Screening
		Article XIII	Off-Street Parking and Loading Requirements
(6)	Follow Procedures for Project 3 acres or less	See following table	

Quick Code Guide: CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS Districts – Project 3 acres or less

Step	Instructions	Section	Title
(1)	Find the district for your parcel	Sec. 122-232	Zoning Map
(2)	Confirm proposed use(s) is allowed in district	Sec. 122-272	Permitted Uses
(3)	Determine if your site is within a Historic Designation. If so, see step	Chapter 54 of City Code of Ordinances	Historic District
(4)	Create circulation plan that complies with Circulation Standards	Sec. 122-273	Circulation Standards
(5)	Chose building type(s) for your site	Sec. 122-274	Building Lot Typologies
(6)	Comply with the Building Parameters by Building Type	Sec. 122-274	Building Lot Typologies
(7)	Comply with parking, landscaping and sign regulations	Article XI, Division 4	Landscaping and Screening
		Article XIII	Off-Street Parking and Loading Requirements
		Article XIV	Signs
(8)	Follow procedures and comply with the requirements for permit application		Article IV
(9)	If within Historic Designation, apply for Historic District Work Application	Chapter 54 of City Code of Ordinances	Historic District

~~Secs. 122-277–122-290. Reserved.~~

Secs. 122-278-122-290. Reserved

~~DIVISION 4.~~ DIVISION 5.
PRODUCTION, MANUFACTURING AND DISTRIBUTION DISTRICT

Sec. 122-291. Description and purpose.

The PMD Production, Manufacturing and Distribution district is designed to create and sustain jobs and industry producing, manufacturing, storing and distributing goods. These districts should be located where buildings can be on large plots of contiguous land, serviced by railroad lines or major thoroughfares, and adequately served by required utilities, and services. All operations must be fully contained within well-designed buildings, with adequate off-street parking and loading areas, and with property screening around outside storage areas. Uses are expected to generate waste, noise, odor and truck traffic. Principal uses should produce minimal external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Special uses are expected to produce external impacts and should, therefore, be located only where such impacts will not be detrimental to other uses in the PMD district or to properties in adjoining districts.

Sec. 122-292. Permitted uses.

The following uses are allowed in the PMD district. Any other use which must be determined by the city council after recommendation from the planning commission, to be of the same general character as the below permitted or special uses. The city council may impose any required setback and/or performance standards above and beyond the requirements of this chapter so as to insure public health, safety and general welfare.

P=Principal; A=Accessory; S/Res= Special Land adjacent to R-1, CN, CN-Mid, CN-SF & MD zoning, otherwise permitted; S=Special Land Use

Uses	PMD	Notes
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Communication Devices	A	Article XI, division 3
Radio & Television Studios or Stations	P	
Radio and television towers, public utility microwaves, and public utility television transmitting towers, mobile communications towers, cellular phone towers and their accessory facilities	S	Section 122-687
Utility buildings including electric and gas service buildings and yards, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, and water and propane tank holders.	S	
Railroad yards not including manufacture and repair	S/Res	
Energy, electricity and heat generation plants	S	Includes solar farms and geothermal plants; see Sec 122-788
Landfill	S	May include anaerobic digester.
Water or sewage treatment plant	S	
Biofiltration Facility	P	
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Business and professional offices and services, 15,000 square feet or greater	P	
Business and professional offices and showrooms ancillary to the primary use	P	These uses may not exceed 25% of the gross floor area
Kennels, commercial	S/Res	Section 122-791
Offices for skilled trade services including but not limited to plumbing, electric, heating, and painting establishments	P	
Repair of appliances, machines or vehicles	P	

P=Principal; A=Accessory; S/Res= Special Land adjacent to R-1, CN, CN-Mid, CN-SF & MD zoning, otherwise permitted; S=Special Land Use

Uses	PMD	Notes
Self-storage facilities	P	
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	P	Section 122-810
Construction and Landscape Contractors, contractor's yards, equipment and materials storage	S	
Recycling centers	S	
AUTO-ORIENTED		
Automobile Wash & Detailing	P	
Automobile Share Parking	A	
Truck Wash	S	
Automobile Repair	P	Section 122-775
Automobile rental (parking, storage, wash & repair)	P	
Vehicle, Recreational Vehicle, Storage and Towing	S/Res	
Vehicle Wrecking, Salvage, Storage of Inoperable Vehicles	S	
RESEARCH		
Laboratories	S/Res	
Development & Research	S/Res	
PRODUCTION, MANUFACTURING & DISTRIBUTION		
Manufacture or processing of food products including brewing & distilling	P	
Craft manufacturing	P	
Medical Marijuana Growing/Manufacturing Facility	S	Section 122-814
Storage, warehousing and wholesale distribution	S/Res	Outdoor storage is a special land use subject to section 122-801
Junkyards	S	Section 122-790
Central dry cleaning plants	S	
Clothing production	P	
Software, film, music, television and radio, and video game development & physical production	S/Res	Adult regulated uses are special land uses
Assembly and production, from prefabricated parts, of household appliances, electronic products, hardware products, and similar products	S/Res	
Processing or assembling of parts for production of finished equipment	S/Res	
Dry cleaning plants or laundries	S	
Manufacturing, Compounding, Processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, and toiletries, except the rendering or refining of fats and oils	S/Res	
Manufacturing of alcohol; ammonia; bleaching powder or chlorine; asphalt, including refining; brick, tile or terra cotta; chemicals; concrete or cement products; lampblack; oil cloth or linoleum; paint, oil, shellac, turpentine, lacquer or varnish; petroleum products; plastics; soap; sodium compounds; tar distillation or tar products	S	
Manufacturing of machine tools, machinery, vehicles of all types, machine or vehicle components or that requires metal	S	

P=Principal; A=Accessory; S/Res= Special Land adjacent to R-1, CN, CN-Mid, CN-SF & MD zoning, otherwise permitted; S=Special Land Use

Uses	PMD	Notes
plating or galvanizing, plastic extrusion or molding or similar process		
Metal Foundry or fabricating plant and heavyweight casting	S	
Manufacture of construction materials	S	
Manufacturing of textiles, rubber or synthetic treated products	S	
Manufacture and repair of train cars, locomotives and track	S	
Animal slaughter and processing	S	Except aquaculture and aquaponics
Ethanol, petroleum and fuel production, refining and storage	S	
Passive solar structure (greenhouse, hoop house, etc.)	P	
Hydroponics, aquaculture and aquaponics and similar raising of food	P	All activities must take place indoors.
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		
Adult regulated uses	S	Section 122-774
Outdoor storage	S/Res	Section 122-801
Storage of liquid and solid fuels	S	Section 122-807
Any other use as determined by the city council after recommendation from the planning commission, to be of the same general character as the above permitted or special uses. The city council may impose any required setback and/or performance standards above and beyond the requirements of this chapter so as to insure public health, safety and general welfare.	S	

Sec. 122-293. Area Regulations.

All principal structures must comply with the following regulations in the special zoning districts:

Regulations	PMD	Notes
Minimum Lot Width		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
Minimum Lot Size		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
Minimum Setbacks		
Front yard	25 feet	Minimum setbacks must increase by one foot for each foot a building or structure exceeds 30 feet in height.
Side yard	15 feet	
Street Side yard	15 feet	
Rear yard	20 feet	
From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS districts	25 feet	Screen required per section 122-703.
Parking Setbacks		
Front & street side yard	10 feet	In PMD, greenbelt required per subsection 122-835(11)

Regulations	PMD	Notes
Side and rear yards	10 feet	
From adjacent residential zoning district	15 feet	No storage is permitted in setback from residential zoning district
Height		
Maximum height	60 feet	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet

Section 122-294. Performance Standards for PMD District.

- (a) *Deleterious operations.* No activity, operation, or use must be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, heat, glare, dust, soot, noise, or disposal of waste is deleterious to other permitted activities in the zoning district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety, or welfare, of the community.
- (b) *Enclosed buildings.* All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity in must be conducted within a completely enclosed building, except as otherwise specified.

Sec. 122-295-300. Reserved.

~~DIVISION 5.~~ DIVISION 6.
PARK DISTRICT

Sec. 122-301. Description and purpose.

The P Parks district is designed to preserve publicly and privately owned green space, including parks and cemeteries. When embedded in R-1, CN-SF, CN-Mid, CN, MD and HHS districts, the district is intended provide the essential green space for urban neighborhoods. When on the outskirts of the city, the district maintains large green spaces, such as cemeteries. Along the Huron River, the district provides recreation as well as environmental protections. Temporary uses may be allowed to encourage use and vitality of these areas.

Sec. 122-302. Permitted uses.

The following uses are allowed in the park districts.

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

Uses	P	Notes
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
Park	P	
Outdoor and indoor education areas	P	
Outdoor recreation areas such as swimming pools, tennis courts, and performance venues	P	Privately owned
Conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens, public tree or plant nurseries	P	
Privately owned or operated uses accessory to City parks	S	Includes but is not limited to permanently affixed concession stands, canoe or bicycle liveries
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Cemetery	p	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
Crematory	S	
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		
Community Gardens	P	Subject to 122-815
Passive solar structure (greenhouse, hoophouse, etc.)	P	

Sec. 122-303. Area Regulations.

All principal structures must comply with the following regulations in the special zoning districts:

Regulations	P	Notes
Minimum Lot Width		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks		
Minimum Lot Size		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks		
Minimum Setbacks		

Regulations	P	Notes
Front yard	Equal to that of adjacent zoning district or building type along the same street. If different setbacks abut, the largest setback is required	
Side yard		
Street Side yard		
Rear yard		
Parking Setbacks		
Front & side street yard	10 feet	
Side and rear yards	10 feet	
Height		
Maximum height	Equal to that of adjacent zoning district or building type along the property line. If different heights abut, the largest setback is required	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet

Sec. 304-570. Reserved.

DIVISION 2.

R1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sec. 122-251. Description and purpose.

- ~~(a) The R1 single family residential district is designed to provide an environment of predominantly low density, single family detached dwellings, along with other related facilities such as schools and churches.~~
- ~~(b) It is the purpose of the R1 single family residential district to encourage the preservation and the continuation of the long standing residential fabric in existing neighborhoods of predominantly single family dwellings. Multiple-family, business, or industrial uses which would substantially interfere with the development or continuation of single family dwellings in the district are prohibited.~~

Sec. 122-252. Permitted uses.

(Ord. No. 626A, § 5-24, 7-15-1994; Ord. No. 1183A, 4/2013))

In R1 districts, no uses shall be permitted except the following:

- ~~(1) Essential services.~~
- ~~(2) Manufactured housing located and installed according to the same standards that would apply to a site built, single-family dwelling on the same lot.~~
- ~~(3) Single-family detached dwelling units.~~
- ~~(4) Gardens/community gardens, exempt from area regulations in section 122-255, but subject to the requirements in section 122-816.~~

Sec. 122-253. Permitted accessory uses.

(Ord. No. 626A, § 5-25, 7-15-1994; Ord. No. 1059, 5-1-2007)

~~In R1 single family residential districts, uses or structures accessory to and customarily incidental to any permitted or special uses shall be permitted subject to the restrictions of the district regarding lot coverage, height and setbacks, and the restrictions in article XI, division 2 of this chapter regarding accessory structures and uses, including but not necessarily limited to:~~

- ~~(1) Communication devices, subject to the provisions of article XI, division 3 of this chapter.~~
- ~~(2) Family day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122-773.~~
- ~~(3) Garages and carports. A maximum of one private garage, the capacity of which shall not exceed three automobiles; and/or one carport, the capacity of which shall not exceed three automobiles; provided that the total combined capacity of all garages and carports may not exceed four automobiles.~~
- ~~(4) Home occupations, as defined by and subject to the provisions of section 122-669.~~
- ~~(5) Permitted signs, private off-street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.~~
- ~~(6) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.~~
- ~~(7) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.~~

Sec. 122-254. Special uses.

(Ord. No. 626A, § 5-26, 7-15-1994; Ord. No. 881, 7-21-1998; Ord. No. 970, 12-3-2002; Ord. No. 1033, 3-21-2006)

~~The following uses may be permitted in R1 single family residential districts subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:~~

- ~~(1) Bed and breakfast lodgings, subject to the specific provisions in section 122-778.~~
- ~~(2) Group day care homes (not including dormitories), subject to the specific provisions in section 122-779.~~
- ~~(3) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the specific provisions in section 122-780.~~

- ~~(4) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.~~
- ~~(5) Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- ~~(6) Public and private educational institutions of post secondary education, subject to the specific provisions of section 122-805.~~
- ~~(7) Restoration or replacement of legal non conforming two family and multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-812 in reviewing such application to restore a legally non conforming two family or multiple apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards~~
- ~~(8) Schools: Elementary, junior and senior high schools, public, parochial, and private, subject to the specific provisions in section 122-805. However, it is not intended that a special use permit be required for the home education of children belonging to the family living on the premises.~~

~~Sec. 122-255. Area regulations.~~

~~No building or structure nor any enlargement thereof in an R1 single family residential district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area and width. In the R1 district, no lot shall have a width of less than 50 feet or contain less than 6,500 square feet of lot area. Lots with nonparallel sides shall not be less than 50 feet wide measured at 25 and 50 feet from the front lot line.~~
- ~~(2) Front yard. There shall be a front yard of not less than 25 feet as measured from the front lot line. Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard shall not be less than the average depth of the front yards of the existing buildings on each side.~~
- ~~(3) Side yards. No side yard shall be less than five feet, with a minimum total of 14 feet for both side yards.~~
- ~~(4) Street side yard. Where a side yard abuts a street, the minimum width of such street side yard shall be eight feet.~~
- ~~(5) Rear yard. There shall be a rear yard of not less than 25 feet.~~
- ~~(6) Other yard requirements. For all uses permitted other than single family residential, all yard setbacks shall equal the height of the structure or the setback required under subsections (2) through (5) of this section, whichever is greater.~~
- ~~(7) Maximum lot coverage. The maximum coverage by all structures on the ground level shall not exceed 30 percent of the lot area.~~

~~Sec. 122-256. Height regulations.~~

~~No building or structure in an R1 single family residential district shall exceed 30 feet in height or 2 ½ stories. See section 122-640 for exceptions to height regulations.~~

~~Sec. 122-257. Minimum floor area.~~

~~Each single family dwelling in an R1 single family residential district shall have a minimum usable floor area of 900 square feet.~~

~~Sec. 122-258. Development standards.~~

(Ord No 1183A, 4/2013)

- ~~(a) Site plan review. In R1 single family residential districts site plan review and approval is required for all uses except detached single family residential uses and garden/community garden uses in accordance with article IV of this chapter.~~
- ~~(b) General standards. Buildings and uses in R1 single family residential districts shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-259 – 122-270. Reserved.~~

DIVISION 3. R2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT

Sec. 122-271. Description and purpose.

The R2 one and two family residential district is designed as an intermediate density zoning district that allows for a variety of housing types, including two family attached dwellings occupying a single lot. The regulations are intended to stabilize and protect existing neighborhoods and promote a suitable environment for family life. The R2 one and two family residential district shall provide most of the desirable residential characteristics of the R1 district, except for the slightly higher density.

Sec. 122-272. Permitted uses.

(Ord. No. 626A, § 5.34, 7-15-1994; Ord. No. 1183A, 4/2013))

In R2 one and two family residential districts, no uses shall be permitted except the following:

- ~~(1) Essential services.~~
- ~~(2) Manufactured housing located and installed according to the same standards that would apply to a site built, single or two family dwelling on the same lot.~~
- ~~(3) Single family detached dwelling units.~~
- ~~(4) Two family dwellings.~~
- ~~(5) Gardens/community gardens, exempt from area regulations in section 122-275 but subject to the requirements in section 122-816.~~

Sec. 122-273. Permitted accessory uses.

(Ord. No. 626A, § 5.35, 7-15-1994; Ord. No. 1059, 5-1-2007)

In R2 one and two family residential districts, uses or structures accessory to and customarily incidental to any permitted or special uses shall be permitted subject to the restrictions of the district regarding lot coverage, height and setbacks, and the restrictions in article XI, division 2 of this chapter regarding accessory structures and uses, including but not necessarily limited to:

- ~~(1) Communication devices, subject to the provisions of article XI, division 3 of this chapter.~~
- ~~(2) Family day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122-773.~~
- ~~(3) Garages and carports: A maximum of one private garage, the capacity of which shall not exceed three automobiles; and/or one carport, the capacity of which shall not exceed three automobiles; provided that the total combined capacity of all garages and carports may not exceed four automobiles.~~
- ~~(4) Home occupations, as defined by and subject to the provisions of section 122-669.~~
- ~~(5) Permitted signs, private off street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.~~
- ~~(6) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.~~
- ~~(7) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.~~

Sec. 122-274. Special uses.

(Ord. No. 626A, § 5.35, 7-15-1994; Ord. No. 1059, 5-1-2007)

The following uses may be permitted in R2 one and two family residential districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposed of this chapter, and the procedures set forth in article V of this chapter:

- ~~(1) Bed and breakfast lodgings, subject to the specific provisions in section 122-778.~~
- ~~(2) Cemeteries on parcels of three acres or larger. All principal buildings and accessory buildings shall be set back at least 75 feet from all property lines.~~
- ~~(3) Child care centers and group day care homes (not including dormitories), when not operated in conjunction with a private or public school or church/synagogue, subject to the specific provisions in section 122-779.~~

- ~~(4) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the specific provisions in section 122-780.~~
- ~~(5) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.~~
- ~~(6) Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- ~~(7) Public and private educational institutions of post secondary education, subject to the specific provisions in section 122-805.~~
- ~~(8) Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.~~
- ~~(9) Restoration or replacement of legal non-conforming multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-812 in reviewing such application to restore a legally non-conforming multiple apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.~~
- ~~(10) Schools: Elementary, junior and senior high schools, public, parochial, and private, subject to the specific provisions in section 122-805. This regulation shall not apply to home education of children belonging to the family residing on the premises.~~

~~Sec. 122-275. Area regulations.~~

~~No building or structure nor any enlargement thereof in an R2 one and two family residential district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area and width. In R2 one and two family residential districts, no lot shall have a width less than 45 feet nor contain less than 5,000 square feet for a single family dwelling, nor less than 6,000 square feet for a two family dwelling. Lots having nonparallel sides shall not be less than the minimum width at 25 and 50 feet from the front lot line.~~
- ~~(2) Front yard. There shall be a front yard of not less than 25 feet as measured from the front lot line. Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard shall not be less than the average depth of the front yards of the existing buildings on each side.~~
- ~~(3) Side yards. No side yard shall be less than four feet, with a minimum total of 12 feet for both side yards.~~
- ~~(4) Street side yard. Where a side yard abuts a street, the minimum width of such street side yard shall be eight feet.~~
- ~~(5) Rear yard. There shall be a rear yard of not less than 25 feet.~~
- ~~(6) Other yard requirements. For all uses permitted other than single or two family residential, all yard setbacks shall equal the height of the structure or the setback required under subsections (2) through (5) of this section, whichever is greater.~~
- ~~(7) Maximum lot coverage. The maximum coverage by all structures on the ground level shall not exceed 35 percent of the lot area.~~

~~Sec. 122-276. Height regulations.~~

~~No building or structure in an R2 one and two family residential district shall exceed 30 feet in height or 2 ½ stories. See section 122-640 for exceptions to height regulations.~~

~~Sec. 122-277. Minimum floor area.~~

~~Each dwelling unit in an R2 one and two family residential district, whether a single family structure or within a duplex, shall have a minimum usable floor area of 720 square feet.~~

~~Sec. 122-278. Development standards.~~

(Ord No 1183A, 4/2013)

- ~~(a) Site plan review. Site plan review and approval is required for all uses in the R2 one and two family residential district except detached single and two family residential uses and garden/community garden uses in accordance with article IV of this chapter.~~

~~(b) *General standards.* Buildings and uses in the R2 one and two family residential district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs, and flood damage prevention.~~

~~**Secs. 122-279 – 122-290. Reserved.**~~

DIVISION 4. R3 MULTIPLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 122-291. Description and purpose.

The R3 multiple family medium density residential district is designed to allow medium density residential development, or more specifically four plexes, or single family dwellings in clusters or groups, commonly referred to as "townhouses" or "row houses." The intent of the R3 multiple family medium density residential district is to address the varied housing needs of city residents by providing locations for development of housing at a higher density than is permitted in the single and two family districts. The R3 multiple family medium density residential district will generally serve as a zone of transition between lower density residential districts and downtown high density residential and business uses. As such, multiple family housing in this district should be designed to be compatible with nearby single or two family housing.

Sec. 122-292. Permitted uses.

(Ord. No. 626A, § 5.44, 7-15-1994)

In R3 multiple family medium density residential districts, no uses shall be permitted except the following:

- (1) Essential services.
- (2) Manufactured housing located and installed according to the same standards that would apply to a site built, single or two family dwelling on the same lot.
- (3) Multiple apartment dwellings of not more than four dwelling units. (Refer to the definition of "dwelling, multiple apartment" in section 122-2.)
- (4) Single family detached dwelling units.
- (5) Two family dwellings.

Sec. 122-293. Permitted accessory uses.

(Ord. No. 626A, § 5.45, 7-15-1994; Ord. No. 1059, 5-1-2007; Ord. No. 1183A, 4/2013)

In R3 multiple family medium density residential districts, uses or structures accessory to and customarily incidental to any permitted or special uses shall be permitted subject to the restrictions of the district regarding lot coverage, height and setbacks, and the restrictions in article XI, division 2 of this chapter regarding accessory structures and uses, including but not necessarily limited to:

- (1) Communication devices, subject to the provisions of article XI, division 3 of this chapter.
- (2) Family day care homes, group day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122-773.
- (3) Garage and/or carport, provided that:
 - a. For each detached single family use, a maximum of one garage and/or one carport, with a capacity of no more than three automobiles per garage or carport; provided that the total combined capacity of all garages and carports may not exceed four automobiles.
 - b. For each two family or multiple apartment use, the capacity of all garages and/or carports shall not exceed two automobiles per each efficiency/studio unit, one bedroom or two bedroom dwelling unit; or three automobiles per each dwelling unit with three or more bedrooms.
 - c. For each roominghouse use, the capacity of all garages and/or carports shall not exceed one automobile per sleeping room.
- (4) Home occupations, as defined by and subject to the provisions of section 122-669.
- (5) Permitted signs, private off street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.
- (6) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.
- (7) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.
- (8) Gardens/community gardens.

Sec. 122-294. Special uses.

(Ord. No. 626A, § 5.46, 7-15-1994; Ord. No. 988, 12-2-2003; Ord. No. 1024, 12-6-2005; Ord. No. 1033, 3-21-2006)

The following uses may be permitted in an R3 multiple family medium density residential districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:

- (1) ~~Bed and breakfast lodgings, subject to the provisions in section 122-778.~~
- (2) ~~Child care centers and day care centers (not including dormitories), when not operated on the grounds of a private or public school or church/synagogue, subject to the provisions in section 122-779.~~
- (3) ~~Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the provisions in section 122-780.~~
- (4) ~~Community garages, subject to the provisions in section 122-781.~~
- (5) ~~Community parking lots, subject to the provisions in section 122-782.~~
- (6) ~~Dormitories, convents or similar uses serving a permitted use on the same or contiguous lot, provided that such facilities shall have minimum side yard setbacks of ten feet.~~
- (7) ~~General hospitals, subject to the provisions in section 122-788.~~
- (8) ~~Medical or dental offices or clinics.~~
- (9) ~~Senior citizen's housing, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.~~
- (10) ~~Multiple apartment dwellings of more than four but not more than six dwelling units.~~
- (11) ~~Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.~~
- (12) ~~Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.~~
- (13) ~~Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- (14) ~~Restoration or replacement of legal non-conforming multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-812 in reviewing such application to restore a legally non-conforming multiple apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.~~
- (15) ~~Public and private educational institutions of post secondary education, subject to the specific provisions in section 122-805.~~
- (16) ~~Roominghouses containing no more than six units, subject to the specific provisions of section 122-804.~~
- (17) ~~Schools: Elementary, junior and senior high schools, public, parochial, and private, subject to the specific provisions in section 122-805. It is not intended that a special use permit be required for the home education of children belonging to a family living on the premises.~~
- (18) ~~Supportive Housing, subject to the special provisions in section 122-811.~~

~~Sec. 122-295. Area regulations.~~

~~No building or structure nor any enlargement thereof in an R3 multiple family medium density residential district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- (1) ~~*Lot area and width.* In an R3 district, no lot shall have a width of less than 45 feet. Lots with nonparallel sides shall not be less than the minimum width at 20 and 50 feet from the front lot line. No lot shall contain less than the minimum area in accordance with the following requirements:~~
 - a. ~~Single family dwelling: 4,500 square feet.~~
 - b. ~~Two family dwelling and roominghouses with four or fewer units: 6,000 square feet.~~
 - c. ~~Multiple apartment dwellings and roominghouses with more than four units: 8,000 square feet.~~
- (2) ~~*Front yard.* There shall be a front yard of not less than 20 feet as measured from the front lot line. Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the~~

~~frontage within the same block on the same side of the street, the depth of the front yard shall not be less than the average depth of the front yards of the existing buildings on each side.~~

- ~~(3) *Side yards.* For single and two family dwellings and roominghouses with four or fewer units, no side yard shall be less than four feet, with a minimum total of 12 feet for both side yards. For multiple apartment dwellings and roominghouses with more than four units and for nonresidential uses, no side yard shall be less than six feet with a minimum total of 14 feet for both sides; provided that the minimum side yard requirements shall be increased one foot for every two feet the structure exceeds 30 feet in height.~~
- ~~(4) *Street side yard.* Where a side yard abuts a street, the minimum width of such street side yard shall be eight feet.~~
- ~~(5) *Rear yard.* There shall be a rear yard of not less than 25 feet.~~
- ~~(6) *Maximum lot coverage.* The maximum coverage by all structures on the ground level shall not exceed 40 percent of the lot area.~~

~~Sec. 122-296. Height regulations.~~

~~No building or structure in the R3 multiple family medium density residential district shall exceed 40 feet in height or three stories, whichever is less. See section 122-640 for exceptions to height regulations.~~

~~Sec. 122-297. Minimum floor area.~~

- ~~(a) *Dwelling units.* Each dwelling unit in the R3 multiple family medium density residential district shall have the minimum usable floor area as follows:~~

Dwelling Unit	Minimum Usable Floor Area Per Unit (Square Feet)
Single family dwelling	720
Two family dwelling	720
Efficiency/studio unit	350
One bedroom unit	450
Two bedroom unit	650
Three bedroom unit	850
Plus 150 square feet per bedroom over 3 bedrooms.	

- ~~(b) *Sleeping rooms.* The floor area of sleeping rooms and common areas within a roominghouse are subject to the specific standards in section 122-804.~~

~~Sec. 122-298. Development standards.~~

- ~~(a) *Site plan review.* In the R3 multiple family medium density residential district, site plan review and approval is required for all uses except detached single family and two family residential uses in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in the R3 multiple family medium density residential district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-299 – 122-310. Reserved.~~

**DIVISION 5.
R4 MULTIPLE FAMILY HIGH DENSITY
RESIDENTIAL DISTRICT**

Sec. 122 311. Description and purpose.

The R4 multiple family high density residential district is designed to allow a high density residential development designed specifically for apartments, condominiums, and townhouses. The R4 multiple family high density residential district is often located adjacent to high traffic generators and major thoroughfares, and will generally serve as zones of transition between nonresidential districts and lower density residential uses. The R4 multiple family high density residential district is designed to insure sound development policies for areas having a concentration of multifamily units, while assuring an adequate supply of apartments.

Sec. 122 312. Permitted uses.

(Ord. No. 626A, § 5.54, 7-15-1994)

In R4 multiple family high density residential districts, no uses shall be permitted except the following:

- ~~(1) Essential services.~~
- ~~(2) Manufactured housing located and installed according to the same standards that would apply to a site built, single- or two-family dwelling on the same lot.~~
- ~~(3) Multiple apartment dwellings of not more than six dwelling units (Refer to the definition of "dwelling, multiple apartment" in section 122 2.)~~
- ~~(4) Single family detached dwelling units.~~
- ~~(5) Two family dwellings.~~

Sec. 122 313. Permitted accessory uses.

(Ord. No. 626A, § 5.55, 7-15-1994; Ord. No. 1059, § 1-2007; Ord. No. 1183A, 4/2013)

In R4 multiple family high density residential districts, uses or structures accessory to and customarily incidental to any permitted or special uses shall be permitted subject to the restrictions of the district regarding lot coverage, height and setbacks, and the restrictions in article XI, division 2 of this chapter regarding accessory structures and uses, including but not necessarily limited to:

- ~~(1) Clubhouse or similar social facility for apartment complexes with 25 units or more, provided that such clubhouse is located at least 50 feet from any property located in an R1 or R2 district.~~
- ~~(2) Communication devices, subject to the provisions of article XI, division 3 of this chapter.~~
- ~~(3) Family day care homes, group day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122 773.~~
- ~~(4) Garage and/or carport, provided that:~~
 - ~~a. For each detached single family use, a maximum of one garage and/or one carport, with a capacity of no more than three automobiles per garage or carport; provided that the total combined capacity of all garages and carports may not exceed four automobiles.~~
 - ~~b. For each two family or multiple apartment use, the capacity of all garages and/or carports shall not exceed two automobiles per each efficiency, one bedroom or two bedroom dwelling unit; or three automobiles per each dwelling unit with three or more bedrooms.~~
 - ~~c. For each roominghouse use, the capacity of all garages and/or carports shall not exceed one automobile per sleeping room.~~
- ~~(5) Home occupations, as defined by and subject to the provisions of section 122 669.~~
- ~~(6) Permitted signs, private off-street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.~~
- ~~(7) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.~~
- ~~(8) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.~~
- ~~(9) Gardens/community gardens.~~

Sec. 122 314. Special uses.

The following uses may be permitted in the R4 multiple family high density residential district, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:

- ~~(1) Adult foster care small and large group homes, and adult foster care congregate facilities, subject to the specific provisions in section 122-773.~~
- ~~(2) Bed and breakfast lodgings, subject to the specific provisions in section 122-778.~~
- ~~(3) Child care centers and day care centers (not including dormitories), when not operated on the grounds of a private or public school or church/synagogue, subject to the specific provisions in section 122-779.~~
- ~~(4) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the specific provisions in section 122-780.~~
- ~~(5) Community garages, subject to the specific provisions in section 122-781.~~
- ~~(6) Community parking lots, subject to the specific provisions in section 122-782.~~
- ~~(7) Dormitories, convents or similar uses serving a permitted use on the same or contiguous lot, provided that such facilities shall have minimum side yard setbacks of ten feet.~~
- ~~(8) Fraternities or sororities, when not operated as a business or for profit, subject to the specific provisions in section 122-787.~~
- ~~(9) General hospitals, subject to the specific provisions in section 122-788.~~
- ~~(10) Medical or dental offices or clinics.~~
- ~~(11) Senior citizen's housing, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.~~
- ~~(12) Multiple apartment dwellings of more than six dwelling units, subject to the specific provisions in section 122-794.~~
- ~~(13) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.~~
- ~~(14) Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.~~
- ~~(15) Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- ~~(16) Public and private educational institutions of post secondary education, subject to the specific provisions in section 122-805.~~
- ~~(17) Roominghouses, subject to the specific provisions of section 122-804.~~
- ~~(18) Schools: Elementary, junior and senior high schools, public, parochial, and private, subject to the specific provisions in section 122-805. However, it is not intended that a special use permit be required for the home education of children belonging to the family living on a premises.~~
- ~~(19) Supportive Housing, subject to the special provisions in section 122-811.~~

~~Sec. 122-315. Area regulations.~~

No building or structure nor any enlargement thereof in the R4 multiple family high density residential district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:

- ~~(1) Lot area and width.~~ In an R4 district, no lot shall have a width of less than 45 feet. Lots with nonparallel sides shall not be less than the minimum width at 25 and 50 feet from the front lot line. No lot shall contain less than the minimum area in accordance with the following requirements:
 - ~~a. Single family detached dwelling: 4,500 square feet.~~
 - ~~b. Two family dwellings and roominghouses containing four or fewer units: 6,000 square feet.~~
 - ~~c. Multiple apartment dwellings containing three or more units and roominghouses containing greater than four units: The minimum lot size for these uses shall be the greater of:~~

1. ~~Eight thousand square feet; or~~
 2. ~~Computed on the following basis:~~
 - i. ~~Each sleeping room, efficiency or studio apartment, or one bedroom apartment shall have 1,000 square feet of lot area;~~
 - ii. ~~Each apartment with two or more bedrooms shall have 1,500 square feet of lot area;~~
 - iii. ~~Apartment or roominghouse floor plans showing a "den," "library," or other extra room which includes a closet or built in storage drawers, not a book case, shall be considered a bedroom or sleeping room and shall count such extra room as a bedroom or sleeping room for the purpose of computing density.~~
- (2) ~~Maximum lot coverage.~~ The maximum coverage of all structures on the ground level shall not exceed 45 percent of the lot area.
- (3) ~~Front yard.~~ There shall be a front yard of not less than 25 feet as measured from the front lot line; however, for property located on land which was originally subdivided prior to December 15, 1953, and where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard shall not be less than the average depth of the front yards of the existing buildings on each side.
- (4) ~~Side yards.~~ For single and two family dwellings, and for roominghouses with four or fewer units, no side yard shall be less than four feet, with a minimum total of 12 feet for both side yards. For multiple apartment dwellings, for roominghouses containing more than four units, and for nonresidential uses; no side yard shall be less than six feet, with a minimum total of 14 feet for both sides; provided that the minimum side yard requirements shall be increased by one foot for every two feet the structure exceeds 30 feet in height.
- (5) ~~Street side yard.~~ Where a side yard abuts a street, the minimum depth of such street side yard for single and two family dwellings shall be eight feet, and for all other uses shall be 15 feet.
- (6) ~~Distance between buildings.~~ The minimum distance between two multiple family dwellings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus one additional foot for every two feet the building exceeds 20 feet in height.
- (7) ~~Rear yard.~~ There shall be a rear yard of not less than 25 feet.
- (8) ~~Setback from R1 and R2 district.~~ Unless a stricter setback is provided for elsewhere in this chapter, a minimum setback of 25 feet shall be maintained along all property lines where a multiple apartment, roominghouse, or nonresidential use abuts directly upon an R1 or R2 zoned district. Such requirement does not apply if the site is separated from an R1 or R2 district by a public street.

Sec. 122-316. Height regulations.

No building or structure in the R4 multiple family high density residential district shall exceed 65 feet in height or six stories, whichever is less. See section 122-640 for exceptions to height regulations.

Sec. 122-317. Minimum floor area.

- (a) ~~Dwelling units.~~ Each dwelling unit in the R4 multiple family high density residential district shall have the minimum usable floor area as follows:

Dwelling Unit	Minimum Usable Floor Area Per Unit (Square Feet)
Single family dwelling	720
Two family dwelling	720
Efficiency/studio unit	350
One bedroom unit	450
Two bedroom unit	650
Three bedroom unit	850
Plus 150 square feet per bedroom over 3 bedrooms.	

- (b) ~~Sleeping rooms.~~ The floor area of sleeping rooms and common areas within a roominghouse are subject to the specific standards in section 122-804.

Sec. 122-318. Development standards.

- ~~(a) *Site plan review.* In R4 multiple family high density residential districts, site plan review and approval is required for all uses except detached single and two family residential uses in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in R4 multiple family high density residential districts shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs, and flood damage prevention.~~

~~**Secs. 122-319 – 122-330. Reserved.**~~

DIVISION 6

RO RESIDENTIAL OFFICE DISTRICTS

~~Sec. 122-331. Description and purpose.~~

- ~~(a) The RO residential office district is designed to allow a transition zone from strictly residential areas to strictly business areas. The RO residential office district is designed to protect the city's residential neighborhoods while at the same time encouraging expansion of compatible businesses.~~
- ~~(b) It is the further intent of the RO residential office district to aid in the preservation and stabilization of property values. To this end, it is the intention that new buildings or the conversion and alteration of existing buildings be compatible by means of landscaping, open space, and architectural treatment with neighboring residences.~~

Sec. 122-332. Permitted uses.

(Ord. No. 626A, § 5.64, 7-15-1994; Ord. No. 1114, 11-17-2009)

~~In RO residential office districts, no uses shall be permitted except the following:~~

- ~~(1) Arts and crafts studios and schools.~~
- ~~(2) Business and professional offices and services, not including manufacturing, warehousing, retail sales, or display. Such uses may include, but are not limited to:~~
 - ~~a. Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies, or commercial or industrial establishments.~~
 - ~~b. Offices for legal, engineering, architectural, consulting, accounting, auditing, and bookkeeping services and similar professions.~~
 - ~~c. Governmental administrative offices.~~
 - ~~d. Business services such as consumer credit bureaus and office support services.~~
 - ~~e. Offices of health professionals, but not including medical or dental clinics or veterinary clinics. (See definition of "Medical or dental clinic" in section 122-2.)~~
 - ~~f. Administrative offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations, not including social services, drug or alcohol treatment facilities.~~
- ~~(3) Essential services.~~
- ~~(4) Manufactured housing located and installed according to the same standards that would apply to a site built, single- or two-family dwelling on the same lot.~~
- ~~(5) Multiple apartment dwellings of not more than six dwelling units (Refer to the definition of "dwelling, multiple apartment" in section 122-2.)~~
- ~~(6) Single-family detached dwelling units.~~
- ~~(7) Two-family dwellings.~~

Sec. 122-333. Permitted accessory uses.

(Ord. No. 626A, § 5.65, 7-15-1994; Ord. No. 1059, 5-1-2007; Ord. No. 1183A, 4/2013)

~~In RO residential office districts, uses or structures accessory to and customarily incidental to any permitted uses in section 122-332 shall be permitted, including but not necessarily limited to:~~

- ~~(1) Clubhouse or similar social facility for apartment complexes with 25 units or more, provided that such clubhouse is located at least 50 feet from any interior lot line which abuts property located in an R1 or R2 district.~~
- ~~(2) Communication devices, subject to the provisions of article XI, division 3 of this chapter.~~
- ~~(3) Family day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122-773.~~
- ~~(4) Garage and/or carport, provided that:~~

- ~~a. For each detached single family use, a maximum of one garage and/or one carport, with a capacity of no more than three automobiles per garage or carport; provided that the total combined capacity of all garages and carports may not exceed four automobiles.~~
- ~~b. For each two family or multiple apartment use, the capacity of all garages and/or carports shall not exceed two automobiles per each efficiency, one bedroom or two bedroom dwelling unit; or three automobiles per each dwelling unit with three or more bedrooms.~~
- ~~c. For each roominghouse use, the capacity of all garages and/or carports shall not exceed one automobile per sleeping room.~~
- ~~d. For each nonresidential use, the number and size of garages and/or carports shall be limited to the setback and lot coverage requirements of this division.~~
- ~~(5) Home occupations, when carried on within a structure which is principally used as a residence, as defined by and subject to the provisions of section 122-669.~~
- ~~(6) Permitted signs, private off street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.~~
- ~~(7) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.~~
- ~~(8) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.~~
- ~~(9) Gardens/community gardens.~~

Sec. 122-334. Special uses.

(Ord. No. 626A, 5-5-66; 7-15-1994; Ord. No. 833, 3-18-1996; Ord. No. 851, 2-18-1997; Ord. No. 1059, 5-1-2007; Ord. No. 1078, 2-5-2008; Ord. No. 1114, 11-17-2009; Ord. No. 1117, 6-1-2010)

~~The following uses may be permitted in RO residential office districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposed of this chapter, and the procedures set forth in article V of this chapter:~~

- ~~(1) Adult drop in centers.~~
- ~~(2) Adult foster care small and large group homes, and adult foster care congregate facilities, subject to the specific provisions in section 122-773.~~
- ~~(3) Bed and breakfast lodgings, subject to the specific provisions in section 122-778.~~
- ~~(4) Child care centers and day care centers (not including dormitories), when not operated on the grounds of a private or public school or church/synagogue, subject to the specific provisions in section 122-779.~~
- ~~(5) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the specific provisions in section 122-780.~~
- ~~(6) Community garages, subject to the specific provisions in section 122-781.~~
- ~~(7) Community parking lots, subject to the specific provisions in section 122-782.~~
- ~~(8) Cultural exhibit and performance venues.~~
- ~~(9) Dormitories, convents or similar uses serving a permitted use on the same or a contiguous lot, provided that such facilities shall have minimum side yard setbacks of ten feet.~~
- ~~(10) Funeral or mortuary establishments, provided that adequate assembly area is provided off street for vehicles to be used in funeral processions~~
- ~~(11) General hospitals, subject to the specific provisions in section 122-788.~~
- ~~(12) Housing for the elderly, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.~~
- ~~(13) Medical or dental clinics or counseling centers, subject to the provisions in section 122-793.~~
- ~~(14) Multiple apartment dwellings of more than six dwelling units, subject to the specific provisions in section 122-794.~~
- ~~(15) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.~~

- (16) ~~Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.~~
- (17) ~~Private clubs or lodges, not including bar/lounge facilities or banquet facilities.~~
- (18) ~~Private educational institutions of post-secondary education, subject to the specific provisions in section 122-805.~~
- (19) ~~Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- (20) ~~Schools: Elementary, junior and senior high schools, public, parochial, and private (not including home education of children belonging to the family residing on the premises), subject to the specific provisions in section 122-805.~~
- (21) ~~Substance abuse treatment facilities subject to the specific provisions in section 122-808.~~

~~Sec. 122-335. Area regulations.~~

~~No building or structure nor any enlargement thereof in the RO residential office district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- (1) ~~*Lot area and width.* In an RO residential office district, no lot shall have a minimum width of less than 45 feet. Lots with nonparallel sides shall not be less than the minimum width at 20 and 50 feet from the front lot line. No lot shall contain less than the minimum area in accordance with the following requirements:~~
 - a. ~~Single family dwelling: 4,500 square feet.~~
 - b. ~~Two family dwellings and roominghouses containing four or fewer units: 6,000 square feet.~~
 - c. ~~Multiple apartment dwellings containing three or more units and roominghouses containing more than four units: The minimum lot size for these uses shall be the greater of:~~
 - 1. ~~Eight thousand square feet; or~~
 - 2. ~~Computed on the following basis:~~
 - i. ~~Each sleeping room, efficiency or studio apartment, or one bedroom apartment shall have 1,000 square feet of lot area;~~
 - ii. ~~Each apartment with two or more bedrooms shall have 1,500 square feet of lot area;~~
 - iii. ~~Apartment or roominghouse floor plans showing a "den," "library," or other extra room which may be used as a bedroom or sleeping room shall count such extra room as a bedroom or sleeping room for the purpose of computing density.~~
 - d. ~~The minimum lot size for nonresidential uses, unless otherwise specified in this chapter, shall be limited by the restrictions governing lot coverage, setbacks, screening, and parking requirements.~~
- (2) ~~*Lot coverage.* The total area of all structures at the ground floor level shall not exceed 45 percent of the lot area.~~
- (3) ~~*Front yard.* There shall be a front yard of not less than 20 feet as measured from the front lot line.~~
- (4) ~~*Side yards.* For single and two family dwellings and roominghouses containing four or fewer units, no side yard shall be less than four feet, with a minimum total of 12 feet for both side yards. For multiple apartment dwellings and for roominghouses containing more than four units and for nonresidential uses, no side yard shall be less than six feet, with a minimum total of 14 feet for both sides, provided that the minimum side yard requirements shall be increased by one foot for every two feet the structure exceeds 30 feet in height.~~
- (5) ~~*Street side yard.* Where a side yard abuts a street, the minimum depth of such street side yard shall be 15 feet.~~
- (6) ~~*Distance between buildings.* The minimum distance between two multiple family dwellings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds 2 ½ stories.~~
- (7) ~~*Rear yard.* There shall be a rear yard of not less than 25 feet.~~
- (8) ~~*Setback from R1 and R2 district.* Unless a stricter setback is provided elsewhere in this chapter, a minimum setback of 25 feet shall be maintained along all property lines where a multiple apartment, roominghouse, or nonresidential use abuts directly upon an R1 or R2 zoned district. Such requirement does not apply if the site is separated from an R1 or R2 district by a public street.~~

~~Sec. 122-336. Height regulations.~~

No building or structure in an RO residential office district shall exceed 65 feet in height or six stories, whichever is less. See section 122-640 for exceptions to height regulations.

Sec. 122-337. Minimum floor area.

- (a) ~~Dwelling unit.~~ Each dwelling unit in an RO residential office district shall have the minimum usable floor area as follows:

Dwelling Unit	Minimum Usable Floor Area Per Unit (Square Feet)
Single-family dwelling	720
Two-family dwelling	720
Efficiency/studio unit	350
One-bedroom unit	450
Two-bedroom unit	650
Three-bedroom unit	850
Plus 150 square feet per bedroom over 3 bedrooms.	

- (b) ~~Sleeping rooms.~~ The floor area of sleeping rooms and common areas within a roominghouse are subject to the specific standards in section 122-804.

Sec. 122-338. Development standards.

- (a) ~~Site plan review.~~ In the RO residential office district site plan review and approval is required for all uses except detached single- and two-family residential uses in accordance with article IV of this chapter.
- (b) ~~General standards.~~ Buildings and uses in the RO residential office district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.

Secs. 122-339 – 122-350. Reserved.

DIVISION 7.

B1 NEIGHBORHOOD BUSINESS DISTRICT*

*Cross reference(s)–Businesses, ch. 22.

Sec. 122-351. — DESCRIPTION AND PURPOSE.

The Neighborhood Business District is intended to provide for the convenience shopping of persons living in nearby neighborhood residential areas and for general uses and activities of a retail and personal service character. Only those uses which are necessary to satisfy the local needs, and which occur so frequently as to require commercial facilities in proximity to residential areas, should be permitted. In addition, low intensity business and professional offices may be allowed. Each use within this district shall be no larger than 3,000 square feet for a single business occupant development and no larger than a total of 5,000 square feet for a multi tenant business development. The Planning Commission shall be authorized to allow an additional 1,000 square feet of building size for projects consistent with the character and intent of the section.

Sec. 122-352. Permitted Uses.

(Ord. No. 626A, § 5.74, 7-15-1994; Ord. No. 918, 7-18-2000; Ord. No. 1070, 9-4-2007; Ord. No. 1114, 11-17-2009; Ord. No. 1183A, 4/2013)

In the B1 District no use shall be permitted except the following:

- (1) ~~Antique, consignment and resale stores.~~
- (2) ~~An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards~~
- (3) ~~Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business as provided under Article XIII.~~
- (4) ~~Arts and crafts studios and schools.~~
- (5) ~~Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to:~~
 - (a) ~~Business offices of an advertising, real estate, insurance or travel agency, and other similar business offices.~~
 - (b) ~~Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions.~~
 - (c) ~~Governmental administrative offices.~~
 - (d) ~~Business services such as consumer credit bureaus and office support services.~~
 - (e) ~~Administrative offices of non profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.~~
- (6) ~~Computer sales/services.~~
- (7) ~~Essential services.~~
- (8) ~~Financial institutions, including banks, credit unions and savings and loan associations, provided that no drive-through facilities are permitted.~~
- (9) ~~Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated Laundromats, self serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- (10) ~~Medical or dental offices or clinics.~~
- (11) ~~Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, small appliance repair without installation, or similar personal service shops.~~
- (12) ~~Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted:~~
 - (a) ~~Carryout and/or delivery, with no drive through facilities.~~
 - (b) ~~Sit down, with a total seating capacity of not more than fifty (50) seats, and drive through facilities.~~

~~(13) Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as:~~

- ~~(a) Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. Retail sale of poultry, fish, and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.~~
- ~~(b) Retail stores which sell personal use items such as drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies, florists shops, artist's supplies, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, toys, and similar products.~~

~~(14) Video rental and sales establishments.~~

~~(15) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.~~

~~Sec. 122-353. Special Uses.~~

~~(Ord. No. 626A, 5-75; 7-15-1994; Ord. No. 833, 3-19-1996; Ord. No. 851, 2-18-1997; Ord. No. 918, 7-19-2000; Ord. No. 1038, 4-18-2006; Ord. No. 1117, 6-1-2010; Ord. No. 1183A, 4/2013)~~

~~The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article V.~~

- ~~(1) Any establishment intending to operate between 12 a.m. and 6 a.m. during any 24 hour period.~~
- ~~(2) Gas stations and automotive service stations which provide minor repair only as defined in Section 122-2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick oil change facilities are not permitted.~~
- ~~(3) Catering services and the manufacture of food products including brewing and distilling.~~
- ~~(4) Child care or day care centers (not including dormitories), licensed by the State of Michigan, subject to the specific provisions in Section 122-779.~~
- ~~(5) Churches, Synagogues, and other Religious Facilities and Services, subject to Specific Provisions of Section 122-780.~~
- ~~(6) Funeral or mortuary establishments, provided that adequate assembly area is provided off street for vehicles to be used in funeral processions.~~
- ~~(7) Personal service establishments such as a photocopy services and photo developing centers.~~
- ~~(8) Private non-commercial recreational areas or social facilities, institutional or community recreational centers, subject to the Specific Provisions in Section 122-802.~~
- ~~(9) Restaurants. Sit down restaurants with more than fifty (50) seats, provided that the establishment has access to a major thoroughfare in accordance with Section 122-642, and does not have a drive through facility.~~
- ~~(10) Retail businesses which sell alcoholic beverages, but not including alcoholic beverages for consumption on the premises.~~
- ~~(11) Veterinary hospitals and clinics, subject to Specific Provisions of Section 122-809.~~

~~Sec. 122-354. Area regulations.~~

~~No building or structure nor any enlargement thereof in a B1 neighborhood business district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area, width and building coverage. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off street parking, loading, screening, and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 20 feet. In the B1 district, except as otherwise provided in this chapter, off street parking may be permitted in any required or nonrequired yard areas, provided that such parking lot is located no closer than ten feet to any street~~

~~right of way line and that a greenbelt is maintained between any parking lot and street right of way in accordance with subsection 122-835(11) b.~~

- ~~(3) *Side yards.* No side yards are required along the interior side lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~
- ~~(4) *Street side yard.* On a corner lot, the street side yard setback shall conform to the requirements for a front yard in the B1 district. A minimum four foot six inch wide greenbelt shall be maintained along a side yard street bordering a residential district in accordance with section 122-835 (11) b.~~
- ~~(5) *Courtyards.* Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.~~
- ~~(6) *Rear yards.* There shall be a rear yard of not less ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet shall be provided and maintained and shall start at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of the alley, if no wall or fence is constructed along the rear property line.~~
- ~~(7) *Abutting a residential district.* Notwithstanding the above, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district, unless the adjacent residential district is separated by a street right of way. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as per section 122-703.~~

~~Sec. 122-355. Height regulations.~~

~~No building or structure in a B1 neighborhood business district shall exceed 30 feet or two stories, whichever is less. See section 122-640 for height exceptions.~~

~~Sec. 122-356. Development standards.~~

- ~~(a) *Site plan review.* Site plan review and approval are required for uses in the B1 neighborhood business district, in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in the B1 neighborhood business district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-357 – 122-370. Reserved.~~

DIVISION 8: B2 COMMUNITY BUSINESS DISTRICT*

*Cross reference(s)–Businesses, ch. 22.

Sec. 122-371. Description and purpose.

The Community Business District is intended to provide for major retail shopping areas outside the downtown area. These districts include commercial property existing along the major streets and thoroughfares of the city, and may contain building areas which are generally larger in size than what is allowed in the B1 zoning district. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer, and are to be limited in hours of operation.

Sec. 122-372. Permitted Uses.

(Ord. No. 626A, § 5-82, 7-15-1994; Ord. No. 833, 3-18-1996; Ord. No. 843, 8-7-1996; Ord. No. 918, 7-18-2000; Ord. No. 1038, 4-18-2006; Ord. No. 1114, 11-17-2009; Ord. No. 1134, 10-5-2010; Ord. No. 1137, 10-7-2010; Ord. No. 1183A, 4/2013)

In the B2 District no uses shall be permitted except the following:

- ~~(1) Adult drop in centers~~
- ~~(2) Antique, consignment and resale stores.~~
- ~~(3) An apartment house of not more than four (4) apartments located in an existing building originally constructed for residential purposes. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.~~
- ~~(4) Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-317, and adequate parking for apartments is provided in addition to the required parking for business use as provided under Article XIII.~~
- ~~(5) Arts and crafts studios and schools.~~
- ~~(6) Auction house, subject to the specific provisions in section 122-813.~~
- ~~(7) Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.~~
- ~~(8) Business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to:~~
 - ~~(a) Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies or commercial or industrial establishments.~~
 - ~~(b) Offices for legal, engineering, architecture, consulting, accounting, auditing, tax preparation, bookkeeping services, and similar professions.~~
 - ~~(c) Governmental administrative offices.~~
 - ~~(d) Business services such as consumer credit bureaus and office support services.~~
 - ~~(e) Offices of health professionals.~~
 - ~~(f) Administrative offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations.~~
- ~~(9) Business, trade and professional schools~~
- ~~(10) Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.~~
- ~~(11) Essential services.~~
- ~~(12) Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in Section 122-784.~~
- ~~(13) Funeral and mortuary establishments, provided that adequate assembly area is provided off street for vehicles to be used in funeral processions.~~
- ~~(14) Health and physical fitness centers, provided they are licensed.~~
- ~~(15) Inns, hotels or motels, as defined in Section 122-2, and subject to the Specific Provisions of Section 122-778.~~

- ~~(16) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- ~~(17) Medical or dental offices, clinics, or laboratories.~~
- ~~(18) Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.~~
- ~~(19) Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.~~
- ~~(20) Outdoor cafes, outdoor fast food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.~~
- ~~(21) Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo developing centers and photography studios.~~
- ~~(22) Personal service and retail establishments: electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.~~
- ~~(23) Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.~~
- ~~(24) Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.~~
- ~~(25) Radio and television studios.~~
- ~~(26) Restaurants. The following types of restaurants (or any combination thereof), as defined in Section 122-2, are permitted:~~
- ~~(a) Carryout and/or delivery: drive-through facilities are not permitted except as provided in Section 122-784.~~
- ~~(b) Fast Food, provided that the establishment fronts along a major thoroughfare, as defined in Section 122-642. Drive-through facilities are not permitted except as provided in Section 122-784.~~
- ~~(c) Sit down: Drive-through facilities are not permitted except as provided in Section 122-784.~~
- ~~(27) Retail businesses and shopping centers which are intended to supply commodities on the premises for regional customers, such as:~~
- ~~(a) Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.~~
- ~~(b) Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel, toys, and similar products.~~
- ~~(c) Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold on the premises) camera and photography supplies, sporting goods, electronics, furniture, mattresses, optical items, bicycle sales, home supply centers, paint or wallpaper stores, carpet, rug and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores.~~
- ~~(28) Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.~~
- ~~(29) Video rental establishments.~~
- ~~(30) Accessory uses customarily incidental and clearly ancillary to the above-permitted uses when in accordance with Article XI, Division 2.~~

Sec. 122-373. Special Uses.

(Ord. No. 626A, § 5.83, 7-15-1994; Ord. No. 833, 3-18-1996; Ord. No. 843, 8-7-1996; Ord. No. 851, 2-18-1997; Ord. No. 918, 7-18-2000; Ord. No. 1117, 6-1-2010; Ord. No. 1182A, 4/2013)

~~The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article V.~~

- ~~(1) Any establishment intending to operate between 2 a.m. and 6 a.m. during any 24 hour period.~~
- ~~(2) Automotive service stations which provide minor repair only, as defined in Article 2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick oil change facilities are not permitted.~~
- ~~(3) Auto rental operations, including parking, storage, washing and repair facilities.~~
- ~~(4) Catering services and the manufacture of food products including brewing and distilling.~~
- ~~(5) Child care or day care centers (not including dormitories), licensed by the State of Michigan, provided that minor children are cared for periods not longer than four (4) hours, subject to the specific provisions in Section 122-779.~~
- ~~(6) Child drop off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.~~
- ~~(7) Churches, Synagogues, and other Religious Facilities and Services, subject to Specific Provisions of Section 122-780.~~
- ~~(8) Coin operated amusement arcades, and pool and billiard halls.~~
- ~~(9) Drive in and drive through restaurants, and any type of restaurant which provides a drive through window, subject to the Specific Provisions in Section 122-784.~~
- ~~(10) Drive through facilities in combination with any kind of store, financial institution, or personal service business, subject to the Specific Provision of Section 122-784.~~
- ~~(11) Emergency shelters for the homeless, subject to the Specific Provisions in Section 122-785.~~
- ~~(12) Express and passenger terminals and express transfer facilities, subject to the Specific Provisions of Section 122-786.~~
- ~~(13) Government and community service buildings.~~
- ~~(14) Hospitals and specialty clinics.~~
- ~~(15) Outdoor retail sales and display, subject to the specific provisions in Section 122-800.~~
- ~~(16) Substance abuse treatment facilities subject to the Specific Provisions in Section 122-808.~~
- ~~(17) Wholesale/warehouse sales facilities.~~
- ~~(18) Printing shops subject to the Specific Provisions in Section 122-810.~~

~~Sec. 122-374. Area regulations.~~

~~No building or structure nor any enlargement thereof in a B2 community business district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area, width, and building coverage. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 20 feet. In the B2 district, except as otherwise provided in this chapter, off street parking may be permitted in any required or nonrequired yard areas, provided that such parking lot is located no closer than ten feet to any street right of way line and that a greenbelt is maintained between any parking lot and street right of way in accordance with subsection 122-835(11) b.~~
- ~~(3) Side yards. No side yards are required along the interior side lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~

- ~~(4) *Street side yard.* On a corner lot, the street side yard setback shall conform to the requirements for a front yard in the B2 district. A minimum four foot six inch wide greenbelt shall be maintained along a side yard street bordering a residential district in accordance with section 122-835 (11) b.~~
- ~~(5) *Courtyards.* Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.~~
- ~~(6) *Rear yards.* There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.~~
- ~~(7) *Abutting a residential district.* Notwithstanding the provisions of this section, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided by section 122-703.~~

~~Sec. 122-375. Height regulations.~~

~~No building or structure in a B2 community business district shall exceed four stories or 50 feet in height, whichever is less. See section 122-640 for height exceptions.~~

~~Sec. 122-376. Development standards.~~

- ~~(a) *Site plan review.* Site plan review and approval are required for uses in the B2 district, in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in the B2 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-377-122-390. Reserved.~~

DIVISION 9. B3-CENTRAL-BUSINESS-DISTRICT*

*Cross reference(s)–Businesses, ch. 22; residential parking in B3 zoning district, § 102-131 et seq.

Sec. 122-391. Description and purpose.

- ~~(a) The B3 central business district is designed to promote the orderly development, redevelopment, and continued maintenance of city's downtown and depot town commercial areas. These areas serve the comparison, convenience, service, and cultural needs of the entire municipal area as well as areas beyond the municipal limits.~~
- ~~(b) It is the intent of the B3 central business district to promote the development of a pedestrian accessible mixed use district, consisting of a variety of retail, office, and service uses. Because of the variety of uses permitted in the B3 district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district.~~
- ~~(c) The B3 central business district provides incentives to encourage the development of public spaces, parking arrangements, and innovative combinations of permitted uses which allow for the rehabilitation of existing structures. Parking facilities should be designed to serve the area instead of individual businesses. Automotive related services and other uses which tend to interfere with the continuity of retail frontage and hinder pedestrian circulation are prohibited.~~

Sec. 122-392. Permitted Uses.

~~(Ord. No. 626A, § 5-90, 7-15-1994; Ord. No. 833, 3-18-1996; Ord. No. 843, 8-7-1996; Ord. No. 1091, 2-3-2009; Ord. No. 1114, 11-17-2009; Ord. No. 1134, 10-5-2010; Ord. No. 1183A, 4/2013)~~

In B3 central business districts, no uses shall be permitted except the following:

- ~~(1) Adult drop in centers.~~
- ~~(2) Antique, resale, and consignment shops.~~
- ~~(3) Apartments located above the ground floor of permitted business uses, provided that the apartments meet the minimum floor area requirements of section 122-317. On site parking shall be provided for all residential uses unless the apartment unit meets the requirements for a fee in lieu of parking described in section 122-841.~~
- ~~(4) Arts and crafts studios and schools.~~
- ~~(5) Auction House, subject to the specific provisions in section 122-813.~~
- ~~(6) Bars/lounges, provided that all service occurs within a completely enclosed building.~~
- ~~(7) Body art facilities.~~
- ~~(8) Child care drop off centers, licensed by the state, where minor children are not cared for longer periods than four hours.~~
- ~~(9) Community garages or community parking lots, subject to the provisions in sections 122-781 and 122-782 respectively.~~
- ~~(9) Cultural exhibit and performance venues.~~
- ~~(10) Essential services.~~
- ~~(11) Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted except as provided in subsection 122-393(4).~~
- ~~(12) Health and physical fitness centers.~~
- ~~(13) Hotels and motels.~~
- ~~(14) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated laundromats, self-serve dry cleaning establishments and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- ~~(15) Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.~~
- ~~(16) Municipal, county or state service buildings without storage yards; and community buildings such as libraries, museums, post offices, and recreational, educational, and human service centers.~~

- ~~(17) Newspaper offices and printing shops.~~
- ~~(18) Office buildings and uses, including offices for administrative services, accounting, clerical, drafting, education, executive, insurance, tax preparation, professional real estate, research, sales agent, attorney, stock broker, technical training, stenographic, writing, medical and dental offices, and similar professional office uses.~~
- ~~(19) Organized markets such as a farmers' market.~~
- ~~(20) Outdoor cafes, outdoor fast food or sit down restaurants, and beer gardens, subject to the specific provisions of section 122-799.~~
- ~~(21) Personal service shops, such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.~~
- ~~(22) Private and community service clubs, lodges, banquet halls, and meeting halls.~~
- ~~(23) Public or commercial schools and colleges and other such institutions of learning offering courses in general or technical training, such as business and technical schools, and similar schools, not including dormitories.~~
- ~~(24) Restaurants: The following types of restaurants, or any combination thereof, are permitted:~~
 - ~~a. Carry out and/or delivery, with no facilities for consumption on the premises. Drive through facilities are not permitted.~~
 - ~~b. Fast food: Drive through facilities are not permitted.~~
 - ~~c. Sit down: Drive through facilities are not permitted. A bar/lounge is permitted as an accessory use.~~
- ~~(25) Retail businesses which are intended to supply commodities on the premises for regional customers in a central business location, such as:~~
 - ~~a. Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish, and game (provided o slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.~~
 - ~~b. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.~~
 - ~~c. Retail stores which offer comparison goods completely within a fully enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items, and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building.~~
 - ~~d. Variety and department stores which sell a large variety of comparison goods, such as personal and specialty items, at retail.~~
- ~~(26) Video rental establishments.~~
- ~~(27) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.~~

~~Sec. 122-393. Special Uses.~~

(Ord. No. 626A, § 5.91, 7-15-1994; Ord. No. 843, 8-7-1996; Ord. No. 1001, 2-3-2009)

~~The following uses may be permitted in B3 central business districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:~~

- ~~(1) Coin operated amusement arcades, and pool and billiard halls.~~

- ~~(2) Emergency shelters for the homeless, located above the ground floor of permitted business uses, subject to the specific provisions in section 122-785.~~
- ~~(3) Express and passenger terminals and express transfer facilities, subject to the specific provisions in section 122-786.~~
- ~~(4) Financial institutions which provide drive through facilities, subject to the specific provisions in section 122-784.~~
- ~~(5) General hospitals, subject to the specific provisions in section 122-788.~~
- ~~(6) Housing for the elderly, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.~~

~~Sec. 122-394. Area regulations.~~

~~No building or structure nor any enlargement thereof in a B3 central business district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area and width. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. Where all frontage on the same side of a street between two intersecting streets is located entirely within business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than five feet.~~
- ~~(3) Side yards. No side yards are required along the interior side lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~
- ~~(4) Street side yard. In the B3 central business district the street side yard setback on a corner lot shall follow the requirements of subsection (2) of this section.~~
- ~~(5) Courtyards. Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.~~
- ~~(6) Rear yards. There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.~~
- ~~(7) Abutting a residential district. Notwithstanding the above, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as per section 122-703.~~

~~Sec. 122-395. Height regulations.~~

~~No building or structure in a B3 central business district shall exceed six stories or 75 feet in height, whichever is less. See section 122-640 for height exceptions.~~

~~Sec. 122-396. Development standards.~~

- ~~(a) Site plan review. Site plan review and approval are required for uses in the B3 district in accordance with article IV of this chapter.~~
- ~~(b) General standards. Buildings and uses in the B3 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-397 – 122-410. Reserved.~~

DIVISION 10. B4-GENERAL BUSINESS DISTRICT*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-411. Description and purpose.

- (a) ~~The B4 general business district is designed to provide for a variety of commercial uses, including more intensive commercial uses not permitted in the B1, B2, and B3 districts and which can be incompatible with pedestrian movement. The B4 general business district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire city and a substantial area of surrounding region beyond the municipal limits and, therefore, are located so as to serve passing traffic.~~
- (b) ~~Because of the variety of business types permitted in the B4 general business district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. General commercial facilities should be compatible in design with adjacent commercial development.~~

Sec. 122-412. Permitted uses.

~~(Ord. No. 626A, § 5-98, 7-15-1994; Ord. No. 833, 3-18-1996; Ord. No. 843, 8-7-1996; Ord. No. 918, 7-18-2000; Ord. No. 1091, 2-3-2009; Ord. No. 1114, 11-17-2009; Ord. No. 1134, 10-5-2010; Ord. No. 1137, 10-7-2010; Ord. No. 1183A, 4/2013)~~

In B4 general business districts, no uses shall be permitted except the following:

- (1) ~~Adult drop in centers.~~
- (2) ~~Antique, consignment, and resale stores.~~
- (3) ~~An apartment house of not more than four apartments located in an existing building originally constructed for residential purposes; provided, however, that the building originally constructed for residential purposes which has been totally converted to a commercial use may not be reconverted to residential use, in whole or in part. Rooming houses are not permitted. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards. (Ord. No. 918, 8-4-2000)~~
- (4) ~~Arts and crafts studios and schools.~~
- (5) ~~Auction House, subject to the specific provisions in section 122-813.~~
- (6) ~~Automobile sales: showrooms, salesrooms, or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).~~
- (7) ~~Automobile service stations and repair garages which provide minor repair only, subject to the specific standards in section 122-776.~~
- (8) ~~Bar/lounge, provided that all service occurs within a completely enclosed building.~~
- (9) ~~Body art facilities.~~
- (10) ~~Catering services and the manufacture of food products including brewing and distilling.~~
- (11) ~~Child care centers (not including dormitories), subject to the specific provisions in section 122-779.~~
- (12) ~~Child care drop-off centers, licensed by the state, where minor children are not cared for longer periods than four hours.~~
- (13) ~~Community garages or community parking lots, subject to the specific provisions in sections 122-781 and 122-782 respectively.~~
- (14) ~~Essential services.~~
- (15) ~~Financial institutions, including banks, credit unions, and savings and loan associations. Drive through facilities are permitted, subject to the specific provision in section 122-784.~~
- (16) ~~Funeral and mortuary establishments, provided that adequate assembly area is provided off street for vehicles to be used in funeral processions.~~
- (17) ~~Health and physical fitness centers.~~
- (18) ~~Hotels and motels.~~

- (19) ~~Indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, provided that public access to the site shall be located at least 75 feet from any intersection (as measured from the nearest right of way line to the edge of such access) and that the main and accessory buildings shall be located a minimum of 100 feet from any residential district or use.~~
- (20) ~~Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- (21) ~~Medical Marijuana Dispensary, subject to the specific provisions in section 122-814.~~
- (22) ~~Medical or dental offices, clinics, or laboratories.~~
- (23) ~~Offices for business and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to the following:~~
- ~~a. Business offices of a public utility, transportation authority, advertising, real estate, insurance, travel agencies, or commercial or industrial establishments.~~
 - ~~b. Offices for legal, engineering, architectural, consulting, accounting, auditing, and bookkeeping services and similar professions.~~
 - ~~c. Governmental administrative offices.~~
 - ~~d. Business services such as consumer credit bureaus and office support services.~~
 - ~~e. Administrative offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations, not including provision of social services or substance abuse treatment facilities.~~
- (24) ~~Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the specific provisions in section 122-797.~~
- (25) ~~Outdoor cafes, outdoor fast food or sit-down restaurants, and beer gardens, subject to the specific provisions of section 122-799.~~
- (26) ~~Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.~~
- (27) ~~Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.~~
- (28) ~~Private service clubs, lodges, banquet halls, and meeting halls.~~
- (29) ~~Radio and television studios.~~
- (30) ~~Refreshment stands.~~
- (31) ~~Restaurants, including carry-out or delivery, sit-down, or fast food, or any combination thereof. Drive-through facilities are permitted subject to the provisions in section 122-783.~~
- (32) ~~Retail businesses which are intended to supply commodities on the premises for regional customers, such as:~~
- ~~a. Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided no slaughtering is allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.~~
 - ~~b. Retail stores which sell personal use items such as drugs, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies, artist's supplies, gifts, jewelry, records and video cassette sales, flowers, shoes, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.~~
 - ~~c. Retail stores which offer comparison goods completely within a fully enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and~~

~~linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building.~~

- ~~d. Variety and department stores which sell a large variety of comparison goods, such as personal and specialty items, at retail.~~

~~(33) Single family and two family residences, provided that such uses are located in a structure originally constructed for residential use.~~

~~(34) Video rental establishments.~~

~~(35) Veterinary hospitals and clinics, subject to the specific provisions in section 122-809.~~

~~(36) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.~~

Sec. 122-413. Special uses.

~~(Ord. No. 626A, § 5-99, 7-15-1994; Ord. No. 832, 3-18-1996; Ord. No. 843, 8-7-1996; Ord. No. 851, 2-19-1997; Ord. No. 1091, 2-3-2000; Ord. No. 1117, 6-1-2010; Ord. No. 1183A, 4/2013)~~

~~The following uses may be permitted in B4 general business districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:~~

- ~~(1) Adult regulated uses regulated under section 122-774.~~
- ~~(2) Any establishment intending to operate between the hours of 2:00 a.m. and 6:00 a.m. in any 24 hour period.~~
- ~~(3) Automobile, trailer, and truck rental outlets; provided that rental vehicles do not exceed 10,000 pounds in gross weight.~~
- ~~(4) Automobile or car wash establishments, subject to the specific provisions in section 122-777.~~
- ~~(5) Automobile service stations and automobile repair garages, standing alone or in combination with an automobile sales outlet, which provide major or minor repairs, subject to the specific standards in section 122-776.~~
- ~~(6) Coin-operated amusement arcades, and pool and billiard halls.~~
- ~~(7) Emergency shelter for the homeless, subject to the specific provisions in section 122-785.~~
- ~~(8) Express and passenger terminals and express transfer facilities, subject to the specific provisions in section 122-786.~~
- ~~(9) Inns, subject to the specific standards in section 122-778.~~
- ~~(10) Open front or open air businesses; outdoor commercial recreation or amusement facilities; or outdoor sales of new or used automobiles, trucks, tractors, boats, mobile homes, recreation vehicle and trailers, subject to the specific provisions in section 122-798.~~
- ~~(11) Outdoor retail sales of plant materials, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.~~
- ~~(12) Substance abuse treatment facilities subject to the specific provisions in section 122-808.~~

Sec. 122-414. Area regulations.

~~No building or structure nor any enlargement thereof in a B4 general business district shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area, width, and building coverage. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. Where all frontage on the same side of a street between two intersecting streets is located entirely with business zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 30 feet. In the B4 district, except as otherwise provided in this chapter, off street parking may be permitted in any required or nonrequired yard areas, provided that no parking lot is located closer than ten feet to any street right-~~

of way line and that a greenbelt is maintained between any parking lot and street right of way in accordance with subsection 122-835(11).

- (3) ~~Side yards.~~ No side yards are required along the interior side lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.
- (4) ~~Street side yards.~~ In the B4 general business district, the street side yard setback on a corner lot shall follow the requirements of subsection (2) of this section. A minimum four foot six inch wide greenbelt shall be maintained along a side yard street bordering a residential district in accordance with section 122-835 (11) b.
- (5) ~~Courtyards.~~ Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.
- (6) ~~Rear yards.~~ There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.
- (7) ~~Abutting a residential district.~~ Notwithstanding the above, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided in section 122-703.

~~Sec. 122-415. Height regulations.~~

No building or structure in the B4 general business district shall exceed six stories or 75 feet in height, whichever is less. See section 122-640 for height exceptions.

~~Sec. 122-416. Development standards.~~

- (a) ~~Site plan review.~~ Site plan review and approval are required for uses in the B4 district in accordance with article IV of this chapter.
- (b) ~~General standards.~~ Buildings and uses in the B4 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.

~~Secs. 122-417 – 122-430. Reserved.~~

DIVISION 11: WS WORKSHOP STUDIO DISTRICT*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-431. Description and purpose.

The WS workshop studio district is designed to allow the production of handicrafts and products which are primarily handmade or requiring a minimum of industrial machinery and often employing the skills of trained craftsmen or artisans; along with studios and limited retail and wholesale activities, which have minimal undesirable impacts. The WS workshop studio district is intended to allow for a transition zone between strictly business areas to strictly manufacturing areas. The WS workshop studio district may be used in blocks which contain old vacant commercial structures, mixed land uses, under utilized structures or other deficiencies in older neighborhood business areas.

Sec. 122-432. Permitted uses.

(Ord. No. 626A, § 5-113, 7-15-1994; Ord. No. 1114, 11-17-2009; Ord. No. 1134, 10-5-2010; Ord. No. 1183A, 4/2013)

In WS workshop studio districts, no uses shall be permitted except the following, provided all activities and storage are wholly conducted within a completely enclosed building except for parking and loading, and all business shall be conducted in such a manner that no noise, smoke, dust, noxious odors, vibration, or any other like nuisance shall exist to affect adjoining properties:

- (1) ~~Apartments located above the ground floor of permitted uses, provided that the apartment units meet the minimum floor area requirements of section 122-317, and adequate parking for apartments is provided in addition to the required parking for business or manufacturing use as provided under article XIII of this chapter.~~
- (2) ~~Arts and crafts studios and schools.~~
- (3) ~~Auction House, subject to the specific provisions in section 122-813.~~
- (4) ~~Cinema production or development, except for adult regulated uses.~~
- (5) ~~Cultural exhibit and performance venues.~~
- (6) ~~Custom fabrication of small parts, provided that no emissions are a byproduct of such fabrication, and provided that all noise related to such fabrication is not audible beyond the premises.~~
- (7) ~~Food cooperatives, nonprofit.~~
- (8) ~~Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.~~
- (9) ~~Offices, showrooms and work spaces of a plumber, electrician, upholsterer, display designer, decorator, horticulturist, or similar trade, provided that no more than 25 percent or less of the floor area of such activity is used as a showroom.~~
- (10) ~~Personal service shops such as a tailor, barber, beauty, shoe repair, locksmith, carpenter, photocopy services, photo processing, or similar personal service shop.~~
- (11) ~~Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo engraving, photo development, lithographing, and blueprint production.~~
- (12) ~~Radio and television stations.~~
- (13) ~~Repair of appliances, provided that the retail sale of new merchandise, other than service parts and accessories shall not be permitted.~~
- (14) ~~Residential uses: single family, two family, and multiple apartment residences of not more than four apartments, located in an existing building originally constructed for residential purposes.~~
- (15) ~~Wholesaling: small scale wholesaling or mail order enterprises which occupy a total gross floor area of not more than 16,000 square feet.~~
- (16) ~~Catering services and the manufacture of food products including brewing and distilling.~~
- (17) ~~Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter.~~

Sec. 122-433. Special uses.

(Ord. No. 626A, § 5-114, 7-15-1994; Ord. No. 851, 2-18-1997; Ord. No. 1114, 11-17-2009; Ord. No. 1117, 6-1-2010)

~~The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:~~

- ~~(1) Clubs: private service clubs, fraternal organizations but not including residential uses, banquet halls, and meeting halls, provided that such structures shall not be located within 200 feet of an R1 or R2 district.~~
- ~~(2) Community garages or community parking lots, subject to the specific provisions in sections 122-781 and 122-782 respectively.~~
- ~~(3) Theaters, when completely enclosed.~~

Sec. 122-434. Area regulations.

~~No building or structure nor any enlargement thereof shall be erected in the WS district except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area and width. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. Where all frontage on the same side of a street between two intersecting streets is located entirely within business and/or manufacturing zoning districts and where a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 20 feet.~~
- ~~(3) Side yards. No side yards are required along the interior side lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~
- ~~(4) Street side yard. On a corner lot there shall be provided on the street side yard a minimum setback of 20 feet. A minimum four foot six inch wide greenbelt shall be maintained along a street bordering a residential district in accordance with section 122-835 (11) b.~~
- ~~(5) Courtyards. Courts starting at the ground floor level may be substituted for side yards opposite windows along an interior lot line, but not opposite exits, and shall be not less than five feet in depth for a one-story building, eight feet for a two-story building, plus two feet for each additional story.~~
- ~~(6) Rear yards. There shall be a rear yard of not less than ten feet. If a building is used in part as a dwelling, a minimum rear yard of 25 feet plus five feet for each story in excess of two stories shall be provided, starting at the floor level first used as a dwelling. Rear yards abutting an alley may be measured from the centerline of an alley, provided no wall or fence is constructed along the rear property line.~~
- ~~(7) Abutting a residential district. Notwithstanding subsections (5) and (6) of this section, no principal building or accessory structure associated with a business use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property abutting land zoned residential, as provided in section 122-703.~~

Sec. 122-435. Height regulations.

~~No building or structure in the WS workshop-studio district shall exceed two stories or 30 feet in height, whichever is less. See section 122-640 for height exceptions.~~

Sec. 122-436. Development standards.

- ~~(a) Site plan review. Site plan review and approval is required for uses in the WS district in accordance with article IV of this chapter.~~
- ~~(b) General standards. Buildings and uses in the WS district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs and flood damage prevention.~~

Secs. 122-437 – 122-450. Reserved.

DIVISION 12. M1 LIGHT MANUFACTURING DISTRICT*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-451. Description and purpose.

- (a) ~~The M1 light manufacturing district is designed to provide locations for wholesale activities, warehouses, and industrial operations which produce minimal external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses in the M1 light manufacturing district should be compatible with surrounding residential or commercial uses.~~
- (b) ~~Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well designed buildings, with adequate off street parking and loading areas, and with property screening around outside storage areas. Truck traffic, loading and unloading operations are expected to be part of this district. New dwellings are not permitted in the M1 light manufacturing district.~~

Sec. 122-452. Permitted uses.

(Ord. No. 626A, § 5.121, 7-15-1994; Ord. No. 836, 5-21-1996; Ord. No. 1114, 11-17-2009; Ord. No. 1183A, 4/2013)

In M1 light manufacturing districts, no use shall be permitted except the following:

- (1) ~~Automobile repair garages which provide minor repairs, subject to the specific standards in section 122-775.~~
- (2) ~~Automobile, trailer, and truck rental outlets.~~
- (3) ~~Central dry cleaning plants or laundries.~~
- (4) ~~Cinema production or development, except for adult regulated uses.~~
- (5) ~~Development and research: any use charged with the principal function of basic research, design, and pilot or experimental project development when conducted within a completely enclosed building.~~
- (6) ~~Financial institutions, including banks, credit unions, and savings and loan associations. Drive through facilities are permitted, subject to the specific provisions in section 122-784.~~
- (7) ~~Greenhouses.~~
- (8) ~~Kennels, commercial, subject to the specific provisions in section 122-791.~~
- (9) ~~Laboratories: experimental, film, or testing.~~
- (10) ~~Machine, sheet metal, carpentry, wood working, tool, die and welding shops.~~
- (11) ~~Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns; custom plating or galvanizing.~~
- (12) ~~Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.~~
- (13) ~~Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.~~
- (14) ~~Offices, showrooms and work spaces of a plumber, electrician, upholsterer, decorator, or similar trade, provided that no more than 25 percent or less of the floor area of such activity is used as a showroom.~~
- (15) ~~Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo engraving, photo development, lithographing, and blueprint production.~~
- (16) ~~Production, fabrication, treatment or assembly of sheet metal products, not heavier than number 14 U.S. gauge, not elsewhere classified, which does not involve blooming, forging, hammer or foundry work; or wire metal products not elsewhere classified which does not involve cold heating or upset on wire more than one quarter inch in diameter.~~

- ~~(17) Public buildings and utilities including necessary structures, storage yards and other related uses; but not including heating and electric generation plants and water supply and sewage treatment plants.~~
- ~~(18) Radio and television stations.~~
- ~~(19) Self storage facilities and mini warehouses subject to the provisions of section 122 806.~~
- ~~(20) Storage facilities for building materials, asphalt, tar, grain, fertilizer, lumber, machinery, contractors' equipment and supplies, provided such is enclosed within a building. Outdoor storage of materials is permitted after special use approval, subject to the provisions of subsection 122 453(4).~~
- ~~(21) Trade or industrial schools.~~
- ~~(22) Warehousing and wholesale establishments and trucking facilities, including cold storage and the packaging, crating, and boxing of manufactured products.~~
- ~~(23) Catering services and the manufacture of food products including brewing and distilling.~~
- ~~(24) Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.~~

Sec. 122 453. Special uses.

(Ord. No. 626A, § 5-122, 7-15-1994; Ord. No. 918, 7-18-2000; Ord. No. 1137, 10-7-2010; Ord. No. 1183A, 4/2013)

The following uses may be permitted in M1 light manufacturing districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:

- ~~(1) Adult regulated uses, as regulated in section 122 774.~~
- ~~(2) Automobile repair garages providing major repair, and undercoating shops, subject to the specific provisions in section 122 775.~~
- ~~(3) Automobile or car wash establishments, subject to the specific provisions in section 122 777.~~
- ~~(4) Medical Marijuana Growing/Manufacturing Facility, subject to the specific provisions in section 122 815.~~
- ~~(5) Outdoor storage of raw materials and supplies or finished or semi finished products, subject to the specific provisions in section 122 801.~~
- ~~(6) Radio and television towers, public utility microwaves, and public utility television transmitting towers, mobile communications towers, cellular phone towers and their attendant facilities are subject to the specific provisions in Section 122 687. (Ord. No. 918, 8 4 2000)~~
- ~~(7) Recycling centers for discarded items, subject to the specific provisions in section 122 803.~~
- ~~(8) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as lumber yards, building material outlets, upholsterer and cabinet maker shops and sale of agricultural implements. Any outdoor storage shall meet the requirements of section 122 801.~~
- ~~(9) Storage within enclosures of liquid and solid fuels, subject to the specific provisions in section 122 807.~~
- ~~(10) Slaughtering, sugar refining, and other similar processes.~~

Sec. 122 454. Area regulations.

No building or structure nor any enlargement thereof in the M1 light manufacturing district shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:

- ~~(1) Lot area and width. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off street parking, loading, screening and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. There shall be a front yard of not less than 25 feet as measured from the front lot line. In the M1 district, except as otherwise provided in this chapter, off street parking may be permitted in any required or nonrequired yard areas, provided that no parking lot is located closer than ten feet to any street right of way line and that a greenbelt is maintained between any parking lot and street right of way in accordance with subsection 122 835(11).~~
- ~~(3) Side yards. A minimum side yard of 15 feet shall be provided and maintained on all sides of the site that abut a business district. Except for the above, no side yards are required along the interior lot lines if building walls are~~

~~built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~

~~(4) *Street side yard.* On a corner lot there shall be provided on the street side yard a minimum setback of 15 feet. A minimum four foot six inch wide greenbelt shall be maintained along a street bordering a residential district in accordance with subsection 122-835(11).~~

~~(5) *Rear yards.* A minimum rear yard of not less than 20 feet shall be provided and maintained on every lot.~~

~~(6) *Abutting a residential district.* Notwithstanding subsections (3) and (5) of this section, no principal building or accessory structure associated with any manufacturing use shall be located closer than 25 feet to any adjacent residential district. In addition, an obscuring fence or greenbelt shall be provided and maintained along those sides or rear of the property adjacent to land zoned residential, as provided in section 122-703.~~

~~Sec. 122-455. Height regulations.~~

~~No building or structure in the M1 light manufacturing district shall exceed two stories or 30 feet in height, whichever is less. See section 122-640 for height exceptions.~~

~~Sec. 122-456. Development standards.~~

~~(a) *Deleterious operations.* No activity, operation, or use shall be permitted on any property in the M1 light manufacturing district which by reason of the emission of odor, fumes, smoke, vibration, radiation, heat, glare, dust, soot, noise, or disposal of waste is deleterious to other permitted activities in the zoning district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety, or welfare of the community.~~

~~(b) *Enclosed buildings.* All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified. Outdoor storage is permitted only when in compliance with section 122-801.~~

~~(c) *Site plan review.* Site plan review and approval is required for uses in the M1 district in accordance with article IV of this chapter.~~

~~(d) *General standards.* Buildings and uses in the M1 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-457 – 122-470. Reserved.~~

DIVISION 13. M2 GENERAL MANUFACTURING DISTRICT*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-471. Description and purpose.

- (a) ~~The M2 general manufacturing district is designed to provide locations for general or heavy industrial activities such as those which involve the use of heavy machinery, extensive amounts of contiguous land, service by railroad lines or major thoroughfares, processing of chemicals or raw materials, assembly of quantities of parts from several locations, generation of industrial waste, noise, odor or traffic problems or similar characteristics. Nearly all their raw materials or finished products are shipped to and from the plant by railroad or large trucks.~~
- (b) ~~It is expected that permitted activities or operations will produce external impacts and should, therefore, be located only where such impacts will not be detrimental to other uses in the M2 general manufacturing district or to properties in adjoining districts. It is intended that industrial uses permitted in the M2 general manufacturing district be located where they can be adequately served by required roads, utilities, and services.~~
- (c) ~~New dwellings are not permitted in the M2 general manufacturing district.~~

Sec. 122-472. Permitted uses.

(Ord. No. 626A, § 5-129, 7-15-1994; Ord. No. 1114, 11-17-2009; Ord. No 1183A, 4/2013)

In M2 general manufacturing districts, no use shall be permitted except the following:

- (1) ~~Automobile repair garages which provide minor repairs, subject to the specific standards under section 122-775.~~
- (2) ~~Automobile, trailer, and truck rental outlets.~~
- (3) ~~Central dry cleaning plants or laundries.~~
- (4) ~~Cinema production or development, except for adult regulated uses.~~
- (5) ~~Development and research: any use charged with the principal function of basic research, design, and pilot or experimental project development when conducted within a completely enclosed building.~~
- (6) ~~Electric and gas service buildings and yards, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, and water and propane tank holders.~~
- (7) ~~Greenhouses.~~
- (8) ~~Industrial clinics.~~
- (9) ~~Kennels, commercial, subject to the specific provisions in section 122-791.~~
- (10) ~~Laboratories: experimental, film, or testing.~~
- (11) ~~Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering; japanning; spinning and weaving, and powder production and cooperage.~~
- (12) ~~Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes~~
- (13) ~~Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns; custom plating or galvanizing.~~
- (14) ~~Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.~~
- (15) ~~Manufacture of adhesives, alcohol, bleaching products, calcimine, candles and chemicals not elsewhere classified. The manufacture of ink, glue and sizing, paint, lacquers, shellac, varnish and reducers and removers, tanning materials, and allied products, tar products except distillation.~~
- (16) ~~Manufacture of agricultural implements and machinery, aircraft, automobiles and automobile parts, and boats; metal products not elsewhere classified and not involving blooming, drop hammer or foundry work, fire arms, stoves,~~

~~ranges and wire fencing; cigars and cigarettes; electrical fixtures, batteries and other electrical apparatus and hardware; lime gypsum, plaster of Paris, and similar materials; and general assembly operations similar to the above.~~

- ~~(17) Manufacture of bedding, carpets, draperies, yarns, threads, cordage, rubber and synthetic treated products, wool washing and scouring, tanning, and allied processes.~~
- ~~(18) Manufacture of brick, refractories and clay products not elsewhere classified, ammonia, acetylene, carbide, caustic soda, cellulose, fertilizer, fish oils and meals, hydrogen, carbon black, nitrates, plastics, synthetic resins, oxygen, potash, proxylene, turpentine, starch, sauerkraut and chemicals not elsewhere classified, boilers, hair felt, jute hemp, sisal and rubber products, cement and plaster.~~
- ~~(19) Manufacture of concrete, clay, glass, cement and graphite products except when coal fired. The manufacture of monuments and architectural stone, wall and plaster board, building insulation and composition flooring, and other construction materials.~~
- ~~(20) Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.~~
- ~~(21) Manufacture of molded or pressed pulp products.~~
- ~~(22) Offices, showrooms and work spaces of a plumber, electrician, upholsterer, decorator, or similar trade, provided that no more than 25 percent or less of the floor area of such activity is used as a showroom.~~
- ~~(23) Planing mills, bulk proportioning plants and freight terminals.~~
- ~~(24) Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo engraving, photo development, lithographing, and blueprint production.~~
- ~~(25) Production, fabrication, treatment or assembly of sheet metal products, not heavier than number 14 U.S. gauge, not elsewhere classified, which does not involve blooming, forging, hammer or foundry work; or wire metal products not elsewhere classified which does not involve cold heating or upset on wire more than one quarter inch in diameter.~~
- ~~(26) Public buildings and utilities including necessary structures, storage yards and other related uses; but not including heating and electric generation plants and water supply and sewage treatment plants.~~
- ~~(27) Radio and television stations.~~
- ~~(28) Railroad yards, locomotive and railroad care, manufacture and repair.~~
- ~~(29) Self storage facilities and mini warehouses, provided that the facility is enclosed with an eight foot fence, and that adequate security is provided and maintained. A single residential unit not exceeding 1,500 square feet in floor area for an on-site manager is permitted.~~
- ~~(30) Storage facilities for building materials, asphalt, tar, grain, fertilizer, lumber, machinery, contractors' equipment and supplies, provided such is enclosed within a building. Outdoor storage of materials is permitted subject to the provisions of section 122-801.~~
- ~~(31) Trade or industrial schools.~~
- ~~(32) Warehousing and wholesale establishments and trucking facilities, including cold storage and the packaging, crating, and boxing of manufactured products.~~
- ~~(33) Catering services and the manufacture of food products including brewing and distilling.~~

Sec. 122-473. Special uses.

(Ord. No. 626A, § 5.130, 7-15-1994; Ord. No. 918, 7-18-2000; Ord. No. 1137, 10-7-2010)

The following uses may be permitted in M2 general manufacturing districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter:

- ~~(1) Adult regulated uses, as regulated in section 122-774.~~
- ~~(2) Automobile repair garages providing major repair, and undercoating shops, subject to the specific provisions in section 122-775.~~

- ~~(3) Automobile or car wash establishments, subject to the specific provisions in section 122-777.~~
- ~~(4) Forging, drop hammering, heat treating and production foundries.~~
- ~~(5) Heating and electric generation plants.~~
- ~~(6) Junkyards: storage of inoperable vehicles, scrap metal, old iron, paper, rags, and junk; auto salvage and metal reclamation yards; and ore and coal dumps; subject to the specific provisions in section 122-790.~~
- ~~(7) Medical Marijuana Growing/Manufacturing Facility, subject to the specific provisions in section 122-815.~~
- ~~(8) Petroleum production, refining, and storage.~~
- ~~(9) Radio and television towers, public utility microwaves, and public utility television transmitting towers, mobile communications towers, cellular phone towers and their attendant facilities are subject to the specific provisions in Section 122-687.~~
- ~~(10) Recycling centers for discarded items, subject to the specific provisions in section 122-803.~~
- ~~(11) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as lumber yards, building material outlets, upholsterer and cabinet maker shops and sale of agricultural implements. Any outdoor storage shall meet the requirements of section 122-801.~~
- ~~(12) Slaughtering, sugar refining, and other similar processes.~~
- ~~(13) Storage within enclosures of liquid and solid fuels, subject to the specific provisions in section 122-807.~~
- ~~(14) Any other use which shall be determined by the city council after recommendation from the planning commission, to be of the same general character as the above permitted or special uses. The city council may impose any required setback and/or performance standards above and beyond the requirements of this chapter so as to insure public health, safety and general welfare.~~

~~Sec. 122-474. Area regulations.~~

~~No building or structure nor any enlargement thereof shall be erected in M2 general manufacturing districts except in conformance with the following lot area, yard, and building coverage requirements:~~

- ~~(1) Lot area and width. The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.~~
- ~~(2) Front yard. There shall be a front yard of not less than 25 feet as measured from the front lot line.~~
- ~~(3) Side yards. A minimum side yard of 15 feet shall be provided and maintained on all sides of the site that abut a business district. Except for the above, no side yards are required along the interior lot lines if building walls are built of fire retardant construction, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings, side yards of not less than three feet shall be provided.~~
- ~~(4) Street side yard. On a corner lot there shall be provided on the street side yard a minimum setback of 15 feet. A minimum four foot six inch wide greenbelt shall be maintained along a street bordering a residential district in accordance with subsection 122-835(11).~~
- ~~(5) Rear yard. There shall be a minimum rear yard of 30 feet.~~
- ~~(6) Abutting a residential district. Notwithstanding subsections (3), (4) and (5) of this section, no principal building or accessory structure associated with any manufacturing use shall be located closer than 25 feet to any adjacent residential district. A minimum 15 foot wide open space shall be maintained along all interior lot lines which abut a residential district, in which no buildings, parking areas, or storage are permitted. In addition, an obscuring fence or landscaped greenbelt shall be provided and maintained along all sides or rear of the property adjacent to land zoned residential, as provided by section 122-703.~~

~~Sec. 122-475. Height regulations.~~

~~The height of any building or structure in the M2 general manufacturing district shall not exceed 100 feet. Provided, however, that the minimum required front, side, and rear yard setbacks of a building or structure shall be increased by one foot for each foot the building or structure exceeds 30 feet in height. See section 122-640 for exceptions to height regulations.~~

~~Sec. 122-476. Development standards.~~

- ~~(a) *Deleterious operations.* No activity, operation, or use shall be permitted on any property in the M2 general manufacturing district which by reason of the emission of odor, fumes, smoke, vibration, radiation, heat, glare, dust, soot, noise, or disposal of waste is deleterious to other permitted activities in the zoning district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety, or welfare, of the community.~~
- ~~(b) *Enclosed buildings.* All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity in the M2 general manufacturing district shall be conducted within a completely enclosed building, except as otherwise specified.~~
- ~~(c) *Outside storage.* Outside storage which is clearly accessory to a permitted use in the M2 general manufacturing district shall allowed be subject to the provisions of section 122-801.~~
- ~~(d) *Site plan review.* Site plan review and approval is required for uses in the M2 district in accordance with article IV of this chapter.~~
- ~~(e) *General standards.* Buildings and uses in the M2 district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~**Secs. 122-477 – 122-490. Reserved.**~~

DIVISION 14. PL PUBLIC LAND DISTRICT*

*Cross reference(s)–Parks and public property, ch. 78; streets, sidewalks and other certain public places, ch. 94.

Sec. 122-491. Description and purpose.

The PL public land district is designed to classify publicly owned uses and permits the normal principal and incidental uses required to carry out governmental functions and services. It is the intent of the PL public land district to encourage the development of attractive public spaces which are conducive to community interaction, including innovative parking arrangements, combinations of permitted uses, and rehabilitation of existing structures.

Sec. 122-492. Permitted uses.

(Ord. No. 626A, § 5.137, 7-15-1994; Ord. No. 1114, 11-17-2009; Ord. No 1103A, 4/2013)

In the PL public land district, no uses shall be permitted except the following:

- (1) Cultural exhibit and performance venues.
- (2) Educational services such as public primary and secondary schools and public schools of higher education.
- (3) Government offices, courts, and police and fire headquarters.
- (4) Open space areas such as conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens. No structure shall be erected on dedicated open space areas which is not clearly incidental to the principal use of the land.
- (5) Outdoor publicly owned recreational uses such as parks, playgrounds, play fields, golf courses, boating areas, fishing sites, camping sites, and parkways. No structure shall be erected or maintained upon dedicated parkland which is not clearly incidental to the principal use of the land.
- (6) Public service institutions such as hospitals, orphanages, sanatoria, or correctional institutions, when publicly owned.
- (7) Community gardens.

Sec. 122-493. Special uses.

(Ord. No. 626A, § 5.138, 7-15-1994)

The following uses may be permitted in the PL public land district, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposes of this chapter, and the procedures set forth in article V of this chapter. For profit service facilities such as concessioners, shuttle services, boat liveries, or other similar services, subject to the following conditions:

- (1) Such use shall be clearly incidental and supportive of the principal use of the land.
- (2) Such use shall not compete directly with existing commercial establishments operating in nearby commercial districts.
- (3) Such use shall not be located within 100 feet of any residentially zoned or used property.
- (4) The location, size, and architectural design of such facility shall be such so as not to detract from the principal uses of the land.
- (5) The vendor or service provider shall be insured in an amount determined by the city attorney to be adequate to cover any liability which the city may incur as a result of the operation of the concession or similar service; further, that the city shall be named on such insurance as an additional named insured.

Sec. 122-494. Area regulations.

No building or structure nor any enlargement thereof in the PL public land district shall be erected except in conformance with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off street parking, loading, screening, and yard setbacks as provided in this chapter for the respective uses and use districts.

- ~~(2) *Front yard.* The required front yard shall be equal to that of adjacent zoning districts along the same street. In the case where the land abuts two zoning districts, the required front yard shall be equal to the greater requirement of the abutting districts.~~
- ~~(3) *Side and rear yards.* The required side and rear yards shall be equal to that of adjacent zoning districts along a given property line. In the case where the land abuts two or more zoning districts along a given property, the required yard shall be equal to the greater requirement.~~
- ~~(4) *Abutting a residential district.* Notwithstanding subsection (3) of this section, no principal building or accessory structure shall be located closer than 25 feet to any adjacent residential district. An obscuring fence or greenbelt shall be provided and maintained on those sides or rear of the property directly abutting land zoned residential as provided in section 122-703. For parks, open space areas, and all recreational facilities and structures, a 50-foot yard shall be maintained along any lot line which abuts residentially-zoned land.~~

~~Sec. 122-495. Height regulations.~~

~~The maximum permitted building height in the PL public land district shall be equal to that of adjacent zoning districts along the same street. In the case where land abuts two zoning districts the maximum permitted building height shall be that of the greater of the two zoning districts. See section 122-640 for exceptions to height regulations.~~

~~Sec. 122-496. Development standards.~~

- ~~(a) *Site plan review.* Site plan review and approval is required for uses in the PL district in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in the PL district shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, and flood damage prevention.~~

~~Secs. 122-497–122-509. Reserved.~~

DIVISION 15. RC RESIDENTIAL COMMERCIAL DISTRICT

Sec. 122-510. Description and Purpose.

The Mixed Residential/Commercial District is intended to provide for a mixture of residential and low intensity commercial uses. The commercial uses are intended to be compatible with various residential densities and housing types, and are to be of a small scale neighborhood commercial nature. For the purpose of establishing relative intensity and potential impacts, the intensity for residential or commercial uses is based upon the number of units or commercial building size.

Sec. 122-511. Permitted uses.

(Ord. No. 918, 7-18-2000; Ord. No. 1114, 11-17-2009; Ord. No 1183A, 4/2013)

Each permitted use within this district shall be no larger than 3,000 square feet per single business occupant developments or 5,000 for multi tenant business occupant developments, nor contain more than twelve (12) residential units. Those uses shall include the following:

- (1) Apartments located above the ground floor of permitted business, office or other uses; provided that the apartment units meet the minimum floor area requirements of Section 122-794, and adequate parking for apartments is provided in addition to the required parking for business us as provided under Article XIII. Refer to Section 122-295 through 122-298 for area, height, floor area and development standards.
- (2) Adult Foster Care Small and Large Group Homes, Adult Foster Care Congregate Facilities, and Foster Family Group Homes, as defined under Section 122-773, and subject to the specific provisions in Section 122-773.
- (3) Arts and crafts studios and schools.
- (4) Bed and Breakfast Lodgings, subject to the Specific Provisions in Section 122-778.
- (5) Business offices of a public utility, transportation authority, commercial or industrial establishments, and governmental administrative offices.
- (6) Business and professional offices and services, such as real estate, insurance, travel agencies, legal, architecture, accounting, advertising, engineering, consulting, auditing, tax preparation, bookkeeping services, non profit organizations, fraternal associations, political organizations and religious organizations.
- (7) Child Care Centers and Day Care Centers (not including dormitories), when not operated on the grounds of a private or public school or church/ synagogue, subject to the Specific Provisions in Section 122-779.
- (8) Child drop off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.
- (9) Churches, Synagogues, and other Religious Facilities and Services, including mortuaries, subject to Specific Provisions of Section 122-780.
- (10) Dormitories, Convents, or similar uses.
- (11) Elementary, junior and senior high schools, public, parochial, and private schools, subject to the Specific Provisions in Section 122-805.
- (12) Essential services.
- (13) Financial institutions, including banks, credit unions and savings and loan associations, provided that no drive through facilities are permitted.
- (14) Funeral or mortuary establishments, provided that adequate assembly area is provided off street for vehicles to be used in funeral processions.
- (15) Health and physical fitness centers, provided they are licensed.
- (16) Indoor restaurants, as defined in Section 122-2, for sit down, carryout, and delivery, providing there are no more than thirty (30) seats and no drive through facilities.
- (17) Inns, hotels or motels, as defined in Section 122-2, and subject to the specific provisions of Section 122-778.
- (18) Medical or dental offices or clinics.
- (19) Multiple apartment dwellings of up to twelve (12) units inclusive.

- ~~(20) Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.~~
- ~~(21) Outdoor cafes, subject to the specific provision of Section 122-799.~~
- ~~(22) Personal service establishments such as a tailor, barber, beauty, shoe repair, locksmith, small appliance repair without installation, or similar personal service shops, providing not more than ten (10) persons shall be employed.~~
- ~~(23) Private non-commercial recreational areas or social facilities, institutions or community recreational centers, and non-profit swimming pools, or tennis clubs, subject to the Specific Provisions in Section 122-802.~~
- ~~(24) Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.~~
- ~~(25) Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.~~
- ~~(26) Single family detached dwelling units.~~
- ~~(27) Two family dwellings.~~
- ~~(28) Video rental and sales establishments.~~
- ~~(29) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.~~

Sec. 122-512. Special uses.

(Ord. No. 918, 7-18-2000; Ord. No. 1114, 11-17-2000; Ord. No. 1183A, 4/2013)

The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article 28. Commercial uses with a special use designation may be up to 5,000 square feet for a single business occupant development or up to 7,000 square feet for a multi-tenant business development. Residential uses with a special use designation may contain up to twenty-four (24) units. The special uses shall include the following:

- ~~(1) All permitted uses of greater than three thousand (3,000) square feet for single business-occupant developments and greater than five thousand (5,000) square feet for multi-business-occupant developments.~~
- ~~(2) Multiple apartment dwellings of greater than twelve (12) units inclusive.~~
- ~~(3) Adult Drop-in Centers~~
- ~~(4) Laundry and dry-cleaning customer outlets (no dry-cleaning is permitted on the premises), coin-operated Laundromats, self-serve dry-cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- ~~(5) Automotive service station which provide minor repair only, as defined in Article 2, subject to the standards in Section 122-776, and located along a designated major thoroughfare; provided, however, that quick-oil-change facilities are not permitted.~~
- ~~(6) Community service buildings.~~
- ~~(7) Veterinary clinics and hospitals.~~
- ~~(8) Cultural exhibit and performance venues.~~
- ~~(9) Self-contained photo-copy shops consisting of a self-operated and/or service-oriented business.~~
- ~~(10) Catering services and the manufacture of food products including brewing and distilling.~~

Sec. 122-513. Area regulations.

Upon the change of use as defined in Section 122-205, no building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:

- ~~(1) Lot Area and Width. In the RC District, no lot shall have a minimum width of less than forty-five (45) feet. Lots with non-parallel sides shall not be less than the minimum width at twenty (20) and fifty (50) feet from the front lot line.~~
~~No lot shall contain less than the minimum area in accordance with the following requirements:~~

- ~~(a) Existing single and two family residential dwelling units: Four thousand five hundred (4,500) square feet for dwellings containing up to four (4) units.~~
- ~~(b) Multiple apartment dwellings containing four (4) or more units shall be the greater of the following:
 - ~~(i) A minimum lot size of six thousand (6,000) square feet; or~~
 - ~~(ii) A minimum of one thousand four hundred (1,400) square feet per unit.~~~~
- ~~(c) The minimum lot size for non residential uses, unless otherwise specified in this Ordinance, shall be limited by the restrictions governing lot coverage, setbacks, screening, and parking requirements.~~
- ~~(2) Lot Coverage. The total area of all structures at the ground level shall not exceed forty five (45) percent of the lot area.~~
- ~~(3) Front Yard. There shall be a front yard of not less than twenty (20) feet as measured from the front lot line. Where all frontage on the same side of a street between two (2) intersection streets is located entirely within a commercial or residential /commercial zoning district and where a setback has been established by fifty (50) percent of such frontage, then this established setback shall determine the required front yard.~~
- ~~(4) Side Yard. For residential uses containing four (4) or fewer units, no side yard shall be less than six (6) feet. For all other non residential uses, the side yard shall be a minimum of twelve (12) feet unless adjacent to a residential use or zone for which a minimum of a twenty five (25) foot setback is required. When abutting a street, the side yard shall be not less than a minimum of twelve (12) feet for all uses.~~
- ~~(5) Distance between Buildings. The minimum distance between two (2) multiple family dwellings on a single lot or on contiguous property under the same ownership shall be twenty (20) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two and one half (2 1/2) stories.~~
- ~~(6) Rear Yards. There shall be a rear yard setback of not less than twenty five (25) feet.~~
- ~~(7) Abutting a Residential District. Unless a stricter setback is provided elsewhere in this Ordinance, a minimum setback of twenty five (25) feet shall be maintained along all property lines where a multiple family (greater than 4 units) or a nonresidential use abuts a single family use or zoning district. Such requirement does not apply if the site is separated from the single family residential use or zone by a public street.~~

~~Sec. 122-514. Height regulations.~~

~~No building or structure shall exceed three (3) stories or forty (40) feet in height. See Section 122-640 for height exceptions.~~

~~Sec. 122-515. Development Standards.~~

~~Buildings and uses in the RC District shall be subject to all applicable standards and requirements set forth in this Ordinance.~~

DIVISION 16. ~~CI COMMERCIAL—INDUSTRIAL DISTRICT~~

Sec. 122-516. Description and Purpose.

~~The Mixed Commercial/Industrial District is intended to provide for a mixture of general commercial and less intensive industrial uses. The industrial uses are intended to be compatible with various commercial intensities and use types, and are to have a commercial nature and/or component to their business. These districts include commercial and industrial property existing along the major streets and thoroughfares of the city. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the commercial retailer.~~

~~Because of the variety of business types permitted in the CI, Mixed Commercial/Industrial District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Additionally, all uses shall be compatible in design and intensity with adjacent residential developments, while permitting only less intensive uses to be located within one hundred (100) feet of established residential neighborhoods.~~

Sec. 122-517. Permitted uses.

~~(Ord. No. 918, 7-18-2000; Ord. No. 1025, 12-6-2005; Ord. No. 1114, 11-17-2009; Ord. No. 1134, 10-5-2010; Ord. No. 1183A, 4/2013)~~

~~In the CI, Mixed Commercial/Industrial Districts, no use shall be permitted except the following:~~

- ~~(1) Arts and crafts studios and schools.~~
- ~~(2) Auction House, subject to the specific provisions in section 122-813.~~
- ~~(3) Automobile sales: showrooms, salesrooms or offices for new and used automobiles, trucks and tractors, boats, mobile homes, recreation vehicles and trailer sales, including automobile repair shops providing minor repair. Major repair is not permitted except as provided in subsection 122-413(5). The outdoor display of vehicles is regulated by subsection 122-413(11).~~
- ~~(4) Automobile service stations which provide minor repair only, subject to the specific provisions in Section 122-776.~~
- ~~(5) Bars and establishments serving alcohol.~~
- ~~(6) Business and professional offices. Such uses may include, but are not limited to:~~
 - ~~(a) Business offices of a public utility, transportation authority or accessory to an industrial establishment.~~
 - ~~(b) Offices for engineering, consulting, bookkeeping services, and similar professions.~~
 - ~~(c) Administrative offices of non profit organizations, such as professional membership organizations, labor unions, and fraternal associations.~~
- ~~(7) Business, trade and professional schools.~~
- ~~(8) Catering services and the manufacture of food products including brewing and distilling.~~
- ~~(9) Cinema production or development, except for adult regulated uses.~~
- ~~(10) Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.~~
- ~~(11) Essential services.~~
- ~~(12) Greenhouses.~~
- ~~(13) Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar doog products. Retail sale of poultry, fish, and game (provided no slaughtering is allowed). The Manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.~~
- ~~(14) Health and physical fitness centers, provided they are licensed.~~
- ~~(15) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin-operated Laundromats, self serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.~~
- ~~(16) Outdoor cafes, subject to the specific provisions of Section 122-799.~~

- ~~(17) Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo engraving, photo development, lithographing, and blue print production.~~
- ~~(18) Private service clubs, lodges, fraternal organizations, banquet halls and meeting halls.~~
- ~~(19) Private non-commercial recreational areas or social facilities, institutional or community recreational centers, and non-profit pool or tennis club, subject to the Specific Provisions in Section 122-802.~~
- ~~(20) Public buildings and utilities including necessary structures, storage yards and other related uses; but not including heating and electric generation plants and water supply and sewage treatment plants.~~
- ~~(21) Radio and television studios.~~
- ~~(22) Repair of appliances, provided that the retail sale of new merchandise, other than service parts and accessories shall not be permitted.~~
- ~~(23) Restaurants, including carry-out or delivery, sit-down, or fast food, or any combination thereof. Drive thru facilities are permitted subject to the provisions in Section 122-783.~~
- ~~(24) Retail stores which offer comparison goods for retail completely within a fully enclosed building, such as home appliances (including service and repair), automotive supply stores (not including on-site automotive repair or installation of parts sold the premises) camera and photography supplies, furniture, mattresses, home supply centers, carpet, rug and linoleum/tile stores, lawn care products and machinery, and similar specialty goods stores.~~
- ~~(25) Self storage facilities and mini warehouses, provided that the facility is enclosed with an eight foot fence, and that adequate security is provided and maintained. A single residential unit not exceeding 1,500 square feet in floor area for an on-site manager is permitted.~~
- ~~(26) Veterinary hospitals and clinics, subject to the Specific Provisions in Section 122-809.~~
- ~~(27) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.~~
- ~~(28) Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.~~
- ~~(29) Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.~~

Sec. 122-518. Special uses.

(Ord. No. 918, 7-18-2000; Ord. No. 970, 12-3-2002; Ord. No. 1114, 11-17-2009; Ord. No. 1137, 10-7-2010; Ord. No. 1183A, 4/2013)

The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article V:

- (1) Any establishment intending to operate between 2 a.m. and 6 a.m. during any 24 hour period.
- (2) Automobile, trailer, and truck rental outlets, including parking, storage, washing and repair facilities; provided that rental vehicles do not exceed 10,000 pounds in gross weight.
- (3) Automobile or car wash establishments subject to the specific provisions in Section 122-777.
- (4) Automobile service stations, standing alone or in combination with an automobile sales outlet, which provide major or minor repairs, subject to the specific provisions in Section 122-776.
- (5) Automobile repair garages providing major repair, and undercoating shops, subject to the specific provisions in section 122-775.
- (6) Central dry cleaning plants or laundries.
- (7) Custom fabrication of small parts, provided that no emissions are a byproduct of such fabrication, and provided that all noise related to such fabrication is not audible beyond the premises.
- (8) Development and research: any use charged with the principal function of basic research, design, and pilot or experimental project development when conducted within a completely enclosed building.
- (9) Kennels, commercial, subject to the specific provisions in section 122-791.
- (10) Laboratories: experimental, film, or testing.

- (11) ~~Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.~~
- (12) ~~Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rust proofing shops; welding shops; enameling, painting and lacquering; japanning; spinning and weaving, and powder production and cooperage.~~
- (13) ~~Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stone, sheet metal, shell, textiles, threads, tobacco, wax, wire, wood, wool and yarns; custom plating or galvanizing.~~
- (14) ~~Manufacture of concrete, clay, glass, cement and graphite products only when baked by an electrical or gas kiln.~~
- (15) ~~Manufacture of molded or pressed pulp products.~~
- (16) ~~Medical Marijuana Growing/Manufacturing Facility, subject to the specific provisions in section 122-815.~~
- (17) ~~Newspaper offices and printing shops.~~
- (18) ~~Offices, showrooms and workspaces of a plumber, electrician, upholsterer, display designer, decorator, horticulturist, or similar trade, subject to the Specific Provisions in Section 122-797, and providing that no more than 25 percent of the floor area of such activity is used as a showroom.~~
- (19) ~~Open front or open air business; outdoor commercial recreation or amusement facilities; or outdoor sales of new or used automobiles, trucks, tractors, boats, mobile homes, recreation vehicle and trailers, subject to the specific provisions in section 122-798.~~
- (20) ~~Outdoor retail sales of plant materials, lawn furniture, playground equipment, and home garden supplies, subject to the specific provision in Section 122-800.~~
- (21) ~~Outdoor storage of raw materials and supplies or finished or semi-finished products, subject to the specific provisions in section 122-801.~~
- (22) ~~Planing mills, bulk proportioning plants and freight terminals.~~
- (23) ~~Private operative automobile storage facilities, provided all storage occurs within a completely enclosed building.~~
- (24) ~~Production, fabrication, treatment or assembly of sheet metal products, not heavier than number 14 U.S. gauge, not elsewhere classified, which does not involve blooming, forging, hammer or foundry work; or wire metal products not elsewhere classified which does not involve cold heating or upset on wire more than one quarter inch in diameter.~~
- (25) ~~Radio and television towers, public utility microwaves, and public utility television transmitting towers.~~
- (26) ~~Recycling centers for discarded items, subject to the specific provisions in section 122-803.~~
- (27) ~~Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as lumber yards, building material outlets, upholsterer and cabinet maker shops and sale of agricultural implements. Any outdoor storage shall meet the requirements of section 122-801.~~
- (28) ~~Trade, business, professional or industrial schools.~~
- (29) ~~Wholesale/warehouse sales facilities.~~

Sec. 122-519. Area regulations.

~~Upon the change of use as defined in Section 122-205, no building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:~~

- (1) ~~*Lot Area and Width.* In the CI District, all residential lots shall consist of no less than five thousand (5,000) square feet in area and have a minimum width of less than forty five (45) feet. Minimum lot area and width for non-residential uses shall be restricted by setbacks, screening and parking requirements. Lots with non-parallel sides shall not be less than the minimum width at twenty (20) and fifty (50) feet from the front lot line.~~
- (2) ~~*Front Yard.* There shall be a front yard of not less than twenty-five (25) feet as measured from the front lot line. Where all frontage on the same side of a street between two (2) intersection streets is located entirely within a~~

~~commercial or commercial/industrial zoning district and where a setback has been established by fifty (50) percent of such frontage, then this established setback shall determine the required front yard.~~

- ~~(3) *Side Yard.* For residential uses containing four (4) or fewer units, no side yard shall be less than twelve (12) feet. For all other non residential uses, the side yard shall be a minimum of three (3) feet unless adjacent to a residential use or zone for which a minimum of a fifteen (15) foot setback is required. When abutting a street, the side yard shall be not less than a minimum of fifteen (15) feet for all uses.~~
- ~~(4) *Distance between Buildings.* The minimum distance between two (2) multiple family dwellings on a single lot or on contiguous property under the same ownership shall be twenty five (25) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two (2) stories.~~
- ~~(5) *Rear Yards.* There shall be a rear yard setback of not less than twenty (20) feet.~~
- ~~(6) *Abutting a Residential District.* Unless a stricter setback is provided elsewhere in this Ordinance, a minimum setback of twenty five (25) feet shall be maintained along all property lines where a multiple family (greater than 4 units) or a nonresidential use abuts a single family use or zoning district. Such requirement does not apply if the site is separated from the single family residential use or zone by a public street.~~
- ~~(7) *Abutting the Huron River.* There shall be a setback of no less than fifty (50) feet from the high water mark of the River. Planning Commission shall also encourage the creation of dedicated public access to the River.~~

~~Sec. 122-520. Height regulations.~~

~~No building or structure shall exceed two (2) stories or thirty (30) feet in height. See Section 122-640 for height exceptions.~~

~~Sec. 122-521. Development standards.~~

~~Buildings and uses in the CI District shall be subject to all applicable standards and requirements set forth in this Ordinance.~~

ARTICLE VIII. OVERLAY DISTRICTS

DIVISION 1. GENERALLY

~~Secs. 122-522 – 122-530. Reserved.~~

DIVISION 2. H HISTORIC PRESERVATION OVERLAY DISTRICT*

*Cross reference(s) – Historical preservation, ch. 54.

~~Sec. 122-531. Description and purpose.~~

~~The historic preservation overlay district is located as described and designated in section 54-33 of Chapter 54 of the City Code, Historical Preservation. The intent of the H historic preservation overlay district is to safeguard the heritage of the city by preserving a district which reflects elements of its cultural, social, economic, political, and architectural history and natural environment. Further objectives are as follows:~~

- ~~(1) To stabilize and improve property values in such district.~~
- ~~(2) To foster civic beauty and pride.~~
- ~~(3) To strengthen the economy of the city.~~
- ~~(4) To promote the use of historic buildings for the culture, prosperity, education, and general welfare of the people of the city and visitors to the city.~~
- ~~(5) To encourage new buildings and development which will be harmonious with the existing historic buildings and neighborhoods such that each succeeding generation may build with the quality and sensitivity of past generations.~~

~~Sec. 122-532. Scope.~~

~~The provisions and restrictions of this division shall apply in addition to, and where applicable, take precedence over the provisions and restrictions of the underlying zoning districts shown on the official zoning map, as amended, sufficient to fulfill the purpose and intent of this division.~~

~~Sec. 122-533. General standards.~~

~~Within the H historic preservation overlay district, the following standards shall apply:~~

- ~~(1) Uses permitted in the H historic preservation overlay district shall be those permitted by the property's underlying zoning district classification as shown on the official zoning map, as amended.~~
- ~~(2) Except as otherwise specified in this division, all dimensional requirements, such as lot area and width, yard setbacks, parking areas, and minimum floor area provisions required by the underlying zoning district classification as shown on the official zoning map, as amended, shall apply.~~
- ~~(3) Detached accessory structures such as garages, carriage houses, and similar outbuildings, whether existing or proposed, shall be permitted to have a maximum height of 25 feet.~~

~~Sec. 122-534. Discretionary standards.~~

~~(a) After receiving a recommendation from the historic district commission, and after holding a public hearing for which notices have been published and sent by mail to property owners and residents within 300 feet of the property in accordance with section 122-164, and after determining that such proposal will meet the standards in subsection (a)(2) of this section, the planning commission may approve the following:~~

- ~~(1) An historic structure to encroach up to within five feet within a required front or rear yard or within three feet within a side yard in order to allow the re use of an existing historic structure or to enhance the authenticity of an historic site; provided that no part of any structure is located on or over any adjacent property.~~
- ~~(2) Restoration may be permitted of a legal nonconforming structure which has been destroyed or abandoned (as defined in section 122-206, nonconformities) provided all of the following provisions are met:~~

- ~~a. The structure is of historic importance to the historic district.~~
- ~~b. The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.~~
- ~~c. All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and will be implemented in the restoration project.~~
- ~~(3) An existing carriage house which functions as an accessory structure to the main structure in the residential zoning districts underlying the historic preservation overlay district, may be used for residential dwelling units provided that the use of such would not exceed the maximum density per lot as permitted by the underlying zoning district. Use of existing carriage houses would be subject to the minimum square footage requirements set forth by section 122-297 and all applicable zoning regulations and building codes.~~
- ~~(b) Before the planning commission approves any proposal under subsection (a)(1) or (a)(3) of this section, it shall determine all of the following to be true:~~
 - ~~(1) Such proposal shall not have any detrimental effect on adjacent properties; present a fire or safety hazard; impede safe traffic circulation nor the vision of motorists, or pedestrians; nor otherwise be detrimental or hazardous to the public health, safety, and welfare.~~
 - ~~(2) Such proposal shall not impose an undue burden on public services and utilities.~~
 - ~~(3) Such proposal shall further the intent of the H historic preservation overlay district as described in subsections 122-531(1) through (5).~~

~~Sec. 122-535. Development standards.~~

- ~~(a) Site plan review. In addition to review by the historic district commission as required in chapter 54, site plan review and approval are required for uses in the H overlay district in accordance with article IV of this chapter.~~
- ~~(b) General standards. Buildings and uses in the H district, as in all other zoning districts, shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off street parking requirements, signs, flood damage prevention and fences.~~

~~Secs. 122-536 – 122-545. Reserved.~~

DIVISION 3. S STUDENT OVERLAY DISTRICT

~~Sec. 122-546. Description and purpose.~~

~~The intent of the S student overlay district is to provide areas in the vicinity of the Eastern Michigan University campus which are conducive to student living, recognizing that the needs and lifestyle of students vary from those of families and other household types. It is further recognized that a higher density of development in student areas is appropriate given the large number of students who wish to live in close proximity to the university campus and the necessity of students to walk or otherwise use nonautomotive transportation thereby reducing the overall number of off-street parking that is needed. To allow greater flexibility within the S district, "relaxed requirements" are permitted for some land uses. However, strict adherence to these "relaxed requirements" is strongly recommended.~~

~~Sec. 122-547. General standards.~~

~~Within the S student overlay district, the following standards shall apply:~~

- ~~(1) The provisions of this division shall apply in addition to, and where applicable, take precedence over the provisions and restrictions of the underlying zoning districts shown on the official zoning map, as amended, sufficient to fulfill the purpose and intent of this division.~~
- ~~(2) Uses permitted to be made of property in the S student overlay district shall be those uses permitted by the property's underlying zoning district classification as shown on the official zoning map, as amended.~~
- ~~(3) Except as otherwise specified in this division, all dimensional requirements, such as lot area and width, yard setbacks, parking areas, minimum floor area, and other provisions required by the underlying zoning district classification as shown on the official zoning map, as amended, shall apply.~~

~~Sec. 122-548. Special conditions and standards.~~

~~Within the S student overlay district, fraternities and sororities shall be permitted after special approval subject to all of the provisions of section 122-787, except that the following relaxed requirements shall apply:~~

- ~~(1) Within the S student overlay district, fraternities and sororities may be located within an underlying R3, R4, B2, or B3 district.~~
- ~~(2) The lot area may have a minimum of 5,750 square feet.~~
- ~~(3) The requirement that 15 percent of the total square feet of the side and rear yards be retained in open landscaped areas shall not be required.~~
- ~~(4) Notwithstanding the provisions for senior citizen housing parking under the residential category of section 122-836, a minimum of one off-street parking space for each two occupants, plus one off-street parking space for each employee, shall be required.~~
- ~~(5) No property line may be located within 200 feet of an R2 district.~~

~~Sec. 122-549. Development standards.~~

- ~~(a) *Site plan review.* Site plan review and approval are required for uses in the S student overlay district in accordance with article IV of this chapter.~~
- ~~(b) *General standards.* Buildings and uses in the S district, as in all other zoning districts, shall be subject to all applicable standards and requirements set forth in this chapter, including nonconformities, general provisions, off-street parking requirements, signs and flood damage prevention.~~

DIVISION 4.
RCO RESIDENTIAL COMMERCIAL OVERLAY DISTRICT

~~Sec. 122-550. Description and purpose.~~

~~The Residential/Commercial Overlay District is intended to minimize land use conflicts within mixed use areas, while creating sufficient buffering to maintain a compatibility of uses. The underlying zoning district regulations remain as the default requirements for unidentified regulations within this district.~~

~~Sec. 122-551. General standards.~~

~~Within the RCO Residential Commercial Overlay District, the following standards shall apply:~~

- ~~(1) The provisions of this Article shall apply, and where applicable, take precedence over the provisions and restrictions of the underlying zoning districts shown on the official Zoning Map, as amended, sufficient to fulfill the purpose and intent of this Article.~~
- ~~(2) Uses permitted in the RCO Residential Commercial Overlay District shall be those uses permitted by the property's underlying zoning district classification as shown on the official Zoning Map, as amended.~~

~~Sec. 122-552. Special conditions and standards.~~

~~Within the RCO Residential Commercial Overlay District, the following standards shall apply to all non-residential and multiple family uses of greater than three (3) units:~~

- ~~(1) All sites shall be landscaped and screened as follows, with the specifics of each found in Division 4, Landscaping, Greenbelts and Screening:~~
 - ~~(a) All commercial or multi-family uses adjacent to a property zoned or used for single family uses shall provide one of the following types of screens/buffers on all abutting sides:~~
 - ~~i. A solid wall with planting strip.~~
 - ~~ii. Screening mounds or berms.~~
 - ~~iii. Evergreen screen.~~
 - ~~iv. A combination of the above.~~
 - ~~(b) All off street parking areas containing greater than twenty (20) spaces shall provide the following landscape provisions:~~
 - ~~i. Total interior landscape area, including landscape parking lot islands, of not less than five (5) percent of the total paved parking lot area.~~
 - ~~ii. Landscape island areas shall be no less than one hundred and fifty (150) square feet.~~
 - ~~iii. At least one (1) deciduous tree shall be planted within the landscape island area, along with a combination of shrubs and ground cover/grass.~~
 - ~~iv. Planning Commission may at their discretion modify the off street parking area landscape requirements.~~
 - ~~(c) A minimum of ten (10) percent of the site (exclusive of the parking areas) shall be landscaped with a combination of trees, shrubs and ground cover/grass, unless modified by Planning Commission. The minimum requirements may be met through the use of existing vegetation provided the following standards are satisfied for both new and existing vegetation:~~
 - ~~i. Deciduous shade trees shall be a minimum of two (2) inches in caliper when planted.~~
 - ~~ii. Deciduous ornamental trees shall be a minimum of one and one half (1 1/2) inches in caliper when planted.~~
 - ~~iii. Evergreen trees shall be a minimum of six (6) feet tall when planted.~~
 - ~~iv. Shrubs and hedges shall be a minimum of two (2) feet tall when planted.~~

- ~~v. Grass areas shall be planted in species normally grown as permanent lawns in Washtenaw County. Grass may be plugged, sprigged, seeded or sodded, and shall be clean and free of weeds, noxious pests and diseases.~~
- ~~(2) All freestanding signs shall be no taller than ten (10) feet, unless modified or waived at the discretion of Planning Commission.~~
- ~~(3) Pylon style signs shall be prohibited.~~
- ~~(4) Planning Commission may request that adjoining uses share an access drive in the following cases:
 - ~~(a) When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.~~
 - ~~(b) The site is along a portion of roadway where there is congestion or a relatively high number of accidents.~~
 - ~~(c) The property frontage has limited sight distance.~~
 - ~~(d) The fire department recommends a second means of emergency access.~~
 - ~~(e) Required by the Michigan Department of Transportation.~~~~
- ~~(5) Parking shall be provided in the rear of the building, unless modified or waived at the discretion of Planning Commission.~~
- ~~(6) All light poles shall be no taller than sixteen (16) feet.~~
- ~~(7) A photometric study, which includes the foot candles of all lighting sources, shall be required for all lighting, unless waived at the discretion of Planning Commission.~~
- ~~(8) Planning Commission shall encourage architectural compatibility with adjacent existing structures.~~
- ~~(9) Where feasible, Planning Commission shall require that overhead utility lines be buried beginning at the property line.~~

~~Sec. 122-553. Area regulations.~~

~~Upon the submission of a site plan, as required in Section 122-122, the following lot area, yard, and building coverage requirements:~~

- ~~(1) **Lot Coverage.** The total area of all structures at the ground level shall not exceed forty (40) percent of the lot area.~~
- ~~(2) **Front Yard.** There shall be a front yard of not less than ten (10) feet as measured from the front lot line.~~
- ~~(3) **Rear Yards.** There shall be a rear yard setback of not less than thirty five (35) feet.~~
- ~~(4) **Distance between Buildings.** The minimum distance between buildings on a single lot or on contiguous property under the same ownership shall be fifteen (15) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two and one-half (2 1/2) stories.~~

~~Sec. 122-554. Height regulations.~~

~~Unless a stricter height provision is provided elsewhere in this Ordinance, no building or structure shall exceed three (3) stories or forty (40) feet in height. See Section 122-640 for height exceptions.~~

~~Sec. 122-555. Development standards.~~

~~Buildings and uses in the RCO District shall be subject to all applicable standards and requirements set forth in this Ordinance.~~

DIVISION 5. ENTRYWAY OVERLAY DISTRICT

~~Sec. 122-556. Description and purpose.~~

~~The Entryway Overlay District is intended to minimize land use conflicts, enhance transportation circulation patterns, create uniform aesthetics/image, inter relate with existing historic structures, and create a tie with focal points within the City, through uniform dimensional, architectural and environmental provisions. The underlying zoning district regulations remain as the default requirements for unidentified regulations within this district.~~

~~Sec. 122-557. General standards.~~

~~Within the Entryway Overlay District, the following standards shall apply:~~

- ~~(1) The provisions of this Article shall apply, and where applicable, take precedence over the provisions and restrictions of the underlying zoning districts shown on the official Zoning Map, as amended, sufficient to fulfill the purpose and intent of this Article.~~
- ~~(2) Uses permitted in the Entryway Overlay District shall be those uses permitted by the property's underlying zoning district classification as shown on the official Zoning Map, as amended.~~

~~Sec. 122-558. Special conditions and standards.~~

~~Within the Entryway Overlay District, the following standards shall apply to all applicable uses within the District:~~

- ~~(1) All sites shall be landscaped and screened as follows, with the specifics of each found in Division 4, Landscaping, Greenbelts, and Screening.~~
 - ~~(a) All uses shall provide no less than a ten (10) foot landscaped greenbelt along all parcel boundaries. The greenbelt shall be landscaped with no less than one (1) tree per every thirty (30) lineal feet, but may be clustered on the site.~~
 - ~~(b) All commercial or multi-family uses adjacent to a property zoned or used for single family uses shall provide one of the following types of screens/buffers on all abutting sides:~~
 - ~~i. A solid wall with planting strip.~~
 - ~~ii. Screening mounds or berms.~~
 - ~~iii. Evergreen screen.~~
 - ~~iv. A combination of the above.~~
 - ~~(c) All off street parking areas containing greater than twenty (20) spaces shall provide the following landscape provisions:~~
 - ~~i. Total interior landscape area, including landscape parking lot islands, of not less than five (5) percent of the total paved parking lot area.~~
 - ~~ii. Landscape island areas shall be no less than one hundred and fifty (150) square feet.~~
 - ~~iii. At least one (1) deciduous tree shall be planted within the landscape island area, along with a combination of shrubs and ground cover/grass.~~
 - ~~iv. Planning Commission may at their discretion modify the off street parking area landscape requirements.~~
 - ~~(d) A minimum of ten (10) percent of the site (exclusive of the parking areas) shall be landscaped with a combination of trees, shrubs and ground cover/grass, unless modified by Planning Commission. The minimum requirements may be met through the use of existing vegetation, and the required greenbelt plantings, provided the following standards are satisfied for both new and existing vegetation:~~
 - ~~i. Deciduous shade trees shall be a minimum of two (2) inches in caliper when planted.~~
 - ~~ii. Deciduous ornamental trees shall be a minimum of one and one half (1 1/2) inches in caliper when planted.~~

- iii. ~~Evergreen trees shall be a minimum of six (6) feet tall when planted.~~
 - iv. ~~Shrubs and hedges shall be a minimum of two (2) feet tall when planted.~~
 - v. ~~Grass areas shall be planted in species normally grown as permanent lawns in Washtenaw County. Grass may be plugged, sprigged, seeded or sodded, and shall be clean and free of weeds, noxious pests and diseases.~~
- (2) ~~Pole style signs shall be prohibited.~~
 - (3) ~~Planning Commission may request that adjoining uses share an access drive and/or parking in the following cases:~~
 - (a) ~~When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.~~
 - (b) ~~The site is along a portion of roadway where there is congestion or a relatively high number of accidents.~~
 - (c) ~~The property frontage has limited sight distance.~~
 - (d) ~~The fire department recommends a second means of emergency access.~~
 - (e) ~~Required by the Michigan Department of Transportation.~~
 - (f) ~~Uses are contiguous and/or occupy a very small lot.~~
 - (4) ~~Parking shall be provided in the rear of the building, unless modified or waived at the discretion of Planning Commission.~~
 - (5) ~~All light poles shall be no taller than sixteen (16) feet.~~
 - (6) ~~A photometric study, which includes the foot candles of all lighting sources, shall be required for all lighting, unless waived at the discretion of Planning Commission.~~
 - (7) ~~All developments shall have an interrelated pedestrian and motorized vehicle network with pedestrian linkages to the Downtown and Depot Town where applicable. The pedestrian network includes sidewalks along all abutting streets.~~
 - (8) ~~All development shall be oriented towards the major thoroughfare, not the side streets.~~
 - (9) ~~Planning Commission shall encourage architectural compatibility with adjacent existing structures, with special attention given to adjacent residential uses.~~
 - (10) ~~Where feasible, Planning Commission shall require that overhead utility lines be buried beginning at the property line.~~

~~Sec. 122-559. Area regulations.~~

~~Upon the submission of a site plan, as required in Section 122-122, the following lot area, yard, and building coverage requirements apply:~~

- (1) ~~*Lot Coverage.* The total area of all structures at the ground level shall not exceed forty (40) percent of the lot area.~~
- (2) ~~*Front Yard.* There shall be a front yard of not less than ten (10) feet as measured from the front lot line.~~
- (3) ~~*Rear Yards.* There shall be a rear yard setback of not less than thirty-five (35) feet.~~
- (4) ~~*Distance between Buildings.* The minimum distance between buildings on a single lot or on contiguous property under the same ownership shall be fifteen (15) feet, plus four (4) additional feet for every story or fraction thereof that the building exceeds two and one half (2 1/2) stories.~~

~~Sec. 122-560. Height regulations.~~

~~Unless a stricter height provision is provided elsewhere in this Ordinance, no building or structure shall exceed three (3) stories or forty (40) feet in height. See Section 122-640 for height exceptions.~~

~~Sec. 122-561. Development standards.~~

~~Buildings and uses in the Entryway District shall be subject to all applicable standards and requirements set forth in this Ordinance.~~

~~Secs. 122-562–122-570. Reserved~~

ARTICLE IX. PLANNED UNIT DEVELOPMENT*

*State law reference(s)--Planned unit development, MCL 125.584b, MSA 5.2934(2).

Sec. 122-571. Description and purpose.

- (a) It is the purpose of this article to provide guidelines for development or redevelopment which is planned as a unit. Toward this end, it is the intent of these regulations to allow flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, energy, public services, and utilities; encourage useful open space; provide better housing, employment, shopping opportunities, compatibility of design, and use between neighboring properties; facilitate the preservation and reuse of historic structures; and encourage development that is consistent with the city's master land use plan.
- (b) The approval of a planned unit development application ~~shall~~ requires an amendment to this chapter to revise the zoning map and designate the subject property as "PUD, planned unit development." An approval granted under this article, including all aspects of the final site development plan and conditions imposed on it, ~~shall~~ constitutes an inseparable part of this chapter.
- (c) The provisions of this article are not intended as a device for ignoring this chapter, the specific standards set forth in this chapter, or the planning upon which it has been based. Provisions of this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with the guidelines of this article to insure appropriate, fair, and consistent decision-making.

Sec. 122-572. Permitted uses.

In a planned unit development, the principal uses which ~~shall be~~ are permitted ~~shall be~~ are based on the underlying zoning district. City Council may also consider, upon Planning Commission recommendation, the City of Ypsilanti Master Plan as a basis for principal uses permitted in a planned unit development.

Underlying Zoning District	Permitted Uses under Planned Unit Development
R1, R2, CN-Mid, CN-SF, P	Planned unit developments, excepting adaptive reuse, shall are not be permitted in these districts, except as provided for under 122-574.
R3, R4 CN, MD	Any combination of uses permitted in the R3 and R4 CN and MD zoning districts. Limited commercial, service, and office uses must be permitted if in combination with and related to residential uses.
RO, B1, B2, B3 or RC HHS, HC, NC, C	Any combination of uses permitted in the RO, B1, B2, B3 or RC (Ord. No. 918, 8-4-2000) HHS, HC, NC or C zoning districts. Residential uses must be permitted only if in combination with such commercial or office uses.
B4, WS or CI GC	All commercial, service, and office uses or any combination of such uses must be permitted. Limited light industrial uses must be permitted if in combination with such commercial or office uses. However, the CI district shall permit a stand-alone light industrial use. (Ord. No. 918, 8-4-2000)
M1, M2 PMD	All industrial and office uses and any combination of such uses. Limited commercial and service uses must be permitted if in combination with industrial uses. Residential uses must not be permitted.

Sec. 122-573. Requirements for planned unit developments.

The following requirements must apply to all planned unit developments:

- (1) *Unified control.* The proposed development must be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. The applicant must provide legal documentation of a single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.

- (2) *Minimum size.* The minimum size of a planned unit development must be 43,560 square feet (one acre) of contiguous land. The city council may approve a planned unit development for a parcel as small as 21,780 square feet (one-half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance must be determined by the city historic district commission.
- (3) *Applicable base regulations.* Unless waived or modified in accordance with the procedures and standards set forth in this article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in this chapter for the uses listed below must be applicable for uses proposed as part of a planned unit development:
 - a. Multiple-family residential uses must comply with the regulations applicable in the ~~R4 MD~~ multiple-family dwelling residential district.
 - b. Commercial and office uses must comply with the regulations applicable in the ~~B3 central business~~ Center C district.
 - c. Manufacturing uses must comply with the regulations applicable in the ~~M2 light manufacturing~~ PMD district.
 - d. Mixed uses must comply with the regulations applicable for each individual use, as outlined above, except that if conflicts exist between provisions, the regulations applicable to the most dominant use must apply.
 - e. To encourage flexibility and creativity in development consistent with the planned development concept, departures from compliance with the base regulations may be granted by the city council, upon recommendation of the planning commission, as a part of the approval of the planned development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.
- (4) *Street access.* Each lot, main building, and principal use within a planned development district must have vehicular access to a public street. Adequate provision must be made for dedications of land for streets and essential services.
- (5) *Usable open space.* The proposed development must contain at least as much open space as would otherwise be required by the existing underlying zoning.
- (6) *Landscaping and maintenance of common areas.* All required yards and common areas must be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer must assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.
- (7) *Additional considerations.* During review of a proposed planned development, the planning commission must take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.

Sec. 122-574. Planned adaptive reuse projects.

A planned unit development that involves adaptive reuse of an existing structure that is located in a residential zoning district, but that was originally constructed for non-residential use, may be reviewed as a planned adaptive reuse project at the request of the applicant. The following requirements must apply to a planned adaptive reuse project in addition to the requirements applied to all planned unit developments:

- (1) *Eligibility.* The project must involve the reuse of an existing structure that is located in a residential zoning district, that was constructed for non-residential use.
- (2) *Minimum size.* Notwithstanding Sec. 122-573(2), no minimum size is required for a planned adaptive reuse project.

- (3) *Permitted uses.* Notwithstanding Sec. 122-572, a planned adaptive reuse project may include any uses determined by the City Council, upon Planning Commission recommendation, to be appropriate for the site and compatible with adjacent uses and zoning districts, with the master plan, and with any subarea plans.

Sec. 122-575. Application requirements.

An application for a planned unit development must contain the following:

- (1) Cover letter signed by the applicant and owner holding an equitable interest in the property.
- (2) Legal description showing the location and acreage of the property.
- (3) General description of proposed development, including a timetable of development and a list of departures from the regulations of this chapter which will be required.
- (4) Site plan at a scale of one inch equals 50 feet or larger, prepared in accordance with section 122-125. Additional information on the site plan must include:
 - a. A schedule of total land areas devoted to each type of use, useable floor areas, density calculations, number and types of units, and building ground coverage.
 - b. Open space areas, indicating the proposed uses and improvements for such areas.
 - c. Architectural sketches showing building heights, external wall finishes, location of building entry ways, lighting elements, and other architectural features.
 - d. Copy of agreements, covenants, or deed restrictions which will assure that the development will be completed and maintained as shown on the plans by the developer and successive owners.
 - e. Other information deemed pertinent to the proposed development by the planning commission or city council.
- (5) A fee for the processing of the planned development application, as established by the city council.

Sec. 122-576. Review procedures.

The review and approval process for planned unit developments must be as follows:

- (1) *Preapplication conference.*
 - a. In order to facilitate review of a planned unit development proposal in a timely manner, the applicant may request an informal preapplication conference with city staff. The purpose of such a conference is to exchange information and provide guidance to the applicant that will assist in preparation of application materials.
 - b. The applicant must present at such a conference, at a minimum, a ~~sketch~~ **concept** plan of the proposed planned unit development (drawn to scale), a legal description of the property in question, the total land areas of the project, the approximate number of residential units to be constructed, the floor area of nonresidential uses, and areas to be designated as common areas or open space.
 - c. No formal action must be taken at a preapplication conference. There must be no fee for a preapplication conference. Statements made at the preapplication conference must not be legally binding commitments.
- (2) *Public hearing.* After a formal application has been filed for a planned unit development, it must be reviewed by the city planner and planning and development department for completeness and submitted to the planning commission. A public hearing on the proposed planned unit development must be scheduled. Notice of the public hearing must be published in a newspaper of general circulation in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real estate property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice must be given not less than 15 days before the public hearing scheduled. Such notification must contain the following information:
 - a. Nature of the planned unit development project requested.
 - b. Boundaries of the property which is the subject of the request.
 - c. Date and time of the public hearing.
 - d. Location and times that written comments will be received concerning the request.

- (3) *Planning commission recommendations.* Within a reasonable time not to exceed 90 days following the public hearing, the planning commission must make its final consideration of the request, and must recommend to the city council denial, approval, or approval with conditions, of the request. The planning commission must have prepared a report stating its conclusions, the basis for its recommendations, and any conditions relating to an affirmative recommendation.
- (4) *City council action.*
 - a. The city council must be provided with a copy of the planning commission's report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the planned unit development. Within a reasonable time, not to exceed 60 days, after the action of the planning commission, the city council must deny, approve, or approve with conditions, the request.
 - b. The city council may require that a performance guarantee be deposited with the city to insure faithful completion of improvements, in accordance with section 122-133~~4~~. Unapproved deviations or delays in construction may result in a loss of all or a portion of the performance guarantee.
 - c. The city council may also impose other conditions to ensure that a planned unit development is constructed in an orderly manner, consistent with the spirit and intent of this chapter; and that the planned unit approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land uses.
- (5) *Effect of approval.*
 - a. Approval of a planned unit development proposal must constitute an amendment to this chapter. All improvements to and use of the site must be in conformity with the approved planned unit development site plan and any conditions imposed.
 - b. Within three business days of official approval of the application and site plan by the city council, the city clerk must attest the planned unit development designation for the land in question on the zoning map.
 - c. Notice of the adoption of the planned unit development designation must be published in a newspaper of general circulation within the city within 15 days after approval in accordance with section 122-62.
- (6) *Recorded with register of deeds.* The applicant must record with the county register of deeds within ten days of approval of the application the following: a legal description of the project site, the approved site plan and an affidavit declaring that all future improvements will be made in accordance with the approved planned unit development.

Sec. 122-577. Standards for approval.

In considering any application for a planned unit development, the planning commission and city council must make their determinations based on the standards for site plan approval in section 122-127~~8~~ and the following standards:

- (1) *Conformance with the planned development concept.* The overall design and all uses proposed in connection with a planned unit development must be consistent with and promote the intent of this article, as well as with specific project design standards set forth in this chapter.
- (2) *Recognizable benefits.* The planned development will result in recognizable and substantial benefits to the ultimate users of the project and to the community in general where such benefits would otherwise be unfeasible or unlikely to be achieved.
- (3) *Compatibility with adjacent uses.* The proposed planned unit development must be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration must be given to the following:
 - a. The bulk, placement, architecture, and types of materials used in construction of proposed structures.
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - d. The hours of operation of the proposed uses.

- e. Landscaping, preservation of historic features, and other site amenities.
- (4) *Impact of traffic.* The planned development must be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration must be given to the following:
 - a. Estimated traffic to be generated by the proposed development.
 - b. Access to major thoroughfares.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provisions for pedestrian traffic.
 - h. Access to loading and unloading areas.
- (5) *Public services.* The proposed type and density of use must not result in a material increase in the need for public services, facilities, and utilities; including but not necessarily limited to water and sewer services, public roads, fire and police protection, and schools. The proposal must not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- (6) *Compatibility with master plan and this chapter.* The proposed development must be compatible with the adopted city master plan and with the spirit and intent of this chapter.
- (7) *Economic impact.* The proposed development must not result in an unreasonable negative economic impact upon surrounding properties.
- (8) *Compliance with applicable regulations.* The proposed development must be in compliance with all applicable federal, state, county, and local laws and regulations.
- (9) *Phasing.* Where a project is proposed for construction in phases, the project must be so designed that each phase, when completed, must be capable of standing on its own in terms of the presence of services, facilities, and open space; and must contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area.

Sec. 122-578. Expiration of approval.

- (a) Approval of the planned unit development must expire and be of no effect unless construction must have commenced within one year of the date of the approval. An extension for a specified period may be granted by the city council upon good cause shown, if such request is made to the city council prior to the expiration period.
- (b) In the event an approved planned unit development has expired, the city council may rezone the property in any reasonable manner following planning commission recommendation and a public hearing in accordance with article III of this chapter. If, at the discretion of the city council, the property remains classified as a planned unit development, a new application must be required and must be reviewed in light of the prevailing conditions, applicable laws, and ordinance provisions.

Sec. 122-579. Revision of approved plans.

- (a) *General revisions.* Approved final plans for a planned unit development may be revised in accordance with the procedures set forth in section 122-575. Major revisions would include, but must not be limited to, increases in scope or density of use, land area, or building size; the addition of uses not authorized by the original planned unit development approval; the rearrangement of lots or building tracts; changes in the character or function of drives; or changes in the concept of the development.
- (b) *Minor changes.* Notwithstanding subsection (a) of this section, minor changes may be permitted by the planning commission following normal site plan review procedures outlined in article IV of this chapter, subject to its finding of the following:
 - (1) Such changes will not adversely affect the initial basis for granting approval; and

- (2) Such minor changes will comply with all applicable requirements of this chapter and other local, state, and federal laws; and will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in this article.

Sec. 122-580. Appeals and variances.

The zoning board of appeals is without jurisdiction to accept appeals or grant variances with respect to an approved planned unit development.

Secs. 122-581--122-600. Reserved.

ARTICLE X. SITE CONDOMINIUM SUBDIVISIONS*

*State law reference(s)--Condominium act, MCL 559.101 et seq., MSA 26.50(101) et seq.

Sec. 122-601. Purpose and scope.

Site condominium subdivisions are developments utilizing the technique of land division on the basis of condominium ownership. As such, site condominium subdivisions are not subject to the provisions of the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), MSA 26.430(101) et seq.), as amended. This section requires the submittal and review of site condominium subdivision plans under this chapter to ensure that such developments are accomplished with the same results as if the improvements were being proposed pursuant to the land division act, including, without limitation, conformance with all requirements of the applicable regulations contained in this chapter. Site condominium subdivision projects may be approved in any zoning district as a special use under the provisions of article IV of this chapter, or where divergence from the use, height, area, and placement regulations of this chapter is desired, the provisions of article IX of this chapter.

Sec. 122-602. Definitions.

The following terms are defined both in the context of the condominium act and in a manner intended to make comparison possible between the terms of this chapter and other current or future land subdivision and utility extension regulations adopted by the city.

Condominium act means Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended.

Condominium structure or building envelope means the principle building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures. For example, in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

Lot means the same as building site and is that portion of the condominium project designed and intended for separate ownership and/or exclusive use, as described in the master deed. Lot must be further defined as:

- (1) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots within each zoning district.
- (2) The contiguous limited common element under and surrounding a condominium unit that is or must be assigned to the owner of the condominium unit, for the owner exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots within each zoning district.

Master deed means the legal document prepared and recorded pursuant to Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Mobile home condominium project means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Setback, front, side and rear yard means the distance measured from the respective front, side, and rear yard area lines associated with the lot to the respective front, side, and rear of the condominium structure/building envelope.

Sec. 122-603. Zoning compliance.

All site condominium subdivisions and structures therein must comply with all the use, size, height, area, setback, sign, and all other regulations of the zoning district in which the subdivision is located unless modified through the provisions of article IX of this chapter regarding planned unit developments.

Sec. 122-604. Review and approval procedures.

Application for review and approval of site condominium subdivision projects must be made pursuant to the provisions of article V or article IX of this chapter.

Sec. 122-605. Effect of approval.

Approval of a site condominium subdivision project must serve as authorization to proceed with the division of the land on the basis of condominium ownership and the construction of required improvements to the land. However, unless specifically addressed and authorized, site condominium subdivision approval must not serve as the authorization of land uses on individual lots within the subdivision. All uses must be subject to the provisions of this chapter otherwise applicable to the specific zoning district and use in question.

Sec. 122-606. Site plans.

The site plan submitted for a site condominium subdivision must be consistent with the requirements outlined in section 122-125 showing the location, size, shape, area, and width of all lots, all general and limited common elements, and street and utility layout. In addition, the following must be included as part of the application for special land use approval:

- (1) The use and occupancy restrictions as will be contained in the master deed.
- (2) A "consent to submission of real property to condominium project" listing all parties which have ownership interest in the proposed site condominium subdivision, or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner of record.

Sec. 122-607. Layout, design and required improvements.

Site condominium subdivision plans must conform to the design, layout, and improvement standards as may be promulgated by the city council by ordinance. Any such standards and regulations are hereby incorporated by reference in this article.

- (1) *Streets*. If a site condominium subdivision is proposed to have public streets, the streets must be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for public streets as adopted by the city.
- (2) *Utilities*. Extension and provision of utilities must be provided as may be required by the city as conditions of approval.
- (3) *Drainage*. Procedures and design criteria for drainage must be as provided in the rules of the county drain commissioner, pursuant to section 105(c) of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101(c), MSA 26.430(101), (c)), as amended.

Sec. 122-608. Master deed contents.

All provisions of the site condominium plans which are approved by the city pursuant to this article must be incorporated, as approved, in the master deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be received and approved by the city pursuant to the procedure set forth in section 122-604 for the approval of site condominium plans. A copy of the master deed as filed with the county register of deeds for recording must be provided to the city clerk within ten days after such filing with the county.

Secs. 122-609--122-630. Reserved.

ARTICLE XI. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 122-631. Scope.

The provisions of this chapter must apply to all lots and parcels of land and to every building, structure, or use, and extends vertically. No lot, building, structure, or part thereof, must hereafter be located, erected, altered, occupied, or used except in conformity with the provisions of this chapter. The general provisions of this article must apply unless specifically stated otherwise.

Sec. 122-632. Control of heat, glare, fumes, dust, noise, etc.

Every use must be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, dust, noise, radiation, vibration, or odors beyond the lot on which the use is located. Furthermore, it shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any public nuisance as defined and regulated under article II of chapter 42.

Sec. 122-633. Damaged or destroyed buildings.

- (a) The owner of any building or structure which has been damaged or destroyed by fire, windstorm, or other casualty must repair such damage within six months after its occurrence. However, nonconforming buildings and structures must only be repaired when in conformance with the subsection 122-2067(b)(4).
- (b) In the event the building or structure is damaged beyond repair, or repairs are not permitted by the terms of this chapter, then any part left standing after such damage or destruction must be demolished within six months of its occurrence pursuant to a permit granted by the city building department.

Sec. 122-634. Dumping on land prohibited.

The use of land for the dumping or disposal of scrap metal, junk, junk cars, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by-products, must not be permitted in any zoning district.

Cross reference(s)--Solid waste, ch. 86.

Sec. 122-635. Dwelling on rear of lot.

- (a) No building on the same lot and in the rear of a principal building must be used as a dwelling, nor must any building be located in front of a building used as a dwelling on the same lot, except as provided by this chapter ~~in the R3 and R4 zoning districts~~ or within an approved planned unit development.
- (b) The only exceptions to this requirement are dormitories, rectories, convents, or similar living quarters operated and maintained in connection with a ~~church~~ **religious institution**, school, hospital, or similar institution.

Sec. 122-636. **Rights of Way and Easements.**

- (a) **Construction of Permanent Structure Over Right of Way or Easement Unlawful.** It is unlawful for any person to install, erect, cause or permit the installation of a permanent structure (such as a garage, building, swimming pool, fence, or tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.
- (b) **Building Entrance must face Street.** No ~~residential~~ **principal** building can be placed on a lot unless the building is situated in such a manner that the front entry into the building faces the street to which the property is addressed.
- (c) **Planned Easements.** All site plans must show planned easements for non-motorized pathways in the City of Ypsilanti's Non-Motorized Plan, a 50 to 100 foot conservation and /or access easement along any Huron River frontage, the ReImagine Washtenaw Corridor Improvement Study and any planned road easement expansions approved by City Council. A proposed expansion of a structure or new building where the building or structure encroaches from the required setback from a planned easement for a street must be approved by the Planning Commission.

Sec. 122-637. Essential services.

- (a) *General provisions.* Essential services which are located underground or involve the customary placing of utility poles in public rights-of-way or public easements or the placing of utility boxes in the rear of private properties, and which are reasonably necessary for the furnishing of adequate services for the public health,

safety, or welfare must be permitted as authorized and regulated by law and other ordinances of the city in any zoning district.

- (b) *Public utility buildings.* The planning commission may authorize the erection, maintenance, and use of a building, or an alteration or addition to an existing building by a public utility as a special use and after site plan review in any zoning district, including a building with a height greater than otherwise permitted in the zoning district; provided that the planning commission finds that such building is necessary at a selected location, will not be injurious to the surrounding neighborhood, and is not contrary to the spirit or purpose of this chapter. Where possible, such buildings must be located in a commercially or industrially zoned district rather than in residential districts.

Sec. 122-638. Depositing or burying garbage; excavation or filling.

- (a) The deposit or burying of garbage anywhere in the city is expressly prohibited.
- (b) The removal or filling of topsoil, sand, gravel or other material from or on the land is not permitted in any zoning district unless a site plan for such excavation or filling has first been approved by the planning commission and a permit is issued by the building department. Before approving such plan, the planning commission must determine that such removal will not cause standing water to collect or, at the expiration date of such permit, leave the surface of the land in an unsuitable condition or unfit for other land uses permitted in the district in which the removal or filling occurs; and that such fill or removal will not cause water or other materials to encroach on any public street, sidewalk, or adjacent property not owned by the applicant. When appropriate, the city may require that such fill or excavation areas are protected with fencing, rail guards, and warning signs.
- (c) This section must not apply to the normal removal or filling of soil for the construction of an approved building or structure when such plans have received site plan approval and a permit for such construction has been issued by the building department.
- (d) This section is also not intended to regulate common household gardening or general ground care.

Cross reference(s)--Solid waste, ch. 86.

Sec. 122-639. Grades; elevation differentials.

The grading of all building lots must be such as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property.

Sec. 122-640. Height exceptions. Steep Slopes Protection.

This section is intended to protect resources in environmentally sensitive areas to ensure that development does not result in erosion and in flooding during site preparation and the development process. All uses and activities established after the effective date of this Ordinance must comply with the following standards. Site alterations, re-grading, filling or the clearing of vegetation, or any other activity deemed detrimental to any environmentally sensitive area or resource prior to the submission of plans for subdivision or land development are a violation of this Ordinance.

- (a) *General Design Standards.* Structures must be designed in a manner that requires a minimum amount of alternation to the steep slope and that otherwise complies with the grading standards in item b of this section. Except where a geologic hazard investigation report recommends otherwise, multi-level building design and/or terracing must be used. Otherwise, structures must be sited on existing level areas of the site. Particular caution must be taken to prevent increases in the rate of stormwater runoff and erosion downslope of any steep slope development site.
- (b) *Specific Design Standards.* The following specific design standards must be met on sites with steep slopes:
 - 1. Any site disturbance of slopes exceeding twelve (12%) percent must be minimized.
 - 2. No site disturbance must be allowed on slopes exceeding fifteen (15%) percent, except under the following circumstances.
 - a. Grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding fifteen (15%) percent is possible.
 - b. Upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed and execution of a provision agreeing to hold the City of Ypsilanti harmless from any claims of damages due to approval of such development. If development is allowed to

proceed under this subsection, no more than (15%) percent of such areas must be developed and/or regraded or stripped of vegetation.

3. Finished slopes of all cuts and fills must not exceed three-to-one (3:1), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

- (a) ~~The height requirements of all zoning districts may be exceeded by chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas when in compliance with article XI, division 3 of this chapter; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts in which they are located; provided that they do not exceed the maximum permitted height for buildings in a given district by more than ten feet.~~
- (b) ~~In the M2 district, chimneys, cooling and fire towers, elevator buildings, parapets, roof storage tanks, communication towers and other necessary appurtenances are permitted to heights greater than ten feet above the maximum permitted building height; provided such appurtenances are located at least the same distance from any adjoining property line as their height.~~

Sec. 122-641. Outdoor lighting.

- (a) All outdoor lighting must be so designed and arranged so as not to shine on adjacent properties or occupied dwellings, or adversely impact vehicular or pedestrian traffic on nearby streets, drives, walkways, or general rights-of-way. Outdoor lighting originating on a site must not exceed one-half (0.5) footcandle at the lot line. Proposed light fixtures must be ~~down directed and shielded where necessary. The source of the illumination (luminaire) must not be visible from adjacent properties.~~ Dark Sky compliant. Lights may be required to be full cutoff where they may impact residential uses.
- (b) Outdoor lighting fixtures must not exceed a height of 30 feet in height or the height of the principal building on the site, whichever is less. For development sites abutting ~~properties~~ lots used or zoned for one and two-family residential uses, lights must not exceed a height of 16 ft. The planning commission may modify the height restrictions in commercial and industrial districts, based on consideration of the following: the position and height of buildings, the character of the proposed use; and the character of surrounding land use.
- (c) Where outdoor lighting is required by this chapter, the light intensity provided at ground level must be a minimum of 0.3 footcandle anywhere in the area to be illuminated. Light intensity must average a minimum of 0.5 footcandle over the entire area, measured five feet above the surface.

Cross reference(s)--Traffic and vehicles, ch. 102.

Sec. 122-642. Direct access to major thoroughfare.

Whenever this chapter requires that direct access to a major thoroughfare be provided, one of the following provisions must be met:

- (1) Direct driveway ingress and egress is provided from the site directly to a major thoroughfare.
- (2) Access to the site from a major thoroughfare does not traverse through or abut any land zoned R1, ~~R2, R3, or R4~~ MD, CN-SF, CN-Mid, and CN.

Sec. 122-643. Moving of buildings or structures.

The moving of a building or structure to a different location must be considered as the erection of a new building and all provisions, regulations, and requirements relative to the erection of a new building must be applicable thereto. A performance guarantee may be required prior to such moving as provided in section 122-133~~4~~.

Sec. 122-644. Porches, decks, balconies, fire escapes, and barrier-free access ramps.

(a) *Porches, decks, terraces and balconies.*

- (1) An open or unenclosed porch or terrace may project into a front yard for not more than ten feet, unless otherwise regulated within this chapter.
- (2) Open, unenclosed or uncovered porches, decks, terraces, and walkways over nine inches in height must meet all side and rear yard setback requirements.
- (3) Unenclosed balconies may project into a front yard for not more than ten feet, but must meet all side and rear yard requirements.

- (4) All enclosed porches, decks or balconies are an integral part of a building and must meet all yard setback requirements of that structure.
- (b) *Fire escapes.* No fire escape can be located within any front yard. All fire escapes must meet all side and rear yard setback requirements.
- (c) *Barrier-free access ramps.* Barrier-free access ramps may be located within any front, side or rear yard, provided that no portion of the ramp which exceeds over 36 inches in height is located within any required minimum yard setback area. This provision may be waived by the building department for a temporary barrier-free access ramp to a single- or two-family dwelling, provided that the building department finds that such proposed ~~handicapped~~ **barrier-free** ramp will not pose a fire or safety hazard, and will not obstruct traffic vision. A temporary barrier-free access ramp must be removed within 14 days after the ~~handicapped~~ person **needing the ramp** ceases to occupy a dwelling.
- (d) *Architectural features.* Window sills, cornices, eaves, bay windows, and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend into any front or rear yard not more than three feet.

Sec. 122-645. Public service access.

All buildings and structures must be provided with adequate access for fire, police, sanitation and public works vehicles. The planning commission may require paved turnaround areas to allow adequate maneuverability for public service vehicles on a site.

Sec. 122-646. Retaining walls.

Retaining walls in excess of one foot in height require a building permit. All retaining walls must be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls must be maintained in structurally sound and safe repair and must not impair drainage or create negative impacts on any other lot.

Sec. 122-647. Sidewalks.

- (a) For all development projects, either a new public sidewalk or if necessary the reconstruction of existing sidewalks, must be provided along the perimeter of the lot which abuts any street. New or reconstructed sidewalks must be aligned with existing or proposed sidewalks and must be constructed to city standards **and subject to Chapter 94 of the City Code of Ordinances.**
- (b) This requirement may be modified by the Planning Commission as follows:
 - (1) A shared-use path may be provided in lieu of a sidewalk, upon a finding that any portion of the perimeter of a lot is planned to be part of an area-wide non-motorized network that requires such a facility.
 - (2) A fee in lieu of construction may be provided by the development in the amount of 100% of the construction cost, upon a finding that any portion of the perimeter of a lot is included in a transportation project programmed in the City's 5-year Capital Improvement Plan. Any fee paid for this purpose must be reserved for non-motorized improvements as a part of the identified transportation project.
 - (3) Any easement required for the construction, maintenance, or operation of a modified facility must be included on the site plan at the time the modification is requested.

Sec. 122-648. Street frontage requirements.

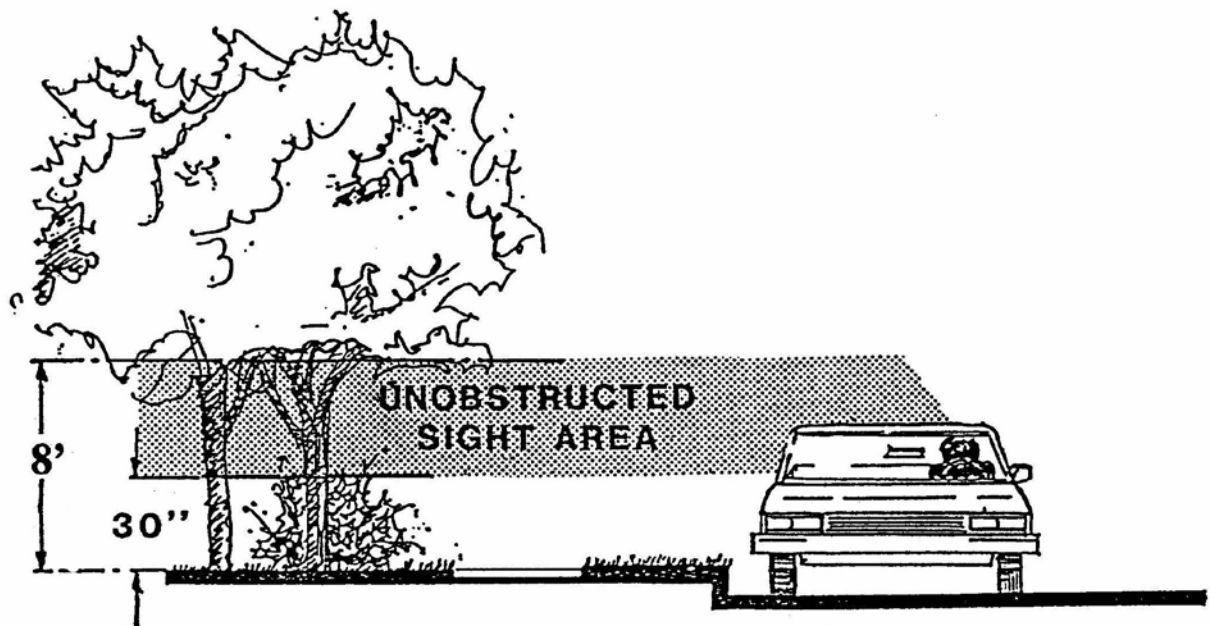
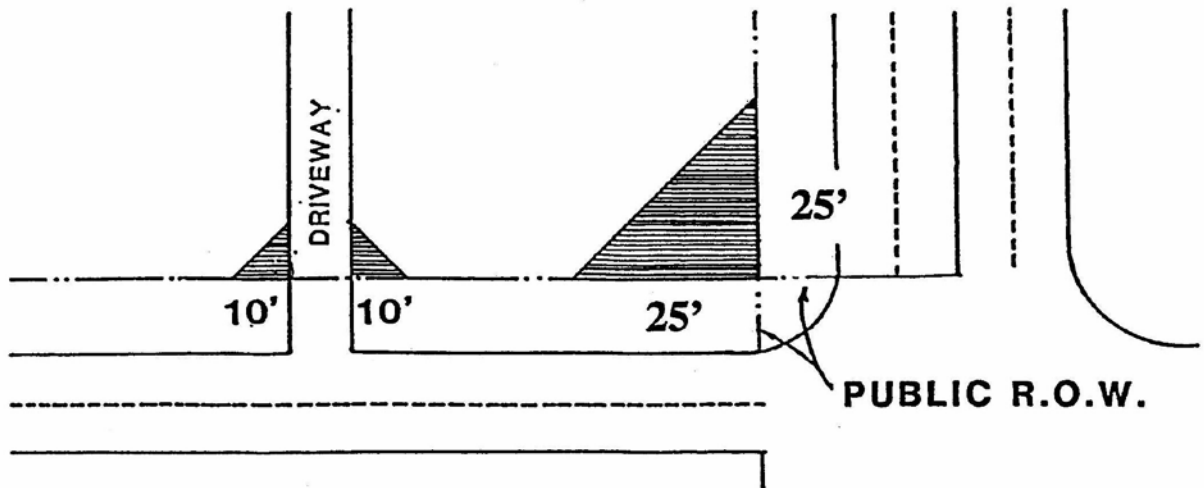
No lot can contain any building used in whole or in part for any purpose unless such lot abuts ~~for at least 50 feet~~ **the minimum lot width of the building type or zoning district** on at least one street; or unless it has an exclusive, unobstructed private easement of access or right-of-way of at least 50 feet wide to a street. There must not be more than one single-family dwelling or one nonresidential land use for such frontage or easement.

Sec. 122-649. Traffic visibility.

- (a) No structure, wall, fence, vehicle, shrubbery, or trees can be erected, parked, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection or maneuvering from a driveway. Provided, shrubbery and low fences or walls not exceeding 30 inches in height above the curb level and branches of trees not less than eight (8) feet above the street level will be permitted.
- (b) This means, in the case of an intersection, that there must be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended. In the case

of a driveway, there must be provided an unobstructed triangular area formed by the street right-of-way line, the edge of the driveway, and a line connecting them at points ten (10) feet from the intersection of the street right-of-way line and driveway edge. (Refer to the traffic visibility illustration on the next page.)

General Provisions



TRAFFIC VISIBILITY

Sec. 122-650. Trash receptacles and dumpsters.

Any new or altered commercial use, including residential uses with three or more units, which requires zoning compliance review or site plan review under article IV of this chapter and has an outdoor trash storage area must comply with the following requirements:

- (1) No outdoor trash storage area may be located in any front yard or any required side yard setback which is adjacent to a street, unless there is no alternative as established by the city planner or the Planning Commission. In no instance may any trash receptacle or dumpster be located within or block a designated parking space.
- (2) Any outdoor trash storage area must be limited to normal refuse which is collected on a regular basis and must be maintained in a neat, orderly and sanitary condition. This maintenance is the responsibility of the owner of the premises on which the containers are placed.
- (3) Adequate vehicular access must be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking spaces or entrances to or exits from principal buildings nearby.
- (4) All trash storage areas must be located in a rear yard or be so located and arranged so as to minimize its visibility from adjacent streets and uses, on a concrete pad, and must be screened with an enclosure at least one (1) foot taller than the dumpster. The enclosure must be of a solid brick or masonry wall on three sides with an 80% opacity swing door on the fourth side.
- (5) At the discretion of Planning Commission, landscaping may be required around the perimeter of a refuse container in order to soften its appearance from adjacent residential uses. (Ord. No. 918, 8-4-2000)

Cross reference(s)--Solid waste, ch. 86.

Sec. 122-651. Unclassified uses.

Uses which have not been specifically mentioned within any district may be processed under the special use permit procedure, in accordance with article V of this chapter. The planning commission must approve such special use permit only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit and intent of this chapter and master plan are not impaired by permitting such use at the proposed location.

Sec. 122-652. Voting place.

The provisions of this chapter must not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election. A temporary use permit must not be required for such voting place.

Secs. 122-653--122-665. Reserved.

DIVISION 2. ACCESSORY STRUCTURES AND USES

Sec. 122-666. Purpose and intent.

The intent of this division is to regulate accessory structures and uses in order to preserve adequate open spaces and separation between uses which may impact adjacent properties. Accessory uses and structures are generally permitted uses in their respective zoning districts, subject to the provisions of the this division.

Sec. 122-667. General standards for ~~detached~~ accessory structures.

- (1) *Attached Accessory Structures.* Where an accessory structure is attached to and made a part of the principal building (excluding breezeways or canopies), such accessory structure must comply in all respects with the requirements of this chapter applicable to the principal building.
- (2) *Detached Accessory Structures.* The following standards, unless otherwise stated in this chapter, govern all detached accessory structures. A "detached accessory structure" is one which is not attached to the principal structure; however, a breezeway or other enclosed or roofed over connecting way may connect the principal structure to an accessory structure provided that such breezeway or connecting way does not exceed eight feet in width and does not exceed the height of the accessory structure. Detached accessory structures include, but are not limited to, garages, sheds, toolhouses, swimming pools, tennis or basketball courts or other recreational equipment.
 - a. *Building permit.* No accessory structure may be erected, moved, altered, or razed until a building permit has been obtained from the building department.
 - b. *Height.* The maximum height for a detached accessory structure must be 15 feet; except in the M2 district, in which accessory structures may be constructed equal to the permitted maximum height of structures in such district, subject to planning commission review and approval.
 - c. *Location.* All detached accessory structures must be located in rear yards or side yards. On corner lots, detached accessory structures must not be located in the required street side yard setback. In no instance may an accessory structure be located within a dedicated easement.
 - d. *Setback and ground coverage requirements.* All detached accessory structures must meet the setback and ground coverage regulations for the underlying zoning district and, if applicable, building type.
 1. ~~From principal structure.~~ A detached accessory structure shall be located no closer than seven (7) feet to any principal structure used for residential purposes, five feet from any principal structure used only for nonresidential purposes; or in any case, the minimum distance to comply with fire safety regulations, whichever is greater.
 2. ~~From rear or side lot lines.~~ Unless regulated otherwise under the area regulations for each district, detached accessory structures shall be constructed a minimum of three feet from a rear or side lot line, and a minimum of one foot from any lot line which abuts an alley. However, on a through lot, the minimum setback from a rear lot line shall be 12 feet.
 3. ~~Attached to a principal building.~~ When an accessory building or structure is structurally attached to a principal building, it shall be subject to all of the regulations of this chapter applicable to the principal building.
 - e. *Ground coverage.* The total ground coverage of all detached accessory structures may occupy no more than 30 percent of the total rear yard area; provided that in a residential district, the ground coverage of accessory buildings shall not exceed the ground floor area of the principal building. This regulation shall not prohibit the construction of a garage with a minimum gross floor area of 720 in a rear yard when all minimum setback requirements are met.
 - f. ~~Single family lot.~~ On any one single family residential lot, no more than one private garage and one storage shed shall be erected.
 - g. *Architecture/siding.* The architectural character of all accessory buildings must be compatible with that of the principal building. All accessory buildings in all zones except the ~~M2-PMD~~ district, must be sided and roofed with materials which are compatible with the principal building and adjacent principal buildings.

- h. *Sleeping quarters.* The use of any accessory building for the overnight housing of persons is prohibited, unless expressly permitted by this chapter or this Code.
- i. *Mobile homes.* Mobile homes are not permitted as an accessory use to a permitted principal use.
- j. *Subdivision of lots.* No parcel or lot may be subdivided unless and until all detached accessory buildings comply with this chapter with respect to allowable size and setback requirements for the proposed lot on which the buildings are to be located.

Sec. 122-668. Swimming pools.

Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:

- (1) An application for a building permit must be accompanied by a complete and detailed set of plans and specifications for the swimming pool, including type of construction, size, location on lot in relation to lot lines and buildings on the site, fencing, and related equipment, which show that the following minimum standards will be met.
- (2) The swimming pool must be located no closer than ten feet to any side or rear lot line, and no part of any pool may be constructed within a front yard or required side yard setback adjacent to a street.
- (3) Swimming pools must be located a minimum of four feet from any building on the same parcel and a minimum of 25 feet from any dwelling on an adjoining lot which is located within an R1, MD, CN-SF, CN-Mid, or CN or R2 district.
- (4) All pool associated wiring and wiring in, around, over or under the pool must comply with the latest edition of the National Electrical Code as adopted by this Code.
- (5) All swimming pools must be enclosed by a fence of a type not readily climbed by children which must be at least five feet in height from the ground level. However, if the entire yard of the residence is enclosed, then this provision may be waived by the building department upon inspection and approval of the yard's enclosure; or if the pool is of a portable or above ground type, with a wall height of at least five feet above the surrounding ground surface, and of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder and other means of access to the pool. Gates must be of self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Gates must be securely locked when the pool is not in use. Pools must be enclosed by such fence before water is placed in pool. All fences must be subject to the requirements of article XI, division 4 of this chapter.
- (6) Water retained in any pool regardless of depth must be maintained clean and sanitary as provided in the BOCA National Building Code, water treatment standards.
- (7) The building department has the right at any reasonable hour to inspect any swimming pool for the purpose of determining that all the provisions of this chapter are fulfilled and complied with. Any outdoor swimming pool installed, operated or maintained in violation of the provision of this section constitutes a nuisance, and the city may, in addition to the penalties set forth in section 122-8, maintain any proper action for the abatement of such nuisance.

Sec. 122-669. Home occupations.

- (a) *Prohibited home occupations.* The following are not be permitted as home occupations: animal grooming establishments, barber shops or beauty parlors with more than one stylist, clinics or hospitals, commercial stables, day care centers, kennels, real estate offices, restaurants, vehicle repair or painting, retail or wholesale sales of any items stocked on the premises, landscape installation and maintenance businesses, construction contractors, snow removal, funeral homes, nursing homes, antique shops, bed and breakfast establishments, private clubs, or trailer rentals, adult regulated uses, kennels, millinery and other apparel shops, barbershops and beauty shops with more than one chair and one barber or beautician, veterinarian's office, clinic or hospital. However, this section is not intended to prohibit offices related to the administration of construction contracting, landscaping, maintenance, or snow removal businesses.
- (b) *Permitted home occupations.* Any home occupation that is not specifically prohibited by subsection (a) of this section must be permitted if it meets the following standards:

- (1) All home occupations must obtain a business license from the City Assessor; if the occupant is not the owner of the premises then consent must be obtained from the property owner to ensure the owner's knowledge of the use.
 - (2) The home occupation must not change the outside appearance of the dwelling nor alter the residential character of the structure.
 - (3) The home occupation must not be visible from the street.
 - (4) The home occupation must be owned and operated only by a member or members of the immediate family residing on the premises.
 - (5) No more than one other person may be employed or involved with such activity on premises other than a member of the immediate family residing in the dwelling unit.
 - (6) All wholesale, jobbing or retail business must be conducted entirely by mail, telephone, electronically or by delivery.
 - (7) Services and transactions must be conducted by appointment only, walk-in trade is prohibited.
 - (8) The maximum area for home occupations must be calculated as 25 percent of the usable residential floor area of a dwelling unit or 300 feet whichever is less. Areas designated for home occupations may be located in any useable area of the home, the basement, or any accessory building.
 - (9) No motor power other than electrically operated motors may be utilized. No single electrical motor used in the home occupation may exceed one horsepower. All electrical motors and equipment used in the conduct of the home occupation must be shielded so as not to cause radio or television interference for adjoining properties.
 - (10) A home occupation must not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazards, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in the zoning district in which it is located.
 - (11) Signage must be limited to a nameplate which must not exceed one square foot in area.
 - (12) In no case may a home occupation be open to the public earlier than 7:00 a.m. nor later than 9:00 p.m.
 - (13) There must be no deliveries to or from the home occupation with a vehicle having more than two axles.
 - (14) No merchandise or articles for sale may be displayed on the lot used for the home occupation.
 - (15) The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
- (c) Medical Marijuana Home Occupation. In addition to the requirements in Section 122-669 (b), Medical marijuana home occupations must be subject to the following requirements:
- (1) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - (2) A registered primary caregiver operating a medical marijuana home occupation must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.
 - (3) Not more than one (1) primary caregiver per parcel may be permitted to grow or cultivate medical marijuana.
 - (4) Not more than five (5) qualifying patients may be assisted with the medical use of marijuana within any given calendar week.
 - (5) All medical marijuana must be contained within an enclosed, locked facility inside a primary or accessory building.
 - (6) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
 - (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am must employ shielding methods, without alteration to the

exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

- (8) That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code.
- (9) The premises must be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

(Ord 1137, 2011)

Cross reference(s)--Businesses, ch. 22.

Sec. 122-670. Garage sales, rummage sales, and owner-made craft sales.

- (a) *Duration.* Each occasion may not take place for a period of time longer than 12 hours per day for a maximum of three consecutive days.
- (b) *Number.* There must be no more than three occasions per year on any premises.
- (c) *Hours.* All articles or property that are offered for sale must be totally enclosed within a lawful structure or building between the hours of dusk to dawn.
- (d) *Removal of signs.* All signs that may have been used to advertise the sale must be removed upon completion of the sale.

Secs. 122-671--122-680. Reserved.

DIVISION 3.

COMMUNICATION DEVICES*

*Cross reference(s)--Telecommunications, ch. 98.

Sec. 122-681. Intent.

It is the intent of this division to provide reasonable regulations for the mounting of private communication antennas. The objectives of this division are to promote safety and prevent injury to persons and property, to maintain and promote the aesthetic and architectural quality of properties, to preserve property values, to balance the city's authority and duty to regulate the placement of communication devices in relation to the right to construct and use communication devices without reasonable restrictions, and to conditionally exclude from regulation by this division certain VHF and UHF television antennas meeting the criteria of subsection 122-683(1).

Sec. 122-682. General standards.

- (a) *Permits.* All applicants proposing to erect any communication device in any zoning district, except as excluded under subsection 122-683(1), must be required to obtain a building permit and make payment of required fees.
- (b) *Plot plan and mounting detail.* Prior to issuance of a building permit for the erection of a communication device in any zoning district, the applicant must submit a plot plan showing to scale the precise proposed location of the communication device; its relative location to buildings on the site, adjoining properties, roads, landscaping, and natural features; the height and design of the structure; and foundation and/or mounting detail as appropriate for the building department to determine safety and building code compliance.
- (c) *Standards.* All communication devices must be installed, maintained, and grounded according to the standards as stated in the building code and must also meet wind and ice loads as specified in the building code.
- (d) *Restrictions.* All communication devices must be subject to the following restrictions:
 - (1) *Protrusion.* Communication devices must not protrude or overhang in any way over any public right-of-way or adjoining property.
 - (2) *Location.* Communication devices must not be located in front yards or in the street side yard of corner lots.
 - (3) *Advertising, symbols, lighting.* No portion of any communication device may display any advertising message or other graphic representation other than a manufacturer's logo or nameplate or warning signs; provided such logo or letters are of a size and character that is not legible from adjacent properties. Except as required by the Federal Communications Commission, no communication device may be illuminated by direct or indirect lighting.
 - (4) *Color and texture.* All communication devices must be of a color and texture so as not to be conspicuous and to promote its visual blending into the adjacent background.
 - (5) *Wood construction prohibited.* Communications devices must not be constructed of wood.
 - (6) *Ground mounted devices.* All communication devices not mounted on a principal or accessory building must be permanently anchored to a foundation located on the ground. No ground mounted device may be located closer to a property line than its height as measured from the ground elevation at the base of the antenna structure.
 - (7) *Roof mounted devices.* All communication devices mounted on the roof of a building must be located on that portion of the building located adjacent to the rear of the property, unless it can be demonstrated that an alternative location is as safe or safer, and the visibility of the antenna from the adjacent properties and by pedestrian or vehicular passers-by is reduced or equal in comparison to a rear yard orientation/location.

Sec. 122-683. Antenna systems.

In addition to the foregoing general standards of this division, the following standards must apply to antenna systems:

- (1) Conventional VHF and/or UHF television antennas which have width and height dimensions of not more than 135 inches and ten feet respectively, which are situated on the portion of the roof adjacent to the rear yard on the property, and which do not extend higher than ten feet above the ridge and/or peak of the roof, must be exempt from the requirements of applying for and receiving approval under this division. Exemption of such VHF and UHF television antennas from this division is based upon the following findings: there is relatively small concern for wind and snow load issues, there has been a long demonstrated safety record, there has been an historical acceptance of such facilities from an architectural and aesthetic standpoint, and the cost of

compliance with the procedure for application and review would be great in relation to the cost of purchasing and installing such antennas.

- (2) Antenna systems which do not meet the criteria and condition of subsection (1) of this section must be regulated as follows:
 - a. The antenna system must be located in a fenced or walled enclosure, so as to deter any person from climbing the tower, except for service or repair.
 - b. The antenna system must be of a self-supporting design.
 - c. Proof of liability insurance in the amount of \$100,000.00 must be submitted indicating protection of all adjacent property owners within a radius equal to $1\frac{1}{2}$ times the height of the tower. This must include any city-owned property or right-of-way.
 - d. The antenna system must be used only for legal, amateur or commercial receiving and transmitting, as licensed by the Federal Communications Commission.

Sec. 122-684. Satellite dish stations.

In addition to the general standards of section 122-682, the following must apply to all satellite dish antennas:

- (1) Permit applications must contain the following additional information:
 - a. In the case of a satellite dish proposed to be mounted on a roof in a commercial or manufacturing district, a detailed plan showing the exact location of the antenna on the roof.
 - b. A picture, sketch, or catalog cut of the proposed installation, including the proposed coloration of the satellite dish.
 - c. Proof of liability insurance in a minimum amount of \$100,000.00.
 - d. Such other pertinent information as may be required by the building department.
- (2) No more than one satellite dish installation may be permitted on any single lot of record.
- (3) The satellite dish and all structural supports must be of noncombustible and corrosive resistant material.
- (4) Each satellite dish installation must be designed to withstand a wind force of 75 miles per hour without the use of any supporting guide wires.
- (5) Any driving motor must be limited to 100-volt maximum power design and be encased in protective guards. Any motor with operating voltage of more than 50-volt A.C. nominal must comply with Article 430 of the National Electrical Code.
- (6) A satellite dish antenna must be permanently mounted. A satellite dish antenna may only be on wheels or temporarily installed when used to demonstrate and/or test the feasibility of use.

Sec. 122-685. Communication devices in residential districts.

In addition to the foregoing provisions, the following requirements apply to all communication devices in the R1, ~~R2, R3, R4, and RQ~~ MD, CN, CN-Mid, CN-SF and HHS zoning districts:

- (1) *Antenna systems.*
 - a. *Ground mounted restrictions.* Ground mounted antenna systems must not exceed a height of 75 feet, or a height equal to the distance from the base of the antenna system to the nearest property line whichever is less. There must be no more than one ground mounted antenna system on a single zoning lot.
 - b. *Roof mounted height restrictions.* Roof mounted antenna systems must not exceed in height the lesser of the height of the roof plus ten feet, or the distance from the base of the antenna tower system (at its connection point with the roof) to the nearest property line.
- (2) *Satellite dish stations.*
 - a. *Height.* No part of any satellite dish station may exceed 12 feet in height.
 - b. *Size.* The diameter or any exterior dimension of any satellite dish station must not exceed ten feet.

- c. *Location.* All satellite dish stations in residential districts must be located in a rear yard and comply with the minimum distance requirements for detached accessory structures, as stated in section 122-667, however, a satellite dish station may be located on the roof of a building under the following conditions:
 1. In the R1, ~~CN-SF~~ and ~~R2 CN-Mid~~ zoning district, a satellite dish station may be located on the roof of a building associated with nonresidential use (i.e. school, ~~church~~, religious institution or public service building), provided that the satellite dish station is located toward the rear of the building and is entirely screened from view from any public streets, pedestrian rights-of-way, or adjoining properties.
 2. In the ~~R3, R4, or RO MD, or CN~~ zoning districts, a satellite dish station may be located on any roof; provided the satellite dish station is located toward the rear of the building, no portion of the dish station extends higher than four feet above the ridge or peak of the building's roof, and the dish station is entirely screened from view from any public street or pedestrian right-of-way.
- d. *Screening.* A greenbelt or fence must be installed around a ground mounted satellite dish antenna so as to reasonably conceal the view of the satellite dish antenna from adjacent public rights-of-way.

Sec. 122-686. Communication devices in C, O, HC, NC and GC districts.

The following requirements must apply to all communication devices in the ~~B1, B2, B3, and B4~~ C, O, HC, NC, and GC zoning district.

- (1) *Antenna systems.*
 - a. *Ground mounted height restrictions.* Ground mounted antenna systems must not exceed in height the lesser of 75 feet, or the distance from the base of the antenna system to the nearest property line.
 - b. *Roof mounted height restrictions.* Roof mounted antenna systems must not exceed in height the lesser of the height of the roof plus 40 feet, or the distance from the base of the antenna tower system (at its connection point with the roof) to the nearest property line.
- (2) *Satellite dish stations.*
 - a. *Ground mounted height restrictions.* No part of any ground mounted satellite dish station may exceed 15 feet above ground level.
 - b. *Roof mounted height restrictions.* Roof installations are permitted only on a building where the height of the roof surface where the satellite dish is to be mounted is at least 15 feet in height. No part of any satellite dish station may exceed higher than four feet above the ridge or peak of the building's roof, unless enclosed by an opaque screen not less in height than the satellite dish station. The design of the screening device must be compatible with the architectural design of the building upon which it is located.
 - c. *Size.* The diameter or any exterior dimension of any satellite dish station must not exceed 15 feet.
 - d. *Location.* All ground mounted satellite dish stations must be located in rear yards and comply with minimum distance requirements for accessory structures, as stated in section 122-667.
 - e. *Screening.* A greenbelt or fence must be installed around a ground mounted satellite dish antenna so as to reasonably conceal the view of the satellite dish antenna from public rights-of-way.

Sec. 122-687. Communication devices in industrial the PMD zoning districts.

- (1) *Intent.* The intent of this Section is to permit the location of mobile communication facilities within the ~~M1 and M2~~ PMD zoning districts and while protecting the safety and character of nearby residential areas and the City. It is further the intent of this Section to require co-location of transmission and receiving apparatus on existing structures or facilities, unless it can be demonstrated by the applicant that co-location is not technically feasible.
- (2) *Definitions.*
 - (a) **Mobile Communication Facilities** mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but not be limited to, cellular telephone towers, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- (b) **Attached Mobile Communications Facilities** means mobile communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (d) **Mobile Communication Support Structures** means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (e) **Co-location** means the location by two or more wireless communication providers of mobile communication towers on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

(3) Locational Factors.

- (a) The applicant must demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (i) Proximity to a major thoroughfare.
 - (ii) Areas of population concentration.
 - (iii) Concentration of commercial, industrial, and/or other business centers.
 - (iv) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (v) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- (b) It is the policy of the City to minimize the overall number of newly established locations for mobile communication Facilities and encourage the use of existing structures.
 - (i) Co-location must be deemed to be "feasible" for purposes of this section where all of the following are met:
 - The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
 - The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the City, taking into consideration the standards set forth in this section.
 - (ii) Requirements for Co-location:
 - Approval for the construction and use of a new wireless communication facility must not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 - All new and modified mobile communication facilities must be designed and constructed so as to accommodate co-location.
 - If a party who owns or otherwise controls a facility fails or refuses to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility will thereupon and thereafter be deemed to be a nonconforming structure and use, and must not be altered, expanded or extended in any respect.

(4) Application Requirements.

- (a) A site plan prepared in accordance with Article IV. The site plan must also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
 - (b) The application must include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - (c) The application must include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed (see Section 122-687(6)). In this regard, the security must, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner must be responsible for the payment of any costs and attorneys fees incurred by the City in securing removal.
 - (d) The application must include a map showing existing and known proposed mobile communication facilities within the City, and further showing existing and known proposed mobile communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant is required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)G.. This ordinance serves as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.
 - (e) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information must be continuously updated during all times the facility is on the premises.
- (5) General Regulations.
- (a) Towers must not exceed 140 feet in height when measured at grade level. This requirement may be waived in the sole discretion of the City based upon a consideration of the following standards.
 - (i) The tower is to be used by no less than one additional co-locator.
 - (ii) The topography of the site in relationship to the immediate surrounding area necessitates a tower of increased height.
 - (iii) The screening capabilities of the site provide adequate mitigation of the obtrusive visual effects of the tower.
 - (iv) The land use characteristics of the area surrounding the subject site are compatible with a tower of increased height.
 - (v) There is no feasible and prudent alternative to a tower of increased height based upon the opinion of an independent expert.
 - (b) The accessory building contemplated to enclose switching equipment must be limited to fifteen (15) feet in height.
 - (c) The setback of the support structure from any residential district must be no less than double the height of the structure. The setback of the support structure from an existing or proposed rights-of-way or other publicly traveled roads must be no less than the height of the structure.
 - (d) Where the proposed support structure abuts a parcel of land zoned from other than residential purposes, the minimum setback of the structure and accessory structures must be in accordance with the required setbacks from the main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 - (e) There must be an unobstructed paved access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive must be a minimum of fourteen (14) feet in width.

- (f) Where a wireless communication facility is proposed on a roof of a building, the equipment enclosure is not be permitted as a roof appliance or penthouse on the building. The equipment enclosure may be located within the principal building or may be an accessory building, providing that as an accessory building it conforms with all district requirements for principal buildings, including yard setback and building height.
- (g) The support structure must be constructed in accordance with all applicable building codes and must include the submission of a soils report from a soils engineer, licensed in the State of Michigan. This soils report must include soil borings and statements indicating the suitability of soil conditions for the proposed use. The clearance requirements of the Federal Aviation Administration and Federal Communications Commission must be noted.
- (h) No wireless communication tower may be located within three thousand (3,000) feet of another wireless communication tower. This requirement may be waived at the sole discretion of the City if one of the following conditions are met:
 - (i) The communication apparatus is located on an existing tower or other structure capable of accommodating such apparatus.
 - (ii) The tower/facility is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community.
 - (iii) The tower is intended to serve solely a governmental agency.
- (i) The tower and appurtenant apparatus building must be secured by fencing a minimum of six (6) feet in height. Landscape screening of the fencing and apparatus building must be provided in accordance with Article XI, Supplemental District Regulations, Division 4, Landscaping, Greenbelts and Screening.
- (j) The applicant must submit details of tower lighting approved by the Federal Aviation Administration.
- (k) A maintenance plan must be presented as part of the site plan for the proposed facility.
- (l) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes must be posted on the perimeter fencing, and must be continuously updated during all times the facility is on the premises.
- (m) The proposed tower or wireless communication facility must be located within 500 feet of the Interstate 94 right-of-way. This does not apply to collocation of wireless communication antenna on existing towers, buildings, or other existing structure.

(6) Removal.

- (a) The City reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- (b) A condition of every approval of a wireless communication facility must be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more.
- (c) The situations in which removal of the facility is required, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) must be considered as the beginning of a period of nonuse.
- (d) Upon the determination that a facility must be removed, the property owner or persons who had used the facility must immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- (e) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

Secs. 122-688--122-700. Reserved.

DIVISION 4.

LANDSCAPING, GREENBELTS AND SCREENING

Sec. 122-701. Intent.

The intent of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community.
- (2) Minimize noise, air, soil, groundwater, surface water and visual pollution.
- (3) Minimize soil erosion and runoff, provide protection from wind and sun, **mitigate the heat island effect** and promote energy conservation.
- (4) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other off-street parking facilities.
- (5) **Buffer** ~~Require buffering of~~ residential areas **and lower-intensity land uses** from more intense land uses.
- (6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing vegetation in landscape plans and preservation of specimen trees.

Sec. 122-702. Landscape plan requirements.

A separate detailed landscape/tree protection plan at a scale of not greater than 1"=50' must be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape/tree protection plan must demonstrate that all requirements of this Section are met and must include, but necessarily be limited to, the following items:

- (1) Location, spacing, size (caliper), root type (shallow or deep) and descriptions for each plant type (deciduous, conifer, annual, or perennial) to be planted.
- (2) **Location, size (caliper), root type (shallow or deep), health and species name of all trees and plants to remain on the site. If trees or plants are proposed to be remain, information showing how these trees and plants will be protected during construction must be shown.**
- (3) Typical straight cross section including slope, height, and width of berms.
- (4) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grade.
- (5) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials as prescribed by the American **Standard for Nursery Stock**. ~~Nurseryman Standards.~~
- ~~(6) Identification, location and description of existing trees and vegetable cover to be preserved, relocated or removed (including common name, species and diameter).~~
- (7) Identification and description of grass and other ground cover to be planted and method of planting (sod, plugs, sprigs or seeds).
- (8) Identification of landscape maintenance program in accordance with Section 122-712

Sec. 122-703. Screening between land uses.

- a. Upon any improvement for which a site plan is required, a visual screen at least six (6) feet in height ~~landscape buffer~~ **screen** ~~shall must~~ be constructed ~~to create~~ along all ~~adjoining~~ boundaries. **If the screen is composed of nonliving material, such material must be compatible with materials used in construction of the main building but in no case may include wire fencing. Such screen is required** ~~when: required between either a conflicting non-residential or conflicting residential land use residentially zoned or used property. A landscape buffer may consist of evergreen trees and shrubbery or a combination of evergreen plantings with earthen berms so as to maintain a minimum opacity of at least eighty (80) percent. To achieve effective screening, landscape materials shall be planted in a staggered manner meeting the minimum opacity standard based upon reasonably anticipated growth over a period of three (3) years.~~

1. **Required elsewhere in this Chapter;**
2. **When a PMD zoning district abuts any other zoning district;**

3. When a HHS, HC, NC or GC zoning district abuts a R-1, CN-SF, CN-Mid, CN, MD zoning district;
4. When a non-residential use abuts a property where a residential use occupies the first floor of the principal structure;
5. Any multiple-dwelling use abuts an R-1, CN-SF, CN-Mid, or CN zoning district.

~~b. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence be required by the Planning Commission. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade. The Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured in place simulated face brick, precast brick face panels having simulated face brick, stone or wood. A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Planning Commission may approve an alternate location of a wall.~~

- b. Screens must be a wall, fence or landscape buffer. A wall or fence must be 80% opaque and may be constructed of face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

A landscape buffer must consist of evergreen trees and shrubbery to maintain a minimum opacity of at least eighty (80) percent and be no more than four (4) feet in width. To achieve effective screening, landscape materials must be planted in a staggered manner meeting the minimum opacity standard based upon reasonably anticipated growth over a period of three (3) years. The Planning Commission may approve a waiver when the design and placement of the screen meets the intent of the zoning district. A required screen must be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements; the Planning Commission may approve a waiver for an alternate location in such instances.

- c. *PMD district.* In the PMD zoning district, where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence be required by the city planner or planning commission. The wall or fence must be constructed of face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

~~Sec. 122-704. Off street parking area landscaping.~~

- a. ~~Intent. Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, mitigate heat island effect, support storm water management, and guide the circulation of vehicular and pedestrian traffic.~~
- b. ~~Required landscaping within off street parking areas. Separate landscape areas shall be provided within off street parking areas in accordance with the following requirements:~~
 1. ~~There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.~~
 2. ~~Landscape islands must meet the following size requirements:~~
 - (a) ~~Landscape islands containing a tree shall be a minimum of 160 square feet and a minimum of nine (9) feet wide.~~
 - (b) ~~Landscape islands containing a pedestrian pathway shall be a minimum of eleven (11) feet wide, with a pathway of a minimum width of five (5) feet and minimum three (3) feet wide landscape area on both sides.~~
 2. ~~The ends of all parking isles and corners shall be protected with a landscaped island. If islands are not used for storm water infiltration, the City Planner or the Planning Commission may require that the islands be raised and curbed.~~
 3. ~~A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.~~
 4. ~~Shrubs and/or ground covers which will not impede vehicular visibility in accordance with this Ordinance may also be included in the landscape plan.~~

- c. ~~Required Landscaping at the Perimeter of Off Street Parking Areas. Separate landscape areas shall be provided at the perimeter of off street parking areas in accordance with the following requirements:~~
1. ~~Off street parking areas in the side and rear yard which abut a R-1, MD, CN, CN-Mid, CN-SF zoning district are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in Section 122-703. Solid wood fences may be permitted where necessary to cross easements or to protect existing vegetation. Landscaped berms may also be used in lieu of the buffer wall if approved by the Planning Commission.~~
 2. ~~All off street parking areas shall be screened from view with a landscaped berm solid wall or landscape planting achieving at least 80% opacity year round at least three (3) feet in height but no more than four (4) feet in height along the perimeter of those sides which are visible from a public road. The Planning Commission, at their discretion, may approve alternative landscape plantings or a solid wall in lieu of a landscape berm or vegetated swale.~~
 3. ~~All land between a parking lot and any street right of way shall be kept free from refuse and debris and shall be landscaped. The ground area shall be planted in lawn or other live ground covering. All such landscaping and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance.~~
- d. ~~Landscaped areas, walls, structures, and walks shall be properly protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.~~

Sec. 122-704. Street Trees

The frontage of all public or private streets for any new or altered use which requires site plan review must be landscaped with street trees as follows:

- a. A minimum of one (1) tree for every thirty (30) lineal feet on of frontage (the frontage measurement includes proposed or existing access drives). Such street trees must meet the minimum size and spacing requirements set forth in 122-711(e). Existing trees in good health to be preserved may count towards the street tree requirements.
- b. The street trees must be centered between the sidewalk and the back of street curb.
- c. When potential tree planting site or sites within the right of way has been identified by the City, street trees must be planted in accordance with the Urban Forestry Plan. If additional street trees are required, the thirty foot measurement for other planting locations must be taken from the potential tree planting site(s).
- d. All street tree species must be listed on the Approved Trees List maintained by the City of Ypsilanti.

Sec. 122-705. Front greenbelts

A greenbelt, ~~the equivalent of the front yard setback, where required, shall be provided within the front yard setback, where required, and~~ must be landscaped in accordance with the following requirements:

- a. The greenbelt must be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet of frontage abutting a public road right-of-way.
- b. ~~In the PMD district, If ornamental deciduous trees are may be substituted for either non ornamental deciduous trees or evergreen trees, if they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet of frontage abutting a public road right of way is provided.~~
- c. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall must be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- d. Access drives from public rights-of-way through required greenbelts must be permitted, but such drives may not be subtracted from the lineal dimension used to determine the minimum number of trees required.

Sec. 122-707. Foundation landscaping.

Foundation plantings must be provided in the MD and PMD zoning districts and the Single Story Commercial Building and Large Footprint Single Story Commercial Building building types. They must meet the following standards:

- a. **Location:** Foundation plantings must be provided along the front or sides of any buildings which face a public road and/or is adjacent to a parking lot or other area which provides access to the building(s) by the

general public. Foundation planting areas must be integrated into the sidewalk system (between the front or sides of the building and the parking area and/or associated driveways) adjacent to the building.

- b. Foundation planting areas must contain a minimum of ~~one (1) ornamental tree~~ and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas must be a minimum of six (6) feet in width.
- c. **Planting Area Width.** Individual planting areas must be a minimum of six (6) feet in width. At the discretion of the Planning Commission, the minimum width requirements may be reduced.

Sec. 122-708. Site landscaping.

Inclusive of any landscape greenbelt and/or off-street parking area landscaping required by this section, at least ten (10) percent of the site area, excluding existing public rights-of-way, must be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens, **vegetated roofs**, and ~~building foundation planting~~ **foundation landscaping** beds. Site area landscaping must be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, storage and loading areas.

Sec. 122-709. Residential development landscaping.

Landscaping for residential development projects must be provided in accordance with the following requirements:

- a. Street Trees. The frontage of all internal public or private streets must be landscaped **in compliance with Section 122-705** ~~with a minimum of one (1) tree for every thirty (30) lineal feet on both sides of said street. Such street trees shall meet the minimum size and spacing requirements set forth in this Ordinance.~~
- b. Screening Between Land Uses. ~~Where a conflicting land use exists,~~ The screening requirements set forth in Section 122-703 must be met.
- c. Other Site Improvements. A landscape plan for a subdivision or site condominium development must also include landscaping details of the entrance to the development, provisions for maintaining the natural water run-off, storm water retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

~~Sec. 122-710. Screening of refuse and recyclable containers.~~

- ~~a. Outside refuse disposal and recyclable containers shall be screened on three sides with a durable six (6) foot or higher masonry enclosure, and wooden gate at least as high as the container, so as not to be visible from adjacent lots or sites, neighboring properties or streets. The enclosure shall also be constructed so as to be compatible with the architectural styles used in the site development. Planning Commission may at their discretion require a higher screen if deemed necessary due to the proximity to conflicting land uses.~~
- ~~b. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.~~
- ~~c. Containers and enclosures shall be located away from public view insofar as possible, and at the maximum distance possible from all residential uses.~~
- ~~d. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.~~
- ~~e. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers.~~
- ~~f. At the discretion of Planning Commission, landscaping may be required around the perimeter of a refuse container in order to soften its appearance from adjacent residential uses.~~

Sec. 122-710. Screening of exterior electrical equipment and transformers.

- a. Transformers that may be visible from any primary visual exposure area must be screened with either plantings or a durable non-combustible enclosure which are unified and harmonious with the overall architectural theme, and meet utility provider standards for location and maintenance.
- b. Exterior-mounted electrical equipment must be mounted on the interior of a building wherever possible, or must be located where it is substantially screened from public view.

Sec. 122-711. Landscape elements.

The following minimum standards must apply:

- a. Quality. Plant materials must be of generally acceptable varieties and species **that are not invasive**, free from insects and diseases, hardy to Washtenaw County, conform to the current minimum standard of the American Association of Nurserymen **Standard for Nursery Stock**, and must have proof of any required governmental regulations and/or inspections.
- b. Composition. A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- c. Berms. Berms must be constructed with slopes not to exceed a 1:3 gradient. Berm slopes must be protected with sod, seed, or other form of natural ground cover. Creativity in berm design is encouraged so long as the average dimensions complies with the Section 122-704 c. 2. requirements.
- d. ~~Existing Trees~~ **Credit for Existing Vegetation**. The preservation and incorporation of existing **shrubs and trees** is encouraged. ~~Where Existing shrubs and trees are~~ **may be** used to satisfy the requirements of this section, **if all of** the following requirements ~~shall~~ apply:
 1. Paving, or other site improvements, must not encroach upon the drip line of the existing tree(s) to be preserved.
 2. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, must be installed during construction. No vehicle or other construction equipment may be parked or stored within the drip line of any plant material intended to be saved.
 3. **The shrubs and/or trees are in good health**. In the event that healthy **shrubs or** trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the contractor must replace them with trees which meet Ordinance requirements.
 4. **The trees or shrubs proposed for credit are not a species that is invasive, brittle, susceptible to disease and insects, has a root structure that will interfere with underground utilities, drops excessive litter or other undesirable characteristics. Species include but are not limited to: Ash (Fraxinus), Black Locust (Robinia spp.), Black Walnut (Juglans nigra), Siberian Elm (Ulmus pumila); Box Elder (Acer negundo), and Ginkgo Female (Ginkgo biloba).**
 5. **The shrubs and/or trees meet the following minimum sizes and must receive credit based on size shown in the table below:**

Shrub or Tree Type	Minimum Size	Size	Credit
Trees	2.5" in caliper	2.5"-8"	1
		8"-12"	2
		12"-20"	3
		Over 20"	5
Shrubs	24" in height	All sizes	1

- e. Minimum Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

	Small Trees	Medium Trees	Large Trees
Mature Height	10'-25'	25'-50'	> 50'
Growing Space	4'	6'-8'	8'+

Spacing Apart	20'	30'	40'
Distance from Existing Trees on Abutting Lots	30'	30'	30'
Distance from Street Corners	35'	35'	35'
Distance from Driveway Cuts and Alleys	15'	15'	15'
Distance from Overhead Utilities	None	20'-40'	40'+
Distance from Street Lights	15'	15'	15'

The following trees are representative:	Minimum-Size Allowable			
	Height		Caliper	
TREES	6'	3'-4'	1.75"	2.5"
Evergreen Trees:				
Fir	✓			
Spruce	✓			
Pine	✓			
Hemlock	✓			
Douglas Fir	✓			
Narrow Evergreen Trees:				
Red Cedar		✓		
Arborvitae		✓		
Juniper (selected varieties)		✓		
Large Deciduous Canopy Trees:				
Oak				✓
Maple				✓
Beech				✓
Linden				✓
Ash				✓
Ginko (male only)				✓
Honeylocust (seedless, thornless)				✓
Birch				✓
Sycamore				✓
Small Deciduous Ornamental Trees				
Flowering Dogwood			✓	
Flowering Cherry, Pear			✓	
Hawthorn			✓	
Redbud			✓	
Magnolia			✓	
Flowering Crabapple			✓	
Serviceberry			✓	
Hornbeam			✓	

The following shrubs are representative:	Minimum-Size Allowable
--	------------------------

	Height/Spread			
	6'	3'-4'	24"-36"	18"-24"
SHRUBS				
Evergreen Shrubs:				
Pyramidal Yew		✓		
Hicks Yew				✓
Brown's Spruce Ward			✓	
Alberta Spruce		✓		
Chinensis Juniper Varieties			✓	
Sabina Juniper				✓
Mugho Pine				✓
Horizontal Juniper Varieties				✓
Boxwood				✓
Euonymous varieties				✓
Deciduous Shrubs:				
Honeysuckle			✓	
Lilae			✓	
Sumac			✓	
Pyracantha				✓
Weigela			✓	
Flowering Quince			✓	
Cotoneaster			✓	
Dogwood			✓	
Viburnum varieties			✓	
Spiraea				✓
Fragrant Sumae				✓
Cotonester				✓
Potentilla				✓

- d. **Tree Species.** All trees must a species on the Approved Trees List maintained by the City of Ypsilanti, with the exception of fruit-bearing trees. Fruit-bearing trees are allowed in yard areas where they do not overhang sidewalks, walkways or parking lots. The Planning Commission may allow species not on the Approved Trees List, with a finding that the species is appropriate to the circumstance.

Sec. 122-712. Installation, maintenance, and completion.

- All landscaping required by this Ordinance must be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as set forth in Section 122-133~~4~~, must be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
- All landscaping and landscape elements must be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- All plant material must be maintained in good condition so as to present a healthy, neat and orderly appearance and must be trimmed or pruned in such a manner so as to not alter their natural growth potential.
- The owner of property required to be landscaped by this Ordinance must maintain such landscaping in a strong and healthy condition, free from physical damage or injury arising from lack of water, chemical damage insects, diseases, blight or other causes.

All materials used to satisfy the requirements of this Ordinance which become unhealthy or dead must be replaced within six (6) months of damage or death or the next appropriate planting period, whichever comes first.

- All landscaped areas must be provided with a readily available and acceptable water supply. Underground sprinkler systems may be installed, utilized and maintained in order to insure the proper watering of all plant materials on the sites.

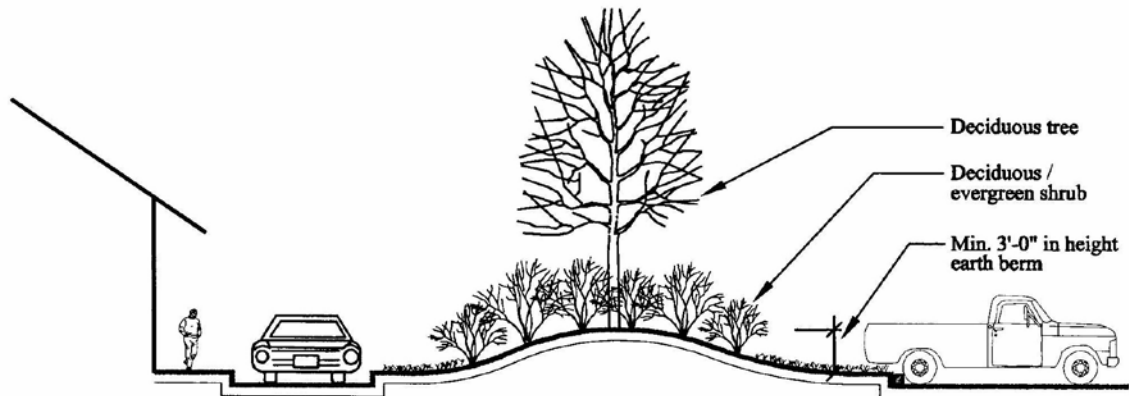
Sec. 122-713. Fences, hedges, walls, berms, and screening.

Except as otherwise required by this Ordinance, the following regulations must apply:

- a. In a ~~residential~~ **P, R-1, CN-SF, CN-Mid, CN, MD** district, fences must not exceed six (6) feet in height. However, fences in the required front yard must not exceed four (4) feet in height and fifty (50%) percent opacity. Opacity is the degree to which a fence is impervious to rays of light. This condition is measured by the observation of any two (2) square yard area of fence between one (1) foot above the ground level and the top of the fence. The observation is from a direction perpendicular to the place of the fence.
- b. In a ~~commercial, industrial, or residential office~~ **HHS, HC, NC, GC or PMD** district, no fence, wall, or other screening structure must exceed ten (10) feet in height, and must be constructed in the side or rear yard. Fences a maximum of six (6) feet in height may be permitted in the front yard, in accordance with corner visibility standards, when required by this chapter to screen residential used or zoned property. In such cases, the required front setback for the fence must be the same as for the structure or use which it is intended to buffer.
- c. The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- d. No fence may be constructed or maintained which is charged or connected with an electrical current.
- e. Retaining walls must be designed and constructed in accordance with applicable Building Code requirements.
- f. Temporary construction fences and fences required for protection around excavations must comply with the Building Code. Such fences must not remain in place for a period greater than a year.

Sec. 122-714. ~~Planning Commission~~ Modifications or exceptions to requirements.

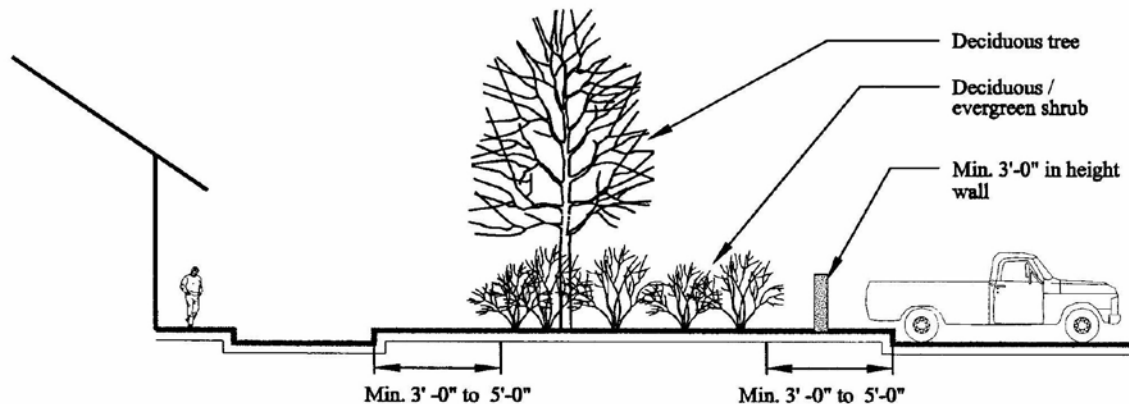
- a. Buildings Abutting Property Lines. Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- b. Location Adjustments. Where property line screening is required, the location may be adjusted at the discretion of the Planning Commission so that the screening may be constructed at or within the setback ~~line~~ **area**, provided the areas between the screening and the property lines are landscaped, ~~or in rural areas~~, retain their natural vegetative state.
- c. Planning Commission Modifications. Any other requirements of this Section may be waived or modified through site plan approval, provided the Planning Commission first makes a finding:
 - i. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this Section will result in less effective screening and landscaping than alternative landscape designs.
 - ii. That the public benefit intended to be secured by this Section will exist with less than the required landscaping or screening.
 - iii. The historic district designation on the property precludes the ability to require any or all of the landscape requirements.



BERM OPTION

Sec. 122- _____. Standards

- * Minimum three (3) feet in height landscape berm along perimeter of those sides visible from a public road.



LANDSCAPE PLANTINGS / WALL OPTION

May 2000

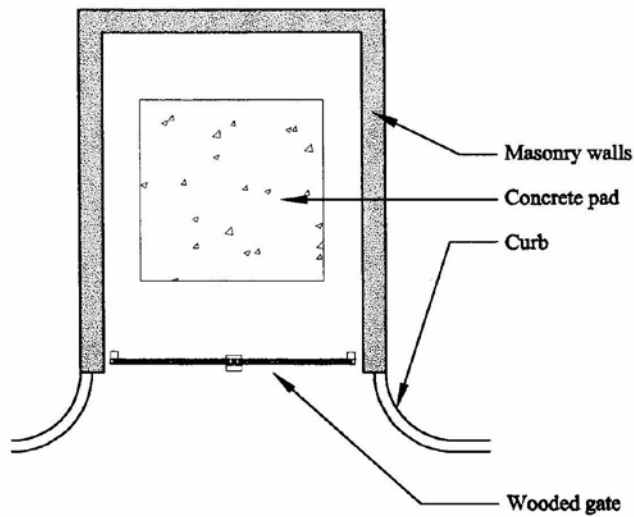
Sec. 122- _____. Standards

- * Minimum distance of three (3) feet between backside of curb and proposed landscape plantings.
- * Minimum of five (5) feet minimum distance between backside of curb and the proposed landscape plantings where vehicles overhang.
- * Shrubs and/or ground covers shall impede vehicular visibility.

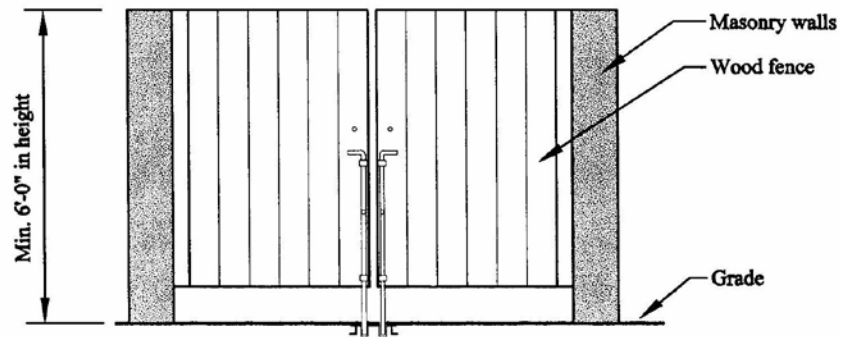
OFF-STREET PARKING AREA LANDSCAPING- PERIMETER PARKING LOT

City of Ypsilanti, Michigan

Prepared By:
Cartisle / Wortman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan



PLAN VIEW



ELEVATION

May 2000

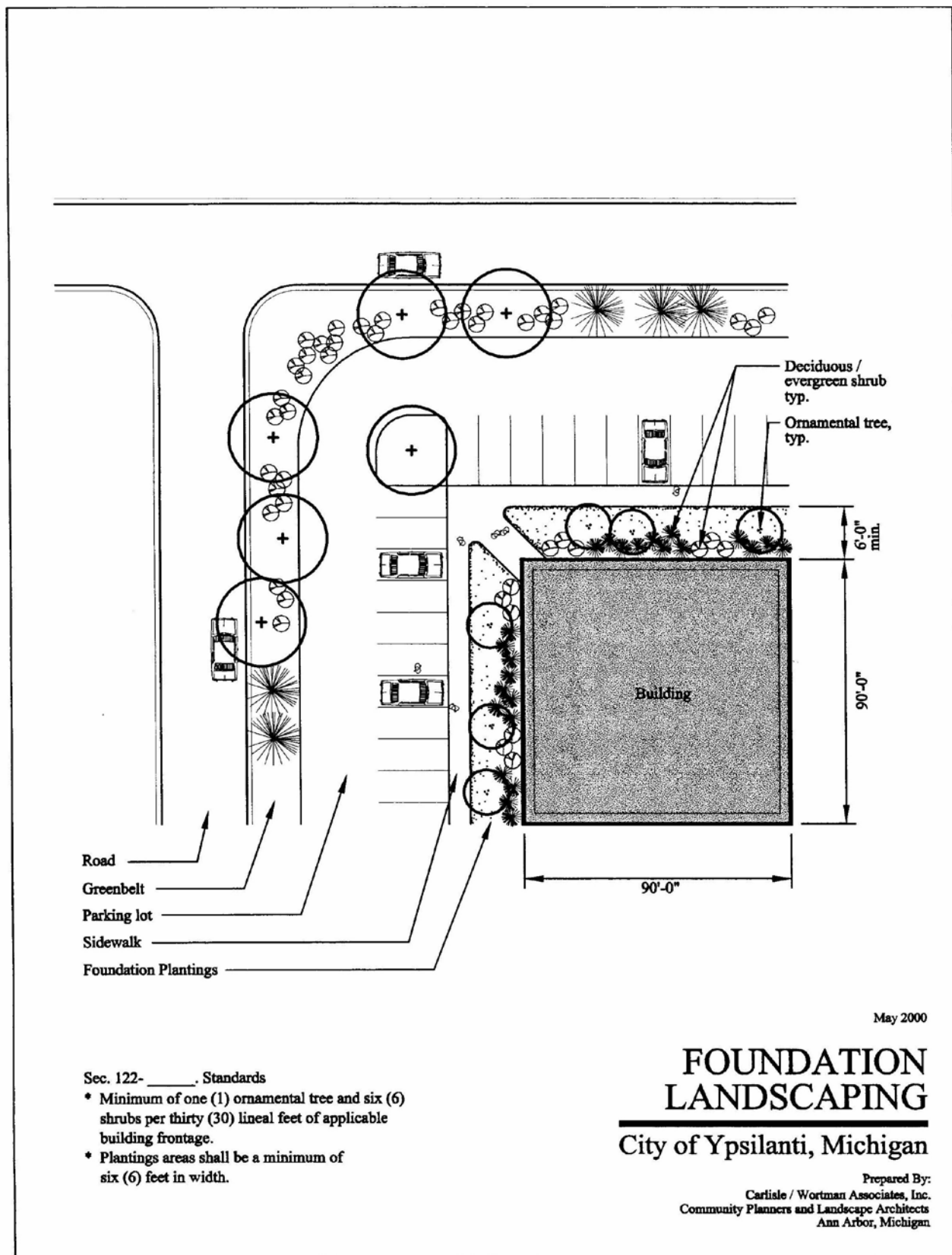
Sec. 122-_____. Standards

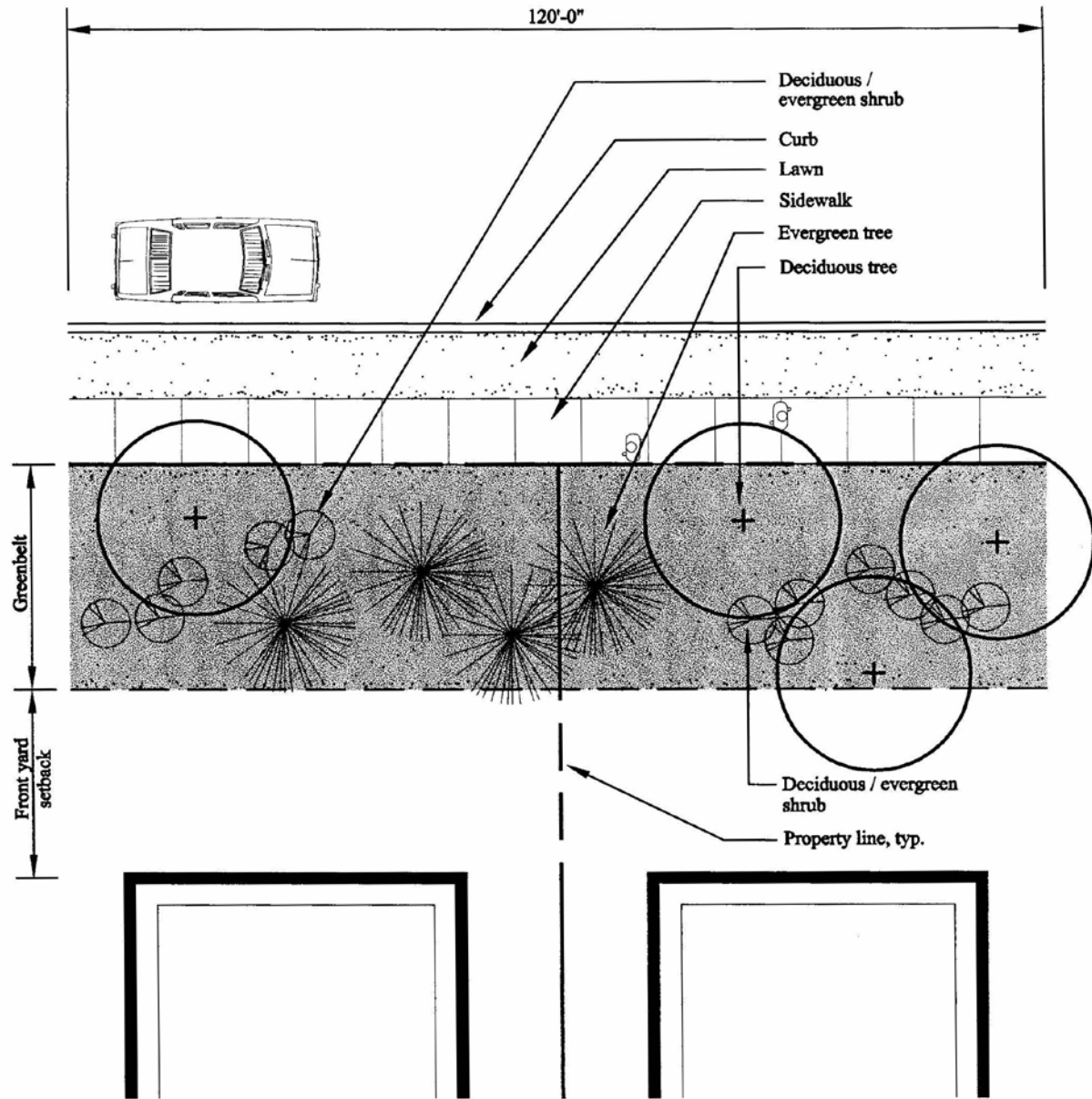
- * Minimum of three (3) sides screened with a durable six (6) foot or higher masonry enclosure, and wooden gate at least as high as the container.

REFUSE / RECYCLE CONTAINER SCREENING

City of Ypsilanti, Michigan

Prepared By:
Carlisle / Wortman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan





Sec. 122-_____. Standards

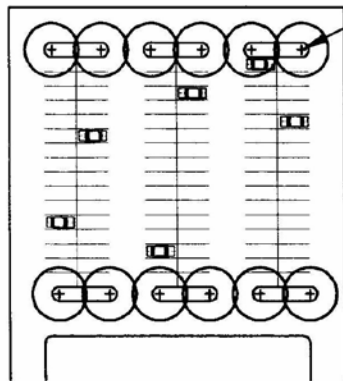
- * Minimum of one (1) tree for every thirty (30) lineal feet of frontage abutting a public road right-of-way.
- * Ornamental deciduous trees require a minimum of one (1) tree for every twenty (20) lineal feet of frontage abutting a public road right-of-way.
- * Remainder of greenbelt shall be landscaped with grass, ground cover, shrubs, and other natural landscape materials.

May 2000

FRONT GREENBELTS

City of Ypsilanti, Michigan

Prepared By:
Carlisle / Wortman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan



Deciduous tree, typ.

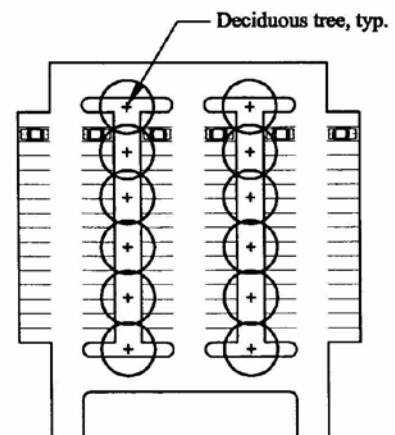
Sec. 122- _____. Standards

- * Minimum of one (1) tree for every eight (8) parking spaces.
- * No more than sixteen (16) continuous parking spaces.
- * Ends of parking isles and corners shall be protected with island.

TREES IN END ISLANDS

Sec. 122- _____. Standards

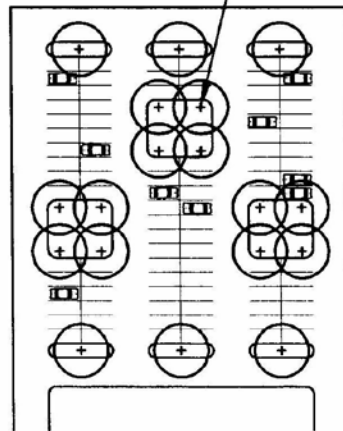
- * Minimum of one (1) tree for every eight (8) parking spaces.
- * No more than sixteen (16) continuous parking spaces.
- * Ends of parking isles and corners shall be protected with island.



Deciduous tree, typ.

LANDSCAPE MEDIAN

Deciduous tree, typ.



Sec. 122- _____. Standards

- * Minimum of one (1) tree for every eight (8) parking spaces.
- * No more than sixteen (16) continuous parking spaces.
- * Ends of parking isles and corners shall be protected with island.

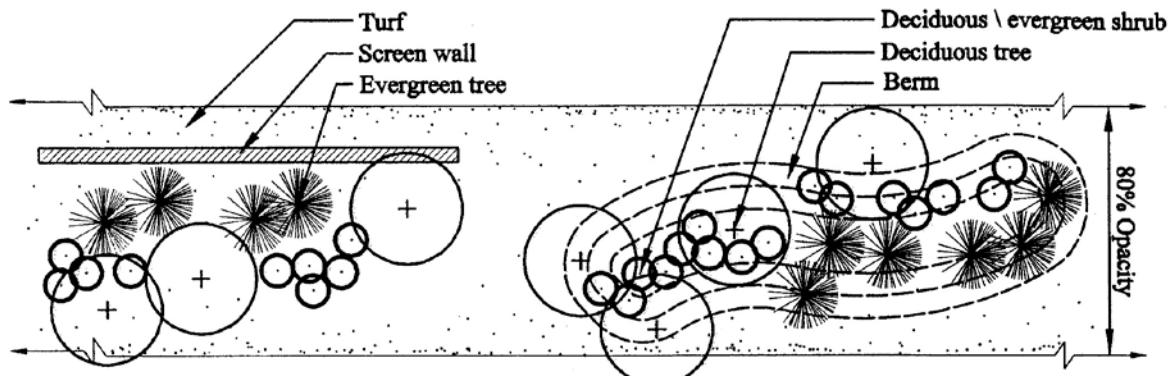
LANDSCAPE ISLANDS

May 2000

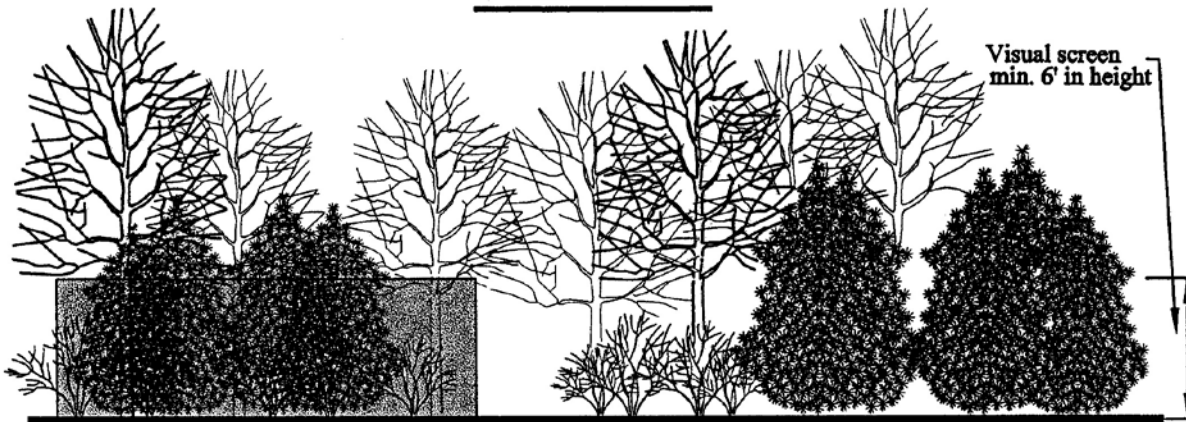
DESIGN OPTIONS FOR OFF-STREET PARKING AREA LANDSCAPING- INTERIOR PARKING AREAS

City of Ypsilanti, Michigan

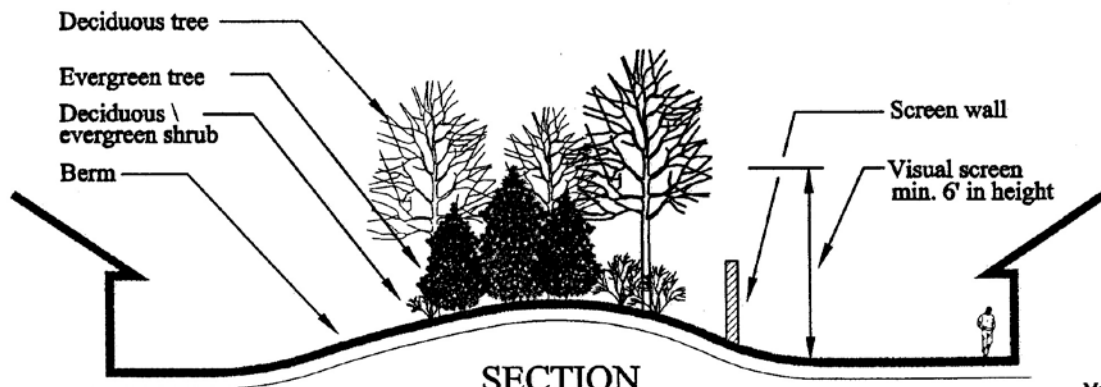
Prepared By:
Carlisle / Wortman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan



PLAN VIEW



ELEVATION



SECTION

May 2000

Sec. 122-_____. Standards

- Screening options

* Landscape buffer

* Earth berm

* Wall

* Combination of the above

SCREENING BETWEEN CONFLICTING LAND USES

City of Ypsilanti, Michigan

Prepared By:
Carlisle / Wortman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan

DIVISION 5.

Reserved

Secs. 122-715—122-730. Reserved.

DIVISION 6.

STORAGE OF VEHICLES*

*Cross reference(s)--Traffic and vehicles, ch. 102.

Sec. 122-731. General prohibition.

Except as otherwise provided in this chapter, no vehicles may be parked or stored on any residentially-zoned lot except for operable passenger automobiles, pickup trucks, vans, or motorcycles which are personally owned by the persons residing on the premises, or their guests.

Sec. 122-732. Commercial vehicles in residential areas.

The parking or storage of a commercial vehicle over a two ton capacity is prohibited on any residential lot. However, this section does not apply to commercial vehicles temporarily parked less than eight hours in a residential area in conjunction with maintenance or service to a residential property.

Sec. 122-733. Recreational vehicles.

- (a) The parking or storage of recreational vehicles, whether or not the recreational vehicle is mounted upon or hitched to another vehicle, including vacant mobile homes, antique or racing automobiles, or any other vehicles of a similar nature and related equipment, is prohibited on any lot in an R1, ~~R2, R3, R4~~, **CN-SF, CN-Mid, CN, MD** or HHS zoning district unless parked within a completely enclosed building or within a rear or side yard other than within a required yard setback area. Such vehicles stored in a side yard must be screened from view from the street and the adjacent property by an acceptable fence or landscaped screen, in accordance with article XI, division 4 of this chapter. Notwithstanding the above, no recreational vehicle may be parked or stored on any indoor or outdoor parking space which is required to meet the minimum parking space requirement in an ~~R3, R4~~, **CN, MD** or HHS district.
- (b) No more than two recreational vehicles per dwelling unit may be stored outdoors at one time. The size of recreational vehicles kept or stored outdoors may not exceed eight feet in width, ten feet in height, or 32 feet in length.
- (c) Trailer coaches, motor homes, and other vehicles or equipment designed or adaptable for sleeping purposes must remain unoccupied and must not be connected to sanitary sewer facilities, or to electricity, water, or gas.

Sec. 122-734. Unlicensed, untitled, and inoperable motor vehicles, and disassembled parts of motor vehicles.

No unlicensed, untitled, or inoperable motor vehicles, or disassembled parts of motor vehicles may be kept on any property within the city except as follows:

- (a) Contained entirely within a completely enclosed building so long as any indoor parking spaces, necessary for meeting minimum space requirements, must not be used for the storage of unlicensed or inoperable vehicles and so long as the storage is not otherwise prohibited.
- (b) The storage of vehicles as is specifically authorized in M2 and CI districts.
- (c) Minor repairs, such as changing flat tires, of vehicles where the repairs will be completed within 24 hours.

As used in this subsection:

“Enclosed building” means a garage or other permanent structure which has four walls, a roof, and a means of access for ingress and egress, i.e., doors large enough to accommodate ingress and egress, and is constructed in compliance with the applicable building codes. The placement of a tarpaulin or other covering over such vehicle does not meet the criteria for being within an enclosed building.

“Inoperable vehicle” means any motor vehicle which, by reason of dismantling, disrepair, or other causes, is incapable of being propelled under its own power or any motor vehicle which meets any of the three (3) of the following requirements:

1. Has any missing or broken windows
2. Has a missing hood.
3. Has a missing door.

4. Has missing or flat tires.
5. Has missing trunk lid.
6. Has a missing engine, or any substantial part thereof.
7. Is inoperable because of missing or defective steering mechanism.
8. Does not have any or all of the following: operable head lights, parking lights, clearance lights, tail lights, stop lights.

“*Motor vehicle*” means any wheeled vehicle which is self-propelled or intended to be self-propelled.

“*Unlicensed vehicle*” means any motor vehicle that does not have lawfully affixed to it a valid, unexpired license plate.”

“*Untitled vehicle*” means any motor vehicle which has not been titled in accordance with the law.

Sec. 122-735. Reserved

Sec. 122-736. Responsibility for violations.

In any proceeding for violation of any provision of this division, both the person to whom a vehicle is registered as determined from the registration plate displayed on such motor vehicle, and the owner of the property on which the vehicle is stored, will be presumed to be persons who committed the violation charged. In the case of unlicensed vehicles, the owner of the property on which the vehicle is located will be considered to be the person responsible for the violation charged.

Secs. 122-737--122-750. Reserved.

DIVISION 7.
YARD, AREA AND LOT REQUIREMENTS

Sec. 122-751. Altered land parcel.

No lot or parcel of land may be divided, altered or reduced by sale, gift, or other disposition so that the yards, parking area, or other open spaces, or the land area thereof is less than the minimum requirements of this chapter. No lot, parcel of land, parking area, or other open space may be reduced so as to increase its noncompliance with the minimum requirements of this chapter.

Sec. 122-752. Area requirements.

In determining lot, land, yard, parking area or other open space requirements, no area may serve to meet such requirements for more than one principal building or use, and no area necessary for compliance with the space requirements for one principal building or use be included in the calculation of the space requirements for any other building, structure, or use.

Sec. 122-753. Corner lots.

- (a) **In the R-1 and MD districts, for corner lots** platted or of record after August 8, 1984, the front yard regulations apply to each street side of the corner lot. The rear yard requirements for a corner lot apply to the open space which is opposite and most distant from the front lot line as designated in the plat and/or in the request for a building permit.
- (b) **In the R-1 and MD districts, on corner lots** platted or of record prior to August 8, 1984, the front yard regulations apply only along the front lot line as designated in the plat and/or in the request for a building permit. The yard along the second street must meet the requirements for side yards on corner lots as specified in the district regulations.

Sec. 122-754. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot is considered as part of such lot.

Sec. 122-755. Determinations by zoning board of appeals.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the zoning board of appeals.

Sec. 122-756. Land division.

- (a) **Lot split or consolidation.** The division of lots must take place in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended. Pursuant to the authority granted the city to regulate the division of a lot or parcel of land in a recorded plat, the division of a lot or other parcel of land in a recorded plat is prohibited unless first approved by the city assessor and city planner in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- (b) **Subdivision plats.** The subdivision of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, must take place in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.

Secs. 122-757--122-770. Reserved

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ARTICLE XII. SPECIFIC STANDARDS FOR CERTAIN USES*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-771. Purpose.

It is recognized that there are certain uses that, due to size, location, use, or intensity, may adversely impact surrounding properties if not regulated. Such uses are generally listed within this chapter as special uses within specified zoning districts. This article states specific standards for approval of such uses in order to eliminate or mitigate any potential adverse impacts these uses may have on surrounding properties.

Sec. 122-772. Compliance with article.

The uses in sections 122-773--122-782, whether specifically allowed as permitted uses, permitted accessory uses, or special uses in any zoning district, may only be approved, established, operated, used, expanded or enlarged in accordance with the specific provisions listed in this article.

Sec. 122-773. Adult foster care small and large group homes, adult foster care congregate facilities and foster family group homes.

Adult foster care small and large group homes, adult foster care congregate facilities and foster family group homes must be permitted subject to the conditions hereinafter imposed:

- (1) All such facilities must be registered with or licensed by the state and must comply with the minimum state standards for such facilities and the city housing code.
- (2) For each adult cared for, ~~there shall be provided and maintained a minimum of 150 square feet~~ **the square footage of outdoor recreation or relaxation area required by the Building Code and licensing agency must be provided** ~~of outdoor recreation or relaxation area. Such outdoor space shall have a total minimum area of not less than 3,000 square feet, and~~ must be fenced and screened from any adjacent lot located within a residential district.
- (3) At least one off-street parking space must be provided for each care giver working at the facility.
- (4) A resident manager must be employed or appointed if the owner does not live in the house.
- (5) Uses other than family day care homes, adult foster care family homes, foster family homes and foster family group homes, must not be located within 200 feet of property zoned R1 or ~~R2~~ **CN-Mid and CN-SF**.

Sec. 122-774. Adult regulated uses.

- (a) In the development and execution of this section, it is recognized that there are certain uses, which by their very nature are recognized as having serious objectionable operational characteristics (particularly when several of them are concentrated in a small area), thereby having a deleterious effect on surrounding neighborhoods. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the city's residential neighborhoods or commercial centers. It is the intent of this section to provide reasonable regulations for the establishment of adult regulated uses in a viable, accessible location where the adverse impact of their operations may be minimized. Uses subject to these regulations and the requirements of article V of chapter 10 are as follows:
 - (1) Adult: Adult book or supply store, adult hotels or motels, adult motion picture theater/adult live stage performing theater, and adult mini-motion picture theater.
 - (2) Cabarets.
 - (3) Massage parlors and massage establishments.
 - (4) Pawnshops.
- (b) No adult regulated use may be permitted within 1,000 feet of any other adult regulated use. Measurement of the 1,000-foot radius must be made from the outermost boundaries of the lot or parcel on which the adult regulated use is proposed. The planning commission may waive this requirement for pawnshops if the following findings are made that:
 - (1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this article is observed.
 - (2) The proposed regulated use will not enlarge or encourage the development of a "skid-row" or blighted area.
 - (3) The establishment of an additional adult regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban revitalization.
 - (4) All applicable regulations of this chapter will be observed.

The planning commission may not waive this locational requirement for adult uses, cabarets, massage parlors, or massage establishments.

- (c) No adult regulated use may be permitted within 500 feet of any R1, ~~R2, R3, R4, or HHS~~, **P, MD, CN, CN-Mid and CN-SF** district; nor may any adult regulated use be permitted within 500 feet of any school, park, library, playground, movie theater, ~~coin-operated amusement arcade~~, licensed child care facility, or any other area or use where minor children are likely to congregate; nor may any adult regulated use be permitted within 500 feet of any ~~church, convent, monastery, synagogue, or similar place of religious worship~~ **religious institution**. Measurement must be from the outermost boundaries of the lot or parcel on which the adult regulated use is proposed to be located. This prohibition may be waived if the planning commission is presented with a validated petition requesting such waiver, signed by two-thirds of all persons owning, residing in, or doing business in the area within 500 feet of the proposed adult regulated use. The circulator of the petition must sign an affidavit attesting that the circulator personally witnessed the signatures and the signatures were affixed to the petition by the person whose name appears thereon. The signatures must be validated by the community economic development department. The planning commission cannot consider the waiver of the locational requirements until the required petition has been duly filed and verified. Pawnshops are not be subject to these locational requirements.
- (d) The building and premises must be designed and constructed so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas, cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision must apply to any display, decoration, sign, show window, or other opening.
- (e) No person may reside in or permit any person to reside in the premises of an adult regulated use.
- (f) Such uses must comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance must be a condition of special use approval and the continuance thereof.
- (g) Upon finding that any condition, safeguard, or requirement has been breached, the building department can revoke any occupancy permit. All operations must cease 14 days following such notification of revocation by the building department, unless such violations are corrected. Also, if violations are not corrected within 14 days, reinstatement of a revoked permit must require a new special use application and approval thereof.

Sec. 122-775. Automobile ~~service or repair garages providing major repair; undercoating shops.~~

Automobile **service and** repair ~~garages providing major repair, alterations, and undercoating shops~~ are permitted subject to the conditions hereinafter imposed:

- (1) **All lubrication equipment, hoists, and pits must be enclosed entirely within a building.** All repair operations must take place within a completely enclosed building, and such building must not be located within 100 feet of any interior lot line abutting a residentially zoned district.
- (2) The entire lot, excluding areas occupied by landscaping and building, must be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height must be installed around the perimeter of all surfaced areas. Drainage must be provided in accordance with subsection 122-835(6).
- (3) The storage, sale or rental of new or used automobiles, trucks, trailers, and any other vehicles on the premises is prohibited. Vehicles awaiting repair, or inoperable, wrecked, or partially dismantled vehicles, must not be stored or parked outside for a period exceeding seven days.
- (4) **Quick oil change and similar facilities where permitted must provide off-street waiting spaces of at least three automobiles per bay, in addition to the required off-street parking spaces as provided in sections 122-836 and 122-838.**

Sec. 122-776. Automobile ~~service~~ **filling stations and ~~repair garages.~~**

Automobile ~~service~~ **filling** stations and ~~repair garages~~ where permitted within business districts are permitted subject to the conditions hereinafter imposed:

- (1) The curb cuts are not permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances must be no less than 25 feet from a street intersection (measured along the road right-of-way). Drives must be no less than 20 feet wide, nor wider than 30 feet at the right-of-way line. No more than one such drive or curb opening may be permitted for every 75 feet of frontage along any street or in accordance with county or state requirements, whichever is greater.
- (2) The entire lot, excluding areas occupied by landscaping and building, must be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height must be installed around the perimeter of all surfaced areas. Drainage must be provided in accordance with subsection **122-835(6).**
- (3) ~~All lubrication equipment, hoists, and pits shall be enclosed entirely within a building.~~ All fuel pumps must be located not less than 15 feet from any lot line; provided however, that fuel pumps may not be located less than 40 feet from

any interior lot line which abuts residentially zoned property, nor closer than 100 feet from any ~~church~~ **religious institution**, theater, hall, or other place of public assembly.

- (4) A rigid canopy which covers the fuel dispensing area is permitted provided that the lowest edge of such canopy must be a minimum of 14 feet above grade. For service stations located within a ~~B1 or B2~~ **NC** zoning district, the nearest edge of any canopy must be set back a minimum of ten feet from any lot line. For service stations located within a ~~B4~~ **GC** zoning district, the nearest edge of any canopy must be set back a minimum of 15 feet from any lot line. All support structures for canopies must be located so as not to obscure the vision of motorists using any nearby streets, driveways, or maneuvering aisles.
- (5) The storage, sale, or rental of new or used automobiles, trucks, trailers, or any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles must not be stored or parked outside for a period exceeding two days.
- ~~(6) Quick oil change and similar facilities where permitted shall provide off street waiting spaces of at least three automobiles per bay, in addition to the required off street parking spaces as provided in sections 122-836 and 122-838.~~
- (6) All outdoor lighting must comply with section 122-641.

Sec. 122-777. Automobile or car wash establishments.

Automobile or car wash establishments are permitted subject to the conditions hereinafter imposed:

- (1) All washing activities must be carried out within a building. Vacuuming activities may be permitted outdoors, provided such activities are located at least 50 feet from adjacent ~~residentially zoned~~ **R1, P, MD, CN, CN-Mid and CN-SF districts** or ~~used~~ property **with first-floor residential uses**.
- (2) The entire lot, excluding areas occupied by landscaping and building, must be hard surfaced with concrete or plant-mixed bituminous material. Curbs of at least six inches in height must be installed around the perimeter of all surfaced areas. Drainage must be provided in accordance with subsection 122-835(6).
- (3) Sufficient space must be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons must be located on the car wash parcel itself. Streets and alleys may not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Sec. 122-778. Bed and breakfast lodgings and inns.

Bed and breakfast lodgings and inns are permitted subject to the conditions hereinafter imposed:

- (1) The structure to be used as a bed and breakfast lodging must be the principal residence of the owner/operator and such owner/operator must live on the premises when the bed and breakfast lodging is in operation. In the case of an inn, the owner may reside elsewhere so long as a resident manager is employed and lives on the premises. A minimum of 450 square feet of living space must be preserved for the owner/operator's quarters.
- (2) Rooms used for sleeping must have a minimum of 100 square feet for two occupants, plus an additional 50 square feet for each additional occupant. Rooms must be designed to accommodate no more than four occupants.
- (3) Food may only be served to guests staying at the bed and breakfast lodging. There may not be separate cooking facilities for the bed and breakfast lodging other than those which serve the principal residence. An inn may operate a restaurant on the premises, provided that all requirements of this chapter related to restaurants, as well as any other applicable regulations, are met; and provided that no expansion of the residential building in order to accommodate a restaurant is permitted.
- (4) Two off-street parking spaces must be provided plus one additional space per room to be rented. An inn which operates a restaurant must also meet the parking requirements for the restaurant, in addition to the above requirement.
- (5) Changes to the building structure must not be made that would prevent the structure from being reverted in the future to any residential use permitted in the zoning district. Bed and breakfast lodgings or inns may not be converted to a roominghouse unless a special use permit is approved by the planning commission in accordance with article V of this chapter.
- (6) Bed and breakfast lodgings and inns are subject to city licensing provisions, and must be inspected every two years for compliance with this chapter and the city building code.

Sec. 122-779. Child care centers; **child drop-off centers, and group day care homes.**

Child care centers, **child drop-off centers** or group day care homes (not including dormitories) are permitted subject to the conditions hereinafter imposed:

- (1) All child care centers, **child drop-off centers** and group day care homes must be registered with or licensed by the state department of social services and must comply with the minimum state standards for such facilities.
- (2) ~~For each child or adult cared for, there~~ **The square footage of outdoor recreation required by the Building Code and licensing agency** must be provided and maintained a minimum of 150 square feet of outdoor recreation area. Such space must ~~have a total minimum area of not less than 3,000 square feet, and shall be fenced and screened from any adjoining lot in any residential district.~~
- (3) At least one off-street parking space for each care giver must be provided. Additional off-street or on-street spaces must be made available for the safe drop-off and pick-up of persons being cared for at the facility. Such drop-off-sites must not obstruct the flow of traffic along any public thoroughfare.

(4) Child drop-off centers care for minor children for longer periods than four (4) hours.

Sec. 122-780. ~~Churches, synagogues, and other religious facilities~~ **Religious Institutions and Services.**

~~Churches, synagogues, and other religious facilities~~ **Religious institutions** and services, including accessory offices, rectories or parsonages, meeting rooms, and classrooms for religious instruction only are permitted subject to the conditions hereinafter imposed:

- (1) For religious ~~facilities~~ **institutions** located within ~~a residential district~~ **the R-1 and MD districts**, parking areas must be prohibited in the required front yard or street side yard setback areas. Parking areas which are located behind the required setback area adjacent to a street right-of-way must be screened in accordance with subsection 122-835(11)b.
- (2) Buildings of greater than the maximum height allowed in the zoning district may be permitted **by exception approved by the planning commission** provided that the front, side, and rear yards are increased beyond the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. **In the walkable urban districts, the Planning Commission may grant exceptions based on maximum compliance possible with the IT institutional building type.**
- (3) Related uses such as social centers, social service centers, child care centers, and rental banquet facilities are prohibited unless the planning commission finds that any adverse impacts on surrounding properties and traffic will be mitigated.

Sec. 122-781. ~~Community~~ **Parking garages.**

~~Community~~ **Parking** garages are permitted subject to the conditions hereinafter imposed:

- (1) Such use must not be located within 100 feet of an R1, **CN-Mid or CN-SF** or ~~R2~~ district.
- (2) The architectural style and facade of the structure must be in keeping with the character of surrounding residential and business uses.
- (3) All areas not used for parking or vehicular maneuvering must be landscaped and maintained in good condition.
- (4) ~~For community garages located in residential districts, vehicular entranceways into such garages shall not face toward the front yard of the lot.~~
- (4) **The vehicle entrances to structured parking should be from side streets and/or access roads. No access from a major thoroughfare is permitted.**
- (5) **Direct pedestrian access from parking garages to any adjacent street must be provided.**
- (6) **The exterior facades of all parking garages fronting on any street must be designed to achieve an architectural unity with the block.**
- (7) **Parking garages must comply with all building design standards for building façade, scale, building features and lighting, compatibility, and placement on the site when located in the Historic District.**
- (8) **The parking garage must have shelter bicycle and motorcycle parking areas within 25 feet of the vehicular entrance.**
- (9) **The City may approve other design alternatives, such as liner buildings around the outer edge of the garage.**

Sec. 122-782. ~~Community~~ **Parking lot as principal use.**

A ~~community~~ parking lot **as a principal** is permitted subject to the conditions hereinafter imposed:

- (1) If the lot is located on or adjacent to a permitted or special use which it is intended to serve, the minimum number of parking spaces intended to serve that use must be provided.
- (2) A lighting plan must be submitted for lots which contain more than 20 spaces, which must be approved by the planning commission during site plan review.

- (3) ~~Community~~ Parking lots must meet all requirements for off-street parking in accordance with article XIII of this chapter.

Sec. 122-783. Drive-in and drive-through restaurants.

Drive-in and drive-through restaurants, or any restaurant which provides a drive-through window, as defined under "restaurant" in section 122-23 are permitted subject to the conditions hereinafter imposed:

- (1) Principal and accessory buildings and structures must be located no closer than 60 feet from any residential district. Canopies and support structures or portions thereof must meet all yard setback requirements. The lowest edge of a canopy must be at least 12 feet above grade.
- (2) Drive-through windows or other facilities must be located no closer than 100 feet to a residential district. The sound from amplification equipment must not be audible beyond the boundaries of the site.
- (3) In addition to any required off-street parking for employees and sit-down restaurant facilities, stacking spaces for each drive-through window must be provided in accordance with section 122-838.
- (4) All drive-in and drive-through restaurants must have direct access to a major thoroughfare in accordance with section 122-642. No ingress or egress curb cuts may be located closer than 60 feet from the intersection of two streets.

Sec. 122-784. Drive-through facilities.

Drive-through facilities in combination with any kind of store, financial institution, or personal service business are permitted subject to the conditions hereinafter imposed:

- (1) Drive-through windows or other facilities and stacking spaces must not be located within 50 feet of a residentially-zoned district. Off-street stacking spaces must be provided in accordance with section 122-838. Canopies and support structures associated with drive-through facilities must meet all minimum yard setback requirements.
- (2) All drive-in facilities must have direct access to a major thoroughfare in accordance with section 122-642. Ingress and egress curb cuts to the site must be located at least 60 feet from the intersection of any two streets, measured along the nearest right-of-way line.
- (3) Devices for the transmission of voices must not be audible beyond the boundaries of the site.

Sec. 122-785. ~~Emergency shelter for the homeless.~~ Homeless Shelter.

Emergency shelters for the homeless are permitted subject to the conditions hereinafter imposed:

- (1) The facility must be operated by a recognized human service agency, incorporated by the state and which is not for profit.
- (2) Resident manager and support services must be provided.
- (3) No such facility may be located within 1,000 feet of a similar facility.

Sec. 122-786. Express and passenger terminals.

Express and passenger terminals and express transfer facilities are permitted subject to the conditions hereinafter imposed:

- (1) All ticket booths, waiting areas, and other passenger facilities must be wholly contained within an enclosed building.
- (2) Stopping and stacking spaces for buses or taxis must not encumber traffic nor present a safety hazard for vehicles or pedestrians on public rights-of-way.
- (3) Curb cuts must not be permitted at such locations that will tend to create traffic hazards in the streets immediately thereto. No drives may be wider than 30 feet at the right-of-way line, and no more than one such drive or curb cut may be permitted for every 50 feet of frontage along any street.

Sec. 122-787. ~~Fraternities or sororities.~~ Reserved.

~~Fraternities or sororities shall be permitted subject to the conditions hereinafter imposed:~~

- ~~(1) The fraternity or sorority shall be sponsored by a national, regional, or recognized local organization. Registration shall be made with the office of campus life or equivalent administrative office at the post secondary school which its members attend.~~
- ~~(2) The usable floor area of the structure shall exceed 2,200 square feet, or a minimum of 200 square feet of usable floor area per occupant, whichever is greater. Attics, cellars, and basements are not included as usable floor area; however, these areas may be occupied if all building and housing codes are met.~~

- ~~(3) The lot area shall have a minimum of 10,000 square feet or 350 square feet in area per occupant, whichever is greater. A minimum of 15 percent of the total square feet of the rear and side yard areas shall be retained in open landscaped areas and not used for parking.~~
- ~~(4) No off street parking areas shall be located in a front yard.~~
- ~~(3) No more than one sign, stating the name or letters identifying the organization, is permitted. Such sign may not exceed three square feet in gross area.~~
- ~~(6) Access to and from the site shall be directly to a major street or to a major street through an R3, R4, RO, or nonresidential district. In no event shall access be through an R1 or R2 district.~~
- ~~(7) No property line may be located within 500 feet from an R1 or R2 district.~~

Sec. 122-788. General hospitals. *Alternative Energy.*

(1) Photovoltaic Production

(a) Attached accessory photovoltaic structures are permitted in all zoning districts when meeting the following requirements:

- i. Kilowatts. Except for on solar farms, photovoltaic systems must not exceed a total capacity rating of 20 kilowatts per parcel.*
- ii. Height. All photovoltaic structures must meet the following height regulations by type:*
 - a. Photovoltaic roof paneling installed on a sloped roof of a building must not project vertically above the peak of the roof. Solar panels attached to a flat roof must not project vertically more than 10 feet above the roof. Solar panels attached to the side of a structure must not project vertically above the building height allowed for that zoning district or building type.*

(b) Detached accessory photovoltaic structures, when mounted top-of-pole for outdoor lights, are permitted in all zoning districts. In no instance may such panels exceed 20 feet in height.

(c) Solar farms. On sites where the primary use is photovoltaic energy production, all structures must meet the height requirement of the zoning district.

- i. Abandonment. Any freestanding photovoltaic system which is not used for six (6) months will be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the municipality and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant's expense. Removal will include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.*

(2) Solar water heating. Attached accessory solar water heating systems are permitted in all zoning districts. Solar collectors installed on a sloped roof of a building must not project vertically above the peak of the roof. Solar collectors attached to a flat roof must not project vertically more than 10 feet above the roof. Solar panels attached to the side of a structure must not project vertically above the building height allowed for that zoning district or building type.

(3) Wind energy production. Attached accessory wind energy production structures are permitted in all zoning districts, subject to height limitations.

(4) Geothermal energy production. Attached accessory geothermal energy production are permitted in all zoning districts.

- (5) Other methods: Other methods of alternative energy production may be submitted to the City Planner and, at their discretion, may be approved, approved subject to another City department(s) review, approved subject to Planning Commission review, or denied.*

~~General hospitals shall be permitted subject to the conditions hereinafter imposed:~~

- ~~(1) All ingress and egress from such site shall have direct access to a major thoroughfare, as provided in section 122-642.~~
- ~~(2) In residential districts, off street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. Where any off street parking, ambulance, or delivery areas abut any residential district, screening shall be provided as per section 122-703.~~

- ~~(3) Buildings of greater than the maximum height allowed in the zoning district may be allowed provided that the front, side, and rear yards are increased beyond the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.~~
- ~~(4) Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including the provisions of the hospital survey and construction act, Act No. 299 of the Public Acts of Michigan of 1947 (MCL 331.501 et seq., MSA 14.1201 et seq.), as amended.~~

Sec. 122-789. Senior citizen housing. ~~Attached or detached accessory stormwater control features~~

- (1) Swales: both biofiltration and vegetated/rock swales as defined in 122-3 are permitted in all districts.
- (2) Pervious paving: permitted in all districts subject to 122-(site plan review), where required, and 122 -(parking lot design).
- (3) Rain Gardens: as defined in 122-3, rain gardens are permitted in all districts subject to 122-(site plan review), where required. Rain gardens installed accessory to one- or two-family uses in the R-1 district or the Townhouse, Cottage, or House building types in the CN, CN-Mid, CN-SF districts do not require engineering review.
- (4) Rain Barrels or Cisterns: permitted in all districts subject to 122-(site plan review), where required.
- a. Underground cisterns or rain barrels are subject to engineering review and constructed in accordance with the State Building Code.
- b. Aboveground rain barrel or cistern systems in excess of 250 gallons accessory to the Mansion, Estate, Apartment House, Courtyard Apartment, Apartment Building, Commercial/Mixed-Use Small, Commercial/Mixed-Use Medium, Commercial/Mixed-Use Large, Single-story Commercial Building, Large Footprint Single Story Commercial Building, Multiple Story, or Institutional building types; or in excess of 250 gallons and located in the R-1 district not accessory to a single-family use; or in excess of 250 gallons and located in the MD or PMD districts, must conform to the accessory building standards in place for those building types and be subject to engineering review and constructed in accordance with the State Building Code.
- (5) Vegetated roofs: vegetated roof systems are permitted in all districts in accordance with the State Building Code.
- (6) Other methods: Other methods of onsite stormwater control may be submitted to the City Planner and, at their discretion, may be approved, approved subject to another City department(s) review, approved subject to Planning Commission review, or denied.

~~Senior citizen housing (not including nursing homes) including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops shall be permitted subject to the conditions hereinafter imposed:~~

- ~~(1) Off street parking shall be prohibited in the front setback area and within ten feet of the rear or side property lines. In case any off street parking area abuts a lot in any residential district, an obscuring fence or greenbelt shall be provided as provided in section 122-703.~~
- ~~(2) Total coverage of all the buildings, including dwelling units and related service buildings, shall not exceed 30 percent of the total site exclusive of any dedicated public right of way.~~
- ~~(2) All units shall have at least 300 square feet of floor area not including kitchen and sanitary facilities.~~

Sec. 122-790. Junkyards.

Junkyards are permitted subject to the conditions hereinafter imposed:

- (1) The minimum lot size must be one acre.
- (2) A minimum setback of 50 feet must be maintained between the front property line and the portion of the property on which junk materials are placed or stored. Outdoor storage areas must also conform to all other setback requirements for principal buildings. No junkyard may be located within 300 feet of a residential R1, HHS, P, MD, CN, CN-Mid and CN-SF district.
- (3) All outdoor storage areas for junkyards must be screened by a six- to eight-foot obscuring wall constructed of masonry, concrete or other similar material.
- (4) All roads, driveways, parking lots, and loading and unloading areas must be paved or treated in a manner approved by the city building department so as to confine any wind-borne dust to within the boundaries of the site.
- (5) Proper access to all parts of the storage areas must be provided for fire and emergency services, as required by the city building code and BOCA code.

Sec. 122-791. Commercial kennels.

Commercial kennels are permitted subject to the conditions hereinafter imposed:

- (1) Any such kennel must be subject to all permit and operational requirements established by city, county, and state regulatory agencies.
- (2) Buildings in which animals are kept, animal runs, and exercise areas must not be located in any required yard setback areas, and must be located at least 300 feet from any dwellings and 100 feet from any buildings used by the public.
- (3) All outdoor animal runs or exercise areas must be fenced and secured at all times so that no animal contained therein may escape such enclosure.

Sec 122-792: reserved.

Sec. 122-793. ~~Medical clinics~~ Adult drop-in centers or neighborhood counseling centers.

~~Medical clinics~~ Adult drop-in centers or neighborhood counseling centers are permitted subject to the conditions hereinafter imposed:

- ~~(1) Substance abuse treatment facilities, adult drop-in centers, or boarding facilities are prohibited in any residential district.~~
- (21) Access to and from the site must be directly to a major street as defined in section 122-642, or to a major street through an HHS or a nonresidential district. In no event may access be through an R1, MD, CN, CN-Mid, or CN-SF, R2, R3, or R4 district.
- ~~(3) The facility shall be located within 300 feet of a commercially zoned district.~~
- (42) Social services, such as food and/or clothing distribution or other similar services, are permitted only if the planning commission should find that adequate ingress and egress, parking, and indoor waiting and storage areas are provided.

Sec. 122-794. Multiple-family dwellings containing seven or more units in R4 or HHS district.

Multiple family dwellings containing seven (7) or more units ~~in an R4 or RO district:~~

- (1) Access to the site from a major thoroughfare must not traverse through or abut an R1, CN-SF or CN-Mid ~~R2 district~~, unless access is directly from a major thoroughfare.
- (2) Access drives, parking areas, and maneuvering lanes must be located to minimize their conflict with buildings and outdoor living areas and to encourage pedestrian and vehicular safety and convenience. Sidewalks for convenient pedestrian flow between buildings, parking areas, outdoor living areas, and public rights-of-way must be provided. In the Neighborhoods, Centers, Corridors and Health and Human Services zoning districts, all circulation standards must be met.
- (3) The required parking spaces must be as conveniently located in close proximity to the dwellings they are intended to serve as is practicable. In no case may any parking space be located further than three hundred (300) feet from the nearest entrance to the building.
- (4) All dwelling units must be readily accessible by fire and emergency vehicles. Fire lanes must be paved and posted as required in the Building Code adopted by the City of Ypsilanti. Emergency vehicle turn-around areas must be provided where there is no driveway outlet.
- (5) All parking areas, building entrances, and sidewalks must be illuminated for safety and security.
- (6) The following regulations apply to the MD district only:
 - a. A total of one hundred thirty (130) square feet of outdoor living space must be provided for each bedroom or studio/efficiency unit. Porches, balconies and improved roof areas may count toward the required outdoor living space, provided no such area is less than five (5) feet in width. Such outdoor areas must be buffered from streets and parking lots. Off-street parking areas, driveways, and accessory uses may not be counted as required open space.
 - b. The total number of rooms in a multiple apartment dwelling structure must not be more than the area of the parcel in square feet divided by 1,400 square feet. The required minimum floor area per unit type is as follows:

Unit Type	Required Min. Square Footage
1 Bedroom	600
2 Bedroom	800
3+ Bedroom	1,000

~~(8) The maximum Impervious Surface Ratio (ISR) for multiple apartment dwelling structures is 0.45, resulting in no more than 45% of the parcel being covered by an impervious surface such as asphalt, concrete or buildings~~

Sec. 122-795. Municipal, county, regional, and state service buildings and uses.

Municipal, county, regional, and state service buildings and uses are permitted subject to the conditions hereinafter imposed:

- (1) For such uses proposed to be located within an R1, ~~R2, R3, or R4~~ MD, CN, CN-SF, CN-Mid district, operating requirements must necessitate that the facility be located within that district in order to serve the immediate vicinity. Where possible such facilities must be located in an HHS or a nonresidential district. Storage yards, sales or business offices, commercial buildings or activities, sanitary landfills, or water or sewage treatment plants are prohibited in the R1, MD, CN, CN-SF, and CN-Mid districts.
- (2) Public buildings and utility uses must not include any outdoor storage of materials or vehicles, unless as permitted within ~~an M1 or M2~~ the PMD district.
- (3) The architecture and construction materials must be in character with the surrounding residential area.

Sec. 122-796. Nursing homes, convalescent homes and rest homes.

Nursing homes, convalescent homes, and rest homes are permitted subject to the conditions hereinafter imposed:

- (1) Such facilities must be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (2) Off-street parking is prohibited in the front and street-side setback area. In case any off-street parking area abuts a lot in any residential district, ~~an obscuring fence or greenbelt~~ screening must be provided as provided in section 122-703.
- (3) Such facility must provide ~~the square footage of outdoor open space required by the Building Code and licensing agency~~ 150 square feet of outdoor open space for every bed used or intended to be used, and at a minimum 3,000 square feet of outdoor open space. The open space must be landscaped, buffered from streets and parking lots, and include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas may not be counted as required open space.

Sec. 122-797. Offices and showrooms ~~for certain trades within business district.~~ for skilled trade services.

Offices and showrooms ~~of a skilled trade service of a plumber, electrician, upholsterer, decorator or similar trade located within a business district~~ are permitted subject to the conditions hereinafter imposed:

- (1) ~~Seventy five percent of all Services performed on the premises, including Any fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced shall~~ must conform to fire ~~and~~ building code.
- (2) Those areas of the ground floor which face upon or are visible from any adjacent streets must be used only for entrances, offices, sales, or display.
- (3) There must be no outside storage of materials or goods of any kind.
- (4) Storage of commercial and other vehicles inside the building is permitted, pursuant to building and fire code.

Sec. 122-798. Open-front or open-air businesses; outdoor recreation/amusement facilities; outdoor sales of new or used automobiles, trucks and tractors, boats, etc.

Open-front or open-air businesses; outdoor recreation/amusement facilities; and outdoor sales of new or used automobiles, trucks and tractors, boats, mobile homes, recreational vehicles and trailers are permitted subject to the conditions hereinafter imposed:

- (1) All loading and parking areas for open air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent public rights-of-way. Curbs or wheel stops shall separate parking areas from all sidewalks.
- (2) All areas of a front yard or street side yard which are not landscaped, shall be provided with a concrete or plant-mixed bituminous surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- (3) Driveway access to the outdoor business area shall be at least 50 feet from the intersection of any two streets.
- (4) The location, layout, design, or operation of the outdoor business shall not impair the continued enjoyment, use, and future development of nearby properties. The use shall not generate excessive noise, odors, dust, or other impacts. The planning commission may specify hours of operation and stricter screening mechanisms to assure compatibility with adjacent uses.
- (5) No major repair or major refinishing is permitted on the outdoor sales lot.
- (6) All lighting shall be shielded from adjacent residential properties and public rights-of-way.

Sec. 122-799. Outdoor cafes, restaurants and beer gardens.

Outdoor cafes, restaurants and beer gardens shall be permitted subject to the conditions hereinafter imposed:

- (1) All outdoor seating areas at grade level must be accessory to business which provides indoor seating **or food concession**. All storage, preparation and cooking of food and all vending machines shall be within an enclosed building **or food concession**.
- (2) The outdoor seating area shall be separated from all parking areas by means of a minimum three-foot high planting, ~~obscuring greenbelt~~, wall or other architectural feature **delineating the space**.
- (3) The outdoor seating area shall not be located within 50 feet of any properties zoned R1, ~~R2, R3, or R4~~ **MD, CN, CN-Mid, or CN-SF**.
- (4) All outdoor seating areas shall be kept clean and void of litter at all times.

(see also 94-192 for outdoor cafés in the ROW)

Sec. 122-800. Outdoor retail sales of plant materials, lawn furniture, playground equipment, garden supplies, etc.

Outdoor retail sales of plant materials, lawn furniture and decorations, playground equipment, and home and garden supplies shall be permitted subject to the conditions hereinafter imposed:

- (1) Plant storage and display areas shall comply with all minimum setback requirements for the zoning district.
- (2) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

Sec. 122-801. Outdoor storage of raw materials, supplies and products.

Outdoor storage of raw materials and supplies or finished or semi-finished products shall be permitted subject to the conditions hereinafter imposed:

- (1) All such storage shall be located within a rear yard and screened with fencing in accordance with section 122-703. No material shall be stored above the height of the screening.
- (2) All storage areas shall conform to all district setback requirements for principal uses, but in no case shall outside storage be located closer than 50 feet to residentially zoned property.
- (3) Property access to all parts of the storage areas shall be provided for fire and emergency services as provided in the city building code.
- (4) All loosely packed materials such as sand, topsoil, dirt, etc., shall be covered and contained to prevent them from being blown or washed off of the site.
- (5) No materials which give off noxious odors shall be stored outdoors.

Sec. 122-802. Private noncommercial recreational areas or social facilities; institutional or community recreational centers; nonprofit swimming pool or tennis club.

Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club shall be permitted subject to the conditions hereinafter imposed:

- (1) If the proposed use would attract persons from, or is intended to serve areas beyond the immediate neighborhood, the site shall have direct access to a major thoroughfare in accordance with section 122-642.
- (2) **Except in the Neighborhoods, Centers, Corridors and Health and Human Services districts**, front, side, and rear yards shall be at least eight feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. **In the Neighborhoods, Centers, Corridors and Health and Human Services districts, any buildings shall comply with the IT institutional building type.**
- (3) The planning commission may reduce the number of off-street parking spaces required as specified in section 122-836 in those instances where it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian.

Sec. 122-803. Recycling centers.

Recycling centers for discarded items shall be permitted subject to the conditions hereinafter imposed:

- (1) Such use shall be located no closer than 300 feet to residentially zoned property.
- (2) All separation and storage areas shall conform to the setback requirements for buildings in the M2 district and screened with fencing in accordance with section 122-703.
- (3) Access to such site shall not be through or abut residentially-zoned property.
- (4) Proper access to all parts of the storage areas shall be provided for fire and emergency access as provided by the city building code.

- (5) Recycling drop-off centers shall not occupy more than 6,000 square feet of area; shall not handle vegetative yard wastes (grass clippings, leaves, brush, etc.) or industrial, toxic, or liquid wastes; and shall not be involved in the compounding, washing or cleaning, treating, or composting of any materials.

Sec. 122-804. Roominghouses and Group Residences.

Roominghouses and group residences are permitted subject to the following conditions hereinafter imposed:

- (1) A roominghouse of any size or group residence containing four six or more units residents shall not be located within 200 feet of an R1 or CN-SF R2 district.
- (2) The minimum usable floor area of the structure, size of common interior living space, and kitchen facilities shall exceed 2,000 must comply with the applicable Building Codes adopted by the City of Ypsilanti. There shall be common interior living space, not counting hallways and bathrooms, of not less than 360 square feet for all persons living in the house. Kitchen facilities shall be provided on the premises for the residents therein.
- (3) Rooms for sleeping shall have a minimum square footage as required by the housing code adopted by this Code.
- (4) A resident manager shall be employed or appointed by the property owner, if the owner does not live in the house or complex. The property owner must provide the name and contact information of the resident manager upon request by the City of Ypsilanti.
- (3) The lot area shall have a minimum of 10,000 square feet or 350 square feet in area per occupant, whichever is greater. A minimum of 15 percent of the total square feet of the rear and side yard areas shall be retained in open landscaped areas and not used for parking.
- (4) No off street parking areas shall be located in a front yard.
- (5) For rooming houses of any size or group residences with 6 or more residents access to and from the site shall be directly to a major street or to a major street through an R3, R4, RO, a CN, CN-M or nonresidential district. In no event shall access be through an R1 or CN-SF R2 district.

Sec. 122-805. Schools Primary, Secondary and Post-Secondary Schools (public & private).

Elementary, junior, senior high, and post-secondary schools, public and private schools (but not regulating home schooling as defined by the state department of education) shall be permitted subject to the conditions hereinafter imposed:

- (1) Staff and curriculum must meet the educational qualifications established by the state.
- (2) All buildings must meet the building and fire safety qualifications as established by the state.
- (3) Except in the CN, CN-SF, CN-Mid, C, HC, NC, GC, and HHS districts, the minimum lot area shall be 13,000 square feet. In the CN, CN-SF, CN-Mid, C, HC, NC, GC, and HHS districts, the minimum lot area is determined by the IT institutional building type.
- (4) The site shall have direct access to a major thoroughfare, as provided in section 122-642.
- (5) Except in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, buildings of greater than the maximum height allowed within a given zoning district may be allowed provided that the front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. In the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, the maximum height is determined by the IT institutional building type.
- (6) Except in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, off-street parking shall be prohibited in the required front yard setback area. In the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, parking location is determined by the IT institutional building type. In the case any off-street parking area abuts a lot in any residential district, an obscuring fence or greenbelt shall screening must be provided as provided in section 122-703.
- (7) For primary and secondary schools, the developer of the site shall document that a minimum of two off-street or on-street parking spaces shall be available for drop-off and pick-up of children, plus one additional drop-off/pick-up space for each 100 children that the facility has in attendance.
- (8) If bus transportation is to be provided, documentation that adequate ingress and egress for bus traffic to the site shall be provided. If public bus transportation is utilized, a bus drop-off point within 250 feet of the school shall be available.
- (9) Athletic fields and playgrounds accessory to educational facilities shall be shown on the approved site plan and may not be altered unless approved by the planning commission shared with the city.

Sec. 122-806. Self-storage facilities and vehicle storage facilities.

Self-storage facilities and vehicle storage facilities shall be permitted subject to the conditions hereinafter imposed:

- (1) ~~In the C, NC and GC districts, self-storage and vehicle storage facilities must comply with the regulations for building types. In all other districts,~~ the facility shall be surrounded by a six-foot high solid obscuring fence, except for entrance gates. Required fencing near ingress and egress driveways may be lowered to permit adequate sight distances for vehicles entering and exiting the facility.
- (2) No single storage space shall exceed 500 square feet, except for vehicle storage facilities.
- (3) Only vehicles may be stored in vehicle storage facilities.
- (4) Adequate security shall be provided and maintained.
- (5) A single residential unit, to be occupied only by a residential manager and his family, with a floor area not exceeding 1,500 square feet, is permitted.

Sec. 122-807. Enclosed storage of liquid and solid fuels.

Storage within enclosures of liquid and solid fuels shall be permitted subject to the conditions hereinafter imposed:

- (1) All storage tanks and the handling of all flammable liquids shall be in compliance with the building code as adopted by this Code.
- (2) Below-ground storage tanks shall be located no closer than 50 feet from any property line and, when required, shall be registered with the state fire marshal.

Sec. 122-808. Substance abuse treatment facilities.

Substance abuse treatment facilities shall be permitted subject to the conditions hereinafter imposed:

- (1) Such facilities shall have direct access to a major thoroughfare, in accordance with section 122-642.
- (2) Such uses shall not be located within 1,000 feet of an R1 ~~or R2~~, CN-Mid, or CN-SF district or of another such facility.

Sec. 122-809. Veterinary hospitals and clinics.

Veterinary hospitals and clinics shall be permitted subject to the conditions hereinafter imposed:

- (1) All principal use activities, including animal boarding, shall be conducted within a totally enclosed building.
- (2) Buildings used for such purposes within 500 feet of a residential zoning district shall construct those indoor areas used for animal boarding an exercise in accordance with the soundproofing guidelines for dwelling units set forth in Section 1207.2 of the Michigan Building Code (2006).
- (3) A veterinary hospital or clinic shall be subject to the requirements, limitations, and regulations listed in Sec 14-132.

Sec. 122-810. Printing ~~shops~~ services.

Printing ~~shops~~ services shall be permitted subject to the conditions hereinafter imposed:

- (1) All principal use activities, including storage of equipment and chemicals, shall be conducted within a totally enclosed building.
- (2) No exterior windows shall be oriented towards single-family residential uses.
- (3) Such uses shall not create a nuisance to adjacent residences through excessive noises or the smell of chemicals.

Sec. 122-811. Supportive Housing.

Supportive Housing where listed in residential districts shall be permitted after Special Use review and approval, and shall be subject to the conditions hereinafter imposed:

- (1) Supportive Housing shall be located at least 750 feet from all existing supportive housing, measured in a radius from the outermost boundaries of the lot or parcel on which the use is proposed, as well as all of the following uses:
 - a. State licensed residential facility, not including all home-based facilities serving 6 or fewer individuals and Day Care Group Homes serving 12 or fewer individuals.
 - b. Nursing homes
 - c. Substance Abuse Treatment Facility
 - d. ~~Emergency~~ Homeless Shelter
 - e. Drop-in center
 - f. Correctional-institution ~~facility~~
- (2) Site Plan Review in accordance with article IV shall be required.

- (3) A minimum lot area of 8,000 square feet shall be provided.
- (4) The maximum number of persons served per the facility shall not exceed 8.
- (5) On-site services shall be for residents of the facility only.
- (6) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (7) Screening in accordance with 122-703 shall be provided along all boundaries between the proposed use and property either zoned or used for single-family and two-family purposes.

Sec. 122-812. ~~Restoration of legal non-conforming multiple apartment structures in the R1, One Family, R-2, One and Two Family, and R3, Multiple Family District.~~

~~Purpose and Intent: The intent of the Zoning Ordinance is to allow lawful non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where abandonment or removal is not feasible, to upgrade such nonconformities to conforming status. In order to fulfill this objective, Article VI applies certain conditions to nonconformities that achieve compliance over time. The following regulations are consistent with the above objective. In the rare event of removal or destruction of a non-conforming multiple apartment and/or roominghouse structure in the R2 or R3 districts, or a non-conforming two family or multiple apartment and/or roominghouse structure in the R1, R2 and R3 districts, these provisions allow renewal of the use provided an overall improvement is made in the instant. Should renewal of the use pursuant to this section be approved, the use shall still be classified as non-conforming, however by virtue of this section, to a lesser degree.~~

~~All structures containing a non-conforming multiple apartment use with three or more units (including a non-conforming two family use if in the R1 district) that have been removed, destroyed or severely damaged to the extent that the non-conforming use is not permitted to be renewed pursuant to 122-205 (5) may be allowed to restore or reconstruct said use, subject to the following criteria. All current Zoning Ordinance standards shall be applied, however, only to the extent that will achieve the criteria outlined below. Restoration of legal non-conforming multiple apartment structures/roominghouses (and non-conforming two family use if in the R1 district) may be permitted subject to the conditions hereinafter imposed:~~

- ~~(1) The Planning Commission shall find that the renewal of the non-conforming use complies with the Special Use standards of 122-165.~~
- ~~(2) Any structure used in whole or part as a roominghouse shall be converted to an apartment or dwelling.~~
- ~~(3) The Planning Commission shall further find that the restoration or reconstruction of the structure containing the non-conforming use complies with two or more of the following criteria:~~
 - ~~(a) An improvement in existing non-conforming parking ratio per bedroom is provided through an increase in number of off street parking spaces.~~
 - ~~(b) One or more non-conforming dimensional characteristic of the property or structure is materially improved or made conforming, such as lot area or width, yard setbacks, lot coverage, parking setbacks, maneuvering lanes or access, height of structure, separation distance between buildings, etc.~~
 - ~~(c) The proposed size of one or more of the apartments is made conforming to Zoning Ordinance minimum standards of 122-297, where previously non-conforming. Conversion of the structure, or parts thereof, from a roominghouse to apartment shall not satisfy this requirement.~~

Sec. 122-813. Auction House.

- (a) The applicant shall provide a use statement with the following information:
 1. The maximum capacity of the facility
 2. Number and frequency of the auctions
 3. Method for providing parking during auctions
- (b) Any outdoor activities are subject to the requirements for open-front or open-air businesses (section 122-798) and are only permitted in those districts that permit open-front businesses as a permitted or special use subject to the standards for those districts.

Sec. 122-814. Medical Marijuana Dispensaries

The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as

granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

The following Standards for Medical Marijuana Dispensaries

- (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) The dispensary shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary and school are located;
- (3) The dispensary shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary and lawfully existing dispensary or growing/manufacturing facility is located;
- (4) Smoking and/or use of medical marijuana shall be prohibited at the dispensary;
- (5) All activity related to the dispensary shall be done indoors;
- (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- (7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;
- (8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marijuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.
- (9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;
- (10) Dispensary drive-through facilities shall be prohibited;
- (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended;
- (12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;
- (13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;
- (14) Growing or cultivation of medical marijuana in a dispensary is prohibited;

Sec. 122-815~~4~~. Medical Marijuana Growing/Manufacturing Facility

The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act"). Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules,. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act

does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

A. The following Standards for Medical Marijuana Growing/Manufacturing Facilities Shall Apply:

- (1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) The growing/manufacturing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing/manufacturing facility and school are located;
- (3) The growing/manufacturing facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing/manufacturing facility and lawfully existing dispensary or growing/manufacturing facility is located;
- (4) Smoking and/or use of medical marijuana shall be prohibited at the growing/manufacturing facility;
- (5) All activity related to the growing/manufacturing facility shall be done indoors;
- (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- (7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;
- (8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marijuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.
- (9) If the growing/manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;
- (10) Growing/manufacturing facility drive-through facilities shall be prohibited;
- (11) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act, as amended;
- (12) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;
- (13) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
- (14) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council;
- (15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;
- (16) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.
- (17) There shall be no other accessory uses permitted within the same building.

Sec. 122-8165. Gardens/Community Gardens

(Ord. No. 1183A, 4/2013)

The goal of this standard is to clarify within existing districts that gardening is allowed as an accessory use and to allow for interim or long term low-intensity gardens and/or community gardens on vacant lots in R1 and R2 CN, CN-Mid, and CN-SF

districts as long as the use provides minimal impacts to residential character, and minimal increase in traffic in and around related parcels.

Furthermore, the City of Ypsilanti is an urban environment, and while these provisions are intended to support the local food system, it is not the intent of these standards to create agricultural districts within the City. Additionally, if any gardening or related use invokes the State Right-to-Farm Act, then this section and related sections in this division are to become null and void.

- (1) All principal use gardens/community gardens in R1 ~~and R2~~ **CN, CN-Mid, and CN-SF** districts must maintain a 3 foot setback on street frontages as well as meet traffic visibility regulations detailed in Sec 122-649. Further, they shall not encroach onto adjacent parcels or sights-of-way.
- (2) Sale of goods grown in a garden/community garden is prohibited on garden sites in residential districts. Sales of goods from greenhouse in business or other districts are subject to underlying district requirements.
- (3) The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances.
- (4) The property shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
- (5) Motorized equipment within a residential zoning district or residential planned unit development district shall be restricted to hours beginning at 8:00 p.m. and ending at 8:00 a.m.
- (6) Compost piles may only be used for waste generated on site, and are subject to setbacks.
- (7) Gardens shall utilize integrated pest management techniques and best practices in accordance with Chapter 110, Act II of this Ordinance.

Secs. 122-816--122-830. Reserved

ARTICLE XIII. OFF-STREET PARKING AND LOADING REQUIREMENTS*

*Cross reference(s)--Traffic and vehicles, ch. 102.

Sec. 122-831. Description and purpose.

The purpose of this article is to recognize that ~~automobile and~~ motor vehicles, while ~~necessary to~~ **part of** the social and economic well-being of the community, can cause conditions and problems of parking and storage which can have a negative impact on the safety, appearance, health and welfare of the community. It is the intent of this article to provide ~~minimum~~ standards for the parking and storage of motor vehicles in order to ensure that off-street parking facilities are in harmony with the use of surrounding properties **and all modes of transportation; maintain barrier-free pedestrian access**, ensure adequate accessibility to the off-street parking facilities from city street; and to set standards for design and construction of parking facilities compatible with the health, safety and general welfare of the community.

Sec. 122-832. Scope.

The conditions and requirements of this article ~~are minimal and~~ shall apply to all zoning districts. In all zoning districts, off-street parking facilities shall be provided for the storage and parking of motor vehicles and ~~automobiles~~ **bicycles** for the use of occupants, employees, and patrons of all buildings, structures, residences, businesses, or establishments erected, altered, constructed, changed in use, or commenced after the effective date of the ordinance from which this chapter derives. Such space (or spaces) shall be maintained and not be encroached upon ~~so long as the building, structure, business, or enterprise remains~~, unless an equivalent number of such spaces are provided elsewhere, in conformance with this chapter.

- (1) *New or altered buildings.* No building or structure shall hereafter be erected, and no existing structure may be so altered that it is increased in size or intensity of use, unless adequate parking space, as required by the provisions of this article, is provided for the entire building or structure as erected or altered.
- (2) *Change in use.* The use of any building or structure shall not be changed if additional parking space would be required as a result of the change in use, unless the minimum parking space as required by the provisions of this article is provided for the entire building.
- (3) *Areas excepted.* The provisions of this article shall not apply to uses and structures in the **C B3 central business district**, except those spaces required for **upper-story** dwellings. A fee in lieu of providing off-street parking for ~~apartment units above ground floor commercial uses~~ **upper-story units** in the ~~B3~~ **C** zoning district is permitted in accordance with section 122-841.
- (4) *Planning Commission Authority.* ~~The Planning Commission shall have the authority to reduce the number of required off street parking spaces by up to 20% of those required. Such an action must be based on a special circumstance that particularly relates to the size of an existing parcel and building in combination, and/or character of the proposed use.~~

Sec. 122-833. General requirements.

Any person, organization, or establishment who has any ownership interest in or the control of any real estate within the city is required to provide and maintain, ~~permanently and continuously~~ in a usable condition off-street parking spaces as follows:

- (1) *Off-street parking for one- and two-family dwellings.* Off-street parking facilities required for one- and two-family dwellings shall consist of a parking strip, apron, driveway, garage, carport, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of section 122-667. Further, parking areas serving one- and two-family dwellings shall be subject to the following:
 - a. *Driveways.* On lots used for one-family or two-family residential purposes, maneuvering or backing of vehicles into a street or alley is permitted. Driveways may cross the required front yard, or the required street side yard on a corner lot, provided that the total area of the driveway do not exceed 30 percent of the area of such required yard.
 - b. *Ingress and egress.* No individual curb cut **to a street or alley** for a single driveway shall exceed 20 feet in width. The total width of all curb cuts shall not exceed 35 feet on all property lines. On lots with a lot width of 60 feet or less, no more than one curb cut **to a single street** is permitted. **All curb cuts accessing Washtenaw Avenue (M-17) must comply with the Michigan Department of Transportation M-17 Access Management Plan.**
 - c. *Surfacing.* Parking areas and driveways shall be surfaced with crushed limestone or similar gravel material, or shall be hard surfaced with asphalt, concrete, or similar bonded material. **Porous paving is also allowed.** However, parking areas which are designed for five or more spaces must meet the requirements of subsection 122-835(5). That portion of the driveway between the lot line and the public way, shall be paved with concrete a minimum of six inches thick for residential occupancies and eight inches thick for commercial occupancies. Curb cuts along state trunk lines shall comply with the requirements of the state department of transportation. All other curb cuts shall comply with adopted standards of the Department of Public Works.

- d. *Parking in yards.* No parking shall be permitted in the required front yard, or in the required street side yard on a corner lot, except on a driveway which leads to a parking area that is beyond the front line of the structure and the space is in compliance with section 122-834.
- (2) *Off-street parking for multiple-family and nonresidential uses.* Off-street parking facilities required for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use, measured from the nearest point of the building to the nearest point of the off-street parking lot. ~~Ownership of a use easement, duly recorded with the county register of deeds, shall be shown for all land areas intended for use as parking by the applicant.~~ A shared parking agreement or use easement for the land intended for shared parking must be on file with the county register of deeds, in order for the shared parking spaces to satisfy requirement parking.
- (3) *Setback from street.* ~~Unless a greater setback is required elsewhere in this chapter, no part of any public or private off-street parking area, regardless of number of spaces provided, shall be located closer than ten feet to any street right-of-way line. In addition, in all residential districts (R1, R2, R3, R4, and RO), no parking shall be permitted within any required minimum front yard area or any required street side yard on a corner lot, unless on a driveway which leads to an approved parking space.~~ Parking lot setbacks are required by the setbacks and building types of the zoning district in which they are located. An allowed exception to this regulation are circular drives, which may be located in a required minimum front yard or street side yard, provided that such drives shall be designed so that no parking space is located closer than 25 feet to any street right-of-way line.
- (4) *Designated parking areas.* Any area once designated as required off-street parking shall never may not be changed to any other use, unless or until equal facilities are provided elsewhere. ~~It shall be unlawful for any person to discontinue, dispense with or render unusable or to cause or to permit anyone to discontinue, dispense with or render unusable any vehicle parking space required by this article. Any real estate which has all or part of the parking spaces required by this article upon its effective date or any subsequent time must be maintained and kept at the highest degree of compliance reached.~~
- (5) *Collective off-street parking.* Two or more buildings or uses, or mixed uses in the same building, may collectively provide the required off-street parking; ~~in which case, the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.~~
- (6) *Nonoverlapping operating hours.* In the instance of land uses requiring off-street parking spaces where operating hours of the uses do not overlap, the ~~zoning board of appeals~~ the City Planner may grant exception to the individual parking requirements of section 122-836.
- (7) *Use of parking lots for storage.*
 - a. Except as provided under subsection (7)b of this section, a parking lot may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, or junked or wrecked vehicles of any type; for the storage of merchandise or industrial equipment or materials; or as a dump for refuse of any description.
 - b. The parking out-of-doors of motor vehicles which are used as part of a permitted commercial or industrial use, including automobiles, trucks, or trailers, are permitted on off-street parking lots outside normal business hours of such commercial or industrial use; provided no more than a total of five automobiles and three commercial trucks or trailers each weighing less than 10,000 pounds shall be permitted. The outdoor storage of more than five automobiles and three trucks or trailers shall be permitted only after special use approval by the planning commission in accordance to the provisions of article V of this chapter.
- (8) *Repair prohibited.* No repairs or service to vehicles shall be permitted on areas designated as required off-street parking. ~~An exception to this regulation would be the replacement of a windshield.~~
- (9) *Display of vehicles for sale.* The parking of motor vehicles, recreational vehicles, and trailers which are possessed expressly and solely for sale by persons or businesses licensed by the state for such sales is permitted only when in accordance with the requirements of each respective zoning district and the specific provisions of section 122-798 regarding the outdoor sales of vehicles. Otherwise, the display of vehicles for sale in designated off-street parking areas is prohibited.
- (10) *Use of loading space.* Loading spaces, as required under section 122-839, shall not be counted or used for required parking.
- (11) *Usable floor area and gross floor area.* For the purpose of computing the number of parking spaces required, the definitions for "usable floor area" and "gross floor area" in section 122-23 shall apply.
- (12) *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to one-half shall be disregarded and fractions including and over one-half shall require one parking space.
- (13) *Uses not specified.* For those uses not specifically mentioned under section 122-836, the requirements for off-street

parking facilities shall be in accord with a use which the ~~planning commission~~ **City Planner** considers similar in type.

Sec. 122-834. Parking dimensions.

All off-street parking facilities required by this chapter shall be of adequate size and design to provide safe and reasonably direct ingress and egress from an alley or street. All parking spaces shall be adequate for parking a motor vehicle with room for opening doors on both sides.

- (1) **Parking spaces required by this Article shall be at least 9 feet wide and 18 feet long (16 feet long if 2 feet of overhang is provided when parking against a curb). Spaces directly adjacent to a fence, wall or enclosure shall be increased by 1 foot in width. Barrier free parking spaces must be designated as required by and in conformity with state law.**
- (2) **Up to 20% of the parking spaces may be designated as small car spaces, which shall be at least 8 feet wide and 16 feet long and clearly signed for "compact cars."**
- (3) **Up to 10% of the parking spaces may be designated as motorcycle spaces, which shall be at least 5 feet wide and clearly signed for "motorcycles."**
- (4) **Minimum Standards.** The minimum standards for parking spaces and aisles are indicated in the table below (refer to parking layout diagram):

Standard Vehicle Parking Dimensions:

Parking Patterns (Degrees)	Parking Space Width (Feet)	Parking Space Length (Feet)	Maneuvering Lane Width (Feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (Feet)
0 (parallel)	9	22	12	20 one-way 32 two-way	28 one-way 40 two-way
30 to 53	9	20 18	13	36	53
54 to 74	9	20 18	16	38	59
75 to 90	9	20 *18	22	42	62

* In the interest of providing additional landscape opportunities and recognizing the dimensional constraints of many city lots, 75 to 90 degree parking space depth may be reduced to 18 ft. at the discretion of Planning Commission (or City Planner). This option shall be based on the need for additional landscape island or maneuvering lane width due to dimensional limitations on the site.

Compact Vehicle Parking Dimensions

Parking Patterns (Degrees)	Parking Space Width (Feet)	Parking Space Length (Feet)	Maneuvering Lane Width (Feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (Feet)
0 (parallel)	8'	18'	12	20 one-way 32 two-way	28 one-way 40 two-way
30 to 53	8'	17'	13	36	53
54 to 74	8'	17' 5"	16	38	59
75 to 90	8'	16'	22	42	62

Motorcycle Vehicle Parking Dimensions

All motorcycle parking spaces shall be a minimum of five feet by eight feet.

Sec. 122-835. Parking layout and construction.

Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements.

- (1) **Review and approval requirements.** Except for off-street parking accessory to single- or two-family dwelling units, ~~site plan~~ review and approval is required for off-street parking areas in accordance with article IV of this chapter.
 - a. Plans for parking lots shall be drawn at scale, showing existing and proposed grades, drainage, sewers, type of surfacing, proposed parking layout, striping, signage, and related landscaping or screening.
 - ~~b. A building permit shall be required for the construction of new spaces or altering of existing spaces of a parking lot, unless such construction is part of a larger project requiring a building permit.~~

- b. Upon completion of construction, a parking lot must be inspected and approved by the building department before a certificate of occupancy can be issued for the parking lot or for the building or use for which the parking is intended to serve.
 - c. In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the building department, provided the applicant first deposits a performance guarantee with the city in accordance with section 122-1334.
- (2) *Access.* All parking spaces shall be provided adequate access by **pedestrians and vehicles**:
- a. **Walkways in Parking Lots.** Paved walkways a minimum of 5 feet in width shall be provided for access to adjacent parks, commercial areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods.
 - b. **Vehicular Access.** All parking spaces must be accessible to vehicles by means of maneuvering aisles. Except for one- and two-family uses, maneuvering or backing from a parking space directly onto a street or walkway shall be prohibited, and all parking spaces shall be designed so that any motor vehicle may be parked or unparked without moving another vehicle.
- (3) *Ingress and egress.* For parking lots containing five or more spaces, adequate ingress and egress to such parking lot shall be provided by means of clearly defined and limited drives having a minimum **width of 20 feet, with a maximum of 30 feet**. All such drives shall be located so as to minimize traffic congestion. All curb cuts and approaches to such parking lots shall comply with adopted city standards for curb cuts. Ingress and egress for the parking area in an area zoned ~~for other than one- or two-family residential uses~~ **CN-Mid, CN, HC, NC, GC, C, HHS, PMD** shall not cross land zoned ~~for one- or two-family residential use~~ **P, R1 or CN-SF**. Parking lot driveways shall be situated so as to minimize vehicle headlights from shining on residential dwellings. Where possible, curb cuts shall be located across from any existing curb cuts on the opposite side of the street, or shall be offset from any opposite-side curb cuts by at least 25 feet. No curb cut for a parking lot may be closer than 50 feet to the intersection of any two streets as measured along the street right-of-way line. However, **the Planning Commission may allow** a curb cut for a parking lot situated on a small land parcel ~~may be located no closer than 20 feet to the intersection of any two streets, upon finding no other access points in compliance with City Ordinances is possible due to the size of the parcel. after a variance has been obtained from the zoning board of appeals.~~
- (4) *Internal maneuvering drives.* Each driveway providing access to an off-street parking lot containing five or more parking spaces shall be a minimum of ten feet in width. Where a turning radius is necessary, it shall be an arc that allows unobstructed vehicle flow.
- (5) *Surfacing.* All parking and loading facilities and access drives shall be paved with ~~a concrete, plant-mixed bituminous, or other equally durable bonded material~~ in accordance with accepted engineering standards. Alternative surfacing materials may be considered in order to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design. Use of pervious alternative surfaces is encouraged in proximity to the Huron River. Paving materials proposed to improve aesthetics may also be considered by the **City Planner and the Planning Commission**. Alternative surfaces proposed shall be reviewed by the City's consulting engineer. Consideration of alternative surfacing in accordance with best management practices will be given by the planning commission for off-street parking lots of five to ten parking spaces serving residential uses. In **R-1, CN-SF, CN-Mid, and CN**, paving shall not be required for off-street parking areas of four spaces or less, in which case the spaces shall be surfaced with gravel or similar material and so laid out as to clearly indicate that the spaces are reserved for parking of motor vehicles.
- (6) *Drainage.* All off-street parking and loading areas shall be graded and drained to public storm sewers. As an alternative, if in the opinion of the ~~building official~~ **City's consulting engineer**, the soils are of a type which will allow for efficient drainage, the use of drywells, ~~or~~ infiltration trenches, **swales, bio-retention** or other best management practices for controlling urban runoff quality ~~shall be~~ **are** permitted. No surface water shall be permitted to drain onto adjoining properties, unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained. No surface water drainage from an off-street parking lot shall be permitted to drain across a public sidewalk.
- (7) *Striping.* For parking lots containing five or more spaces, all spaces shall be outlined with three-inch wide strips of white or yellow paint, except that ~~handicapped-accessible~~ **barrier-free** spaces shall be blue, with a symbol of compliance in blue. An exception to this requirement are parking lots which are surfaced with gravel for historic preservation purposes in accordance with article VIII, division 2, of this chapter.
- (8) *Wheel stops.* For parking lots containing five or more spaces, wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six inches high, shall be placed so that a motor vehicle cannot be driven or parked on, or hang over, any part of any sidewalk. ~~In the interest of providing additional landscape opportunities and recognizing the~~

~~dimensional constraints of many city lots, 75 to 90 degree parking space depth may be reduced to 18 ft. at the discretion of Planning Commission (or City Planner). This option should be based on the need for additional landscape island or maneuvering lane width due to dimensional limitations on the site.~~

(9) *Lighting.* With the exception of facilities for one- and two-family dwellings and for multiple-family dwellings on individual lots containing no more than four units, parking and loading facilities utilized during night-time hours shall be artificially illuminated. All such outdoor lighting shall meet the requirements of section 122-641.

(10) *Signs.* Accessory directional signs shall be permitted in parking areas in accordance to article XIV of this chapter

(11) *Screening ~~fences or greenbelts, and landscaping.~~*

~~a. Except when accessory to one or two family dwellings, each off street parking area containing five or more spaces which directly abuts any R1, R2, R3, R4 or RO zoning district, shall be provided with a continuous and obscuring fence, wall, or greenbelt in accordance with the requirements of section 122-703.~~

~~b. Where a parking lot containing five or more spaces is located within a front yard or a street side yard, a 30-inch high obscuring fence, wall, or hedge shall be provided.~~

~~c. All land between a parking lot and any street right-of-way shall be kept free from refuse and debris and shall be landscaped. The ground area shall be planted in lawn or other live ground covering. All such landscaping and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance.~~

a. *Intent.* Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, mitigate heat island effect, support storm water management, and guide the circulation of vehicular and pedestrian traffic.

b. *Required landscaping within off-street parking areas.* Separate landscape areas shall be provided within off-street parking areas in accordance with the following requirements:

1. There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.

2. Landscape islands must meet the following size requirements:

(a) Landscape islands containing a tree shall be a minimum of 160 square feet and a minimum of nine (9) feet wide.

(b) Landscape islands containing a pedestrian pathway shall be a minimum of eleven (11) feet wide, with a pathway of a minimum width of five (5) feet and minimum three (3) feet wide landscape area on both sides.

(c) If landscaped islands are not used for storm water infiltration, the islands must be raised and curbed.

3. The ends of all parking isles and corners shall be protected with a curbed island.

4. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.

5. Shrubs and/or ground covers which will not impede vehicular visibility in accordance with this Ordinance may also be included.

c. *Required Landscaping at the Perimeter of Off-Street Parking Areas.* Separate landscape areas shall be provided at the perimeter of off-street parking areas in accordance with the following requirements:

1. Off-street parking areas in the side and rear yard which abut a R-1, MD, CN, CN-Mid, CN-SF zoning district are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in be screened in accordance with Section 122-703. ~~Solid wood fences may be permitted where necessary to cross easements or to protect existing vegetation.~~ Landscaped berms may also be used in lieu of the screening ~~buffer wall~~ if approved by the Planning Commission.

2. All off-street parking areas shall be screened from view with a ~~landscaped berm~~ solid wall or landscape planting achieving at least 80% opacity year-round at least three (3) feet in height but no more than four (4) feet in height along the perimeter of those sides which are visible from a public road. The Planning Commission, at their discretion, may approve a ~~alternative landscape plantings or a solid wall in lieu of a landscape berm or vegetated swale.~~

3. All land between a parking lot and any street right-of-way shall be kept free from refuse and debris and must be landscaped. The ground area shall be planted in lawn or other live ground covering. All such landscaping and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- d. Landscaped areas, walls, structures, and walks shall be properly protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.

(12) *Maintenance.* All off-street parking areas, including striping, shall be maintained in good usable condition, and when necessary shall be treated to prevent dust or other nuisances. Such parking areas and drives shall also be kept free of litter, debris, and refuse.

(13) *Additional requirements.* In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as reasonably necessary by the planning commission for the protection of abutting ~~properties~~ **lots**.

Sec. 122-836. ~~Table of required~~ Minimum and maximum number of parking spaces.

- (1) *Minimum.* The minimum number of off-street parking spaces by type of use in all zoning district shall be determined in accordance with the following schedule.

Use	Spaces Per Unit of Measure & Exception
RESIDENTIAL:	
Residential, One family and two family dwellings, including manufactured homes Single-family detached dwellings and two-family dwellings	1 space per unit Garage and driveways may meet this requirement
Residential, Multiple-family dwellings, including townhouses	1 for each efficiency or studio unit, 1½ for each 1-bedroom unit, 2 for each 2-bedroom unit, and 3 for each 3 or more bedroom units 1.5 for each dwelling unit, plus 1 for each 10 dwelling units for guest parking
Upper-story residential units in C, HC, NC, GC, and HHS districts	1 for each dwelling unit
Senior citizen housing	1 for each dwelling unit plus 1 for each employee. If units revert to general occupancy, then the provisions regarding multiple family residential uses above shall apply
Dormitories Group living with support staff, not licensed by State of Michigan	1 for each 3 beds, plus 1 per employee on the largest an average employment shift
Residential clubs, fraternities and sororities	1 for each 1½ occupants of normal capacity, plus 1 for each employee on the largest employment shift
Group residence & roominghouse	1 for each bedroom or sleeping room, plus 1 for each employee or the largest employment shift
Adult Foster Care	1 for each 3 beds, plus 1 for each employee an average employment shift
Accessory Dwelling Unit	1 for each dwelling unit Garage and driveways may meet this requirement
Family Child Care Home	Minimum of 1 and a maximum of 3 child-care dropoff spaces, plus 1 for the principal dwelling unit
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES	
Churches, temples, or synagogues Religious institutions	1 for each 5 seats or 10 feet of linear pew space, based on the maximum seating capacity in the main unit of worship
Hospitals	1 for each 4 patient beds, plus 1 for every 150 200 square feet of out-patient service area
Elementary and junior high schools Primary Schools (public and private)	1 for each 1 teacher, employee or administrator, plus 1 for each 10 students, in addition to the requirements for the auditorium, if provided
Senior high schools Secondary Schools (public and private)	1 for each teacher, employee or administrator and 1 for each 10 students, in addition to the requirements for the auditorium and stadium, if provided
Colleges, trade schools, and technical training centers Post-secondary educational institutions (public & private)	1 for each teacher, employee or administrator and 1 for each 5 students, in addition to the requirements for the auditorium and stadium, if provided

Use	Spaces Per Unit of Measure & Exception
Private assembly clubs or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater
Arts & crafts studios	1 per 1,000 square feet plus 1 per classroom
Theaters and auditoriums Performance venues/Theaters	1 for each 4 5 seats or 8 10 linear feet of bench space, plus 1 for each 2 employees on the largest an average employment shift
Libraries, museums, cultural centers, community centers or similar facilities	1 for each 400 square feet of gross usable floor area, excluding area devoted to storage including stacks
Municipal, county, regional & state service uses	1 for each 300-1,000 square feet of usable floor area
Nursery, day care, or Child care centers	1 for each 250 square feet of usable floor space-1 off-street parking space per caregiver required to staff facility at the state-licensed capacity, plus 1 space for every 20 children the facility is licensed to care for.
Softball, baseball fields- Outdoor recreation and fields	20 for each playing field-1 for each 1,000 square feet of recreation space
Bowling establishments	3 for each lane
Dance halls, banquet halls, meeting rooms, health spas, pool or billiard parlors, skating rinks- Indoor recreation	1 for each 3 persons who may be legally admitted at one time based on the occupancy load established by local, county, or state fire, building, or health codes, plus 1 for each employee on the largest an average employment shift
Football and soccer fields	25 for each field
Stadiums, sports arenas, or similar places of outdoor assembly	1 for each 4 seats or 8 feet of linear bench space
Swimming pools	1 for each 4 persons who may be legally admitted at one time based on occupancy load established by local codes
INFRASTRUCTURE	
Radio & Television Studios or Stations	1 per each 500 square feet of gross floor area
Utility buildings	1 for each employee on an average employment shift
Energy, electricity and heat generation or sewage plants	1 for each employee on an average employment shift
SERVICES	
Bed & Breakfasts or Inns	1 per occupancy unit plus 1 per employee on an average employment shift
Motels, hotels or other commercial lodging establishments	1 for each 1 occupancy unit plus 1 for each 1 employee on the largest shift; 1 per occupancy unit plus 1 per employee on an average employment shift ; plus extra spaces for dining rooms, ballrooms, or meeting rooms as required
Business or professional offices	1 per 300 square feet of usable floor area
Funeral homes	1 per 50 square feet of assembly room, parlor and slumber room
Laundromats and coin-operated dry cleaners	1 per 3 washing machines
Banks, savings and loan offices, credit unions, or similar financial institutions- Financial service, including banks	1 per 200-300 square feet of usable floor area, plus 4 2 stacking spaces for each drive-in or drive-through transaction station as specified in section 122-838.
Sanitariums, homes for the elderly, convalescent homes, foster care group homes, and children's homes Nursing Homes	1 per 3 beds
Medical or dental clinics and professional offices of doctors, dentists, or similar professions or clinics, substance abuse treatment facilities	1 for each 200 300 square feet of usable floor area in waiting rooms, plus 1 for each examining room, dental chair, or similar use area
Beauty parlor or barbershops, Hair cutting/beauty salon Personal service establishments	2 spaces for each of the first 2 beauty or barber chairs, and 1 1/2 spaces for each additional chair, or 1 for each 300 square feet of useable floor area whichever is greater
Self-storage facilities	1 per 200 storage units, plus 1 per 300 square feet of usable floor area of office space, plus 1 for residence, if provided.
Catering service	1 per 600 square feet of usable floor area

Use	Spaces Per Unit of Measure & Exception
All other retail or service uses not elsewhere specified	1 for each 200 300 square feet of gross floor area
COMMERCIAL	
Furniture and appliances, household equipment; repair shops; showrooms of a plumber, decorator, electrician or similar trade; and other similar uses	1 for each 600 square feet of usable floor area
Open air businesses	1 for each 600 square feet of lot area used for open air business, plus extra spaces for indoor sales or office space as required
Shopping centers, supermarkets, department stores, or clustered commercial centers over 100,000 square feet in gross floor area	1 for every 100 square feet of usable floor area in the basement and on the first floor used for retail sales, 1 for each 400 square feet of floor area on the second floor used for retail sales, 1 for each 600 square feet of floor area on the third floor used for retail sales, and 1 for each 800 square feet of floor area on any additional floors used for retail sales 1 for each 300 square feet of gross floor area
All other retail or service uses not elsewhere specified	1 for each 200 250 square feet of gross floor area
RESTAURANTS	
Café, coffee shop, restaurants, grills, taverns, tasting rooms or bar/lounge, and other establishments where food, beverages, or refreshments are sold primarily for consumption on the premises	1 for each 100 square feet of usable floor area, or 1 for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; whichever is greater
Restaurant, carry-out	1 for each 30 square feet of customer waiting area plus 1 for each employee in the largest employment shift
Restaurant, fast food, drive-in or drive-through	1 for each 50 square feet of customer waiting and eating areas, plus 1 for each employee in the largest employment shift, plus 8 stacking spaces for each drive-in or drive-through transaction station as required by section 122-838
AUTO-ORIENTED	
Automobile service filling stations	2 for each service bay, lubrication stall, rack or pit; and 1 for each employee in the largest employment shift 1 for each employee, plus spaces required for other uses within the station, such as the retail floor area, carryout restaurants, subtracted by one half space for each automobile fueling position
Quick oil change facilities Automobile repair	1 for each employee in the largest employment shift, plus 1 space for each auto service stall . In addition, stacking spaces for automobiles awaiting entrance to a service station service stall shall be provided as required by section 122-838
Automobile or car or truck wash establishments and detailing, automatic	1 for each employee in the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the auto wash shall be provided as required by section 122-838
Motor vehicle sales and service establishments, trailer sales and rental, and boat showrooms	1 for each 200 500 square feet of usable floor space of sales room, plus 1 for every 500 square feet of outdoor sales area, plus 1 for each 1 auto service stall in service areas, plus 1 space per employee on the largest employment shift
Automobile rental (parking, storage, wash & repair)	1 for 300 square feet of office space, plus 1 space per employee on the largest employment shift
RESEARCH	
Industrial Laboratories or research establishments	5 plus 1 for every 1½ employees in the largest working shift; or 1 space per each 1,000 square feet of gross floor area for storage areas, and 1 space per 300 square feet of office area; whichever is greater.
PRODUCTION, MANUFACTURING & DISTRIBUTION	
Craft production	1 per 1,000 square feet
Wholesale or distribution facility	5 plus 1 for every 1 employee in the largest working shift; or 1 for every 1,700 square feet of gross floor area, plus 1 for each 300 square feet of office area; whichever is greater . Spaces shall also be provided for any retail or service area shall be in addition to the above

Use	Spaces Per Unit of Measure & Exception
Assembly, processing or manufacturing	5 plus 1 for every 1½ employees in the largest working shift; or 1 space per each 1,000 square feet of gross floor area for assembly, processing and manufacturing and storage areas, and 1 space per 300 square feet of office area; whichever is greater.
URBAN AGRICULTURE	
Community garden	None
Hydroponics, aquaculture and aquaponics and similar raising of food	5 plus 1 for every 1 employee in the largest working shift; or 1 for every 1,700 square feet of gross floor area, plus 1 for each 300 square feet of office area. Spaces shall also be provided for any retail or service area shall be in addition to the above

- (2) *Maximum.* The number of off-street parking spaces must not exceed one hundred and twenty percent of the required parking spaces. The Planning Commission may grant an exception based on a special circumstance that particularly relates to the size of an existing parcel and building in combination, and/or character of the proposed use.

Sec. 122-837. Reductions in Parking Requirements

Off-street parking requirements may be reduced based the following regulations:

- (a) *Transit.* Parking requirements may be reduced by up to 20 percent for buildings, structures or uses, within three hundred (300) feet of a commuter rail station or bus transit center or within one hundred (100) feet of a transit stop. A traffic study may be required to demonstrate that a sufficient number of vehicle drivers would immediately opt for transit, and therefore would not result in adverse parking impacts on surrounding properties. The Ride shall verify that the transit station or transit stop is in a is not scheduled to move in the 5-year plan for the Ride.
- (b) *Alternative Vehicles.* Parking spaces reserved, signed, and enforced for car-sharing services, may count as four (4) regular parking spaces. Electric car spaces shall include a power outlet for use by the parked car. Such spaces should be closest to the main entrance (exclusive of barrier-free spaces). Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two (2) regular parking spaces.
- (c) *Bicycle.* Parking requirements may be reduced by one (1) space for every four (4) covered, secure bicycle parking spaces are provided on site. Parking requirements may be further reduced by four (4) spaces where free showers are available for employee use within the building.
- (d) *Planning Commission Authority.* The Planning Commission shall have the authority to reduce the number of required off-street parking spaces, inclusive of the reductions above, by up to 20% of those required. Such an action must be based on a special circumstance that particularly relates to the size of an existing parcel and building in combination, and/or character of the proposed use.

Sec. 122-838. Required Bicycle Parking

Any development requiring vehicle parking spaces shall be required to provide bicycle parking. Off-street parking areas shall contain at least one (1) bicycle parking space for every five (5) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) bicycle parking spaces provided. Bicycle facilities provided in the public right-of-way may be used in parking calculations.

Sec. 122-839. Off-street parking for physically handicapped persons. Barrier-free parking spaces

Off-street parking facilities as required under this chapter shall include parking spaces which are reserved for physically handicapped persons in accordance with the state barrier free design requirement of the state building code.

Sec. 122-83840. Off-street stacking spaces for drive-through facilities.

- (a) *Drive-in or drive-through windows.* On the same premises with every building, structure, or part thereof, erected or occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks, restaurants, or cleaning establishments, there shall be provided four off-street stacking spaces for each service window or transaction station in compliance with subsection (c) of this section. Eight off-street stacking spaces shall be provided for each drive-through transaction station of a restaurant.
- (b) *Automobile servicing.* Self-service automobile and car wash establishments shall provide three off-street stacking spaces for each washing stall. Quick oil change facilities shall provide three off-street stacking spaces per each oil change service bay. Automobile and car wash establishments, other than self-service, shall provide stacking spaces equal in number to four times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. The term "maximum capacity" shall mean the greatest number of possible of automobiles undergoing some phase of washing at the same time.

- (c) *Stacking space dimensions.* Each stacking space shall be a minimum dimension of ten feet in width and 20 feet in length.

Sec. 122-839.41. Off-street loading space requirements.

With the exception of uses located within the B3 central business district, there shall be provided and maintained on the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, including but not limited to retail stores, wholesale stores, markets, hotels, hospitals, offices, and laundries, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

- (1) Such off-street loading spaces shall be provided as specified in the table below. The planning commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

	Gross Floor Area (In Square Feet)	Loading and Unloading Spaces	
		10' X 25' Space	10' X 50' Space
Office	0--99,999	--	--
	100,000--149,000	--	1
	150,000 and over	--	2
Commercial/Industrial/ Institutional	0--1,999	--	--
	2,000--4,999	1	--
	5,000--19,999	--	1
	20,000--49,999	--	2
	50,000--79,999	--	3
	80,000--99,999	--	4
	100,000--149,999	--	5
	150,000 and over	--	5*

*One additional space for each 50,000 square feet of floor area in excess of 150,000 square feet.

- (2) All loading spaces shall be located within a nonrequired rear yard, or a nonrequired side yard which does not abut or lie across a street from a residential zoning district; but in no case shall loading spaces be permitted in a front yard. All minimum side and rear yard setback requirements shall be met.
- (3) No loading space shall be located closer than 50 feet to any ~~residentially zoned~~ **R1, MD, CN-SF, CN-Mid, CN or HHS** district, unless located within a completely enclosed building or enclosed on all sides facing the ~~residential zoning~~ district by a solid concrete or masonry wall not less than six feet in height.
- (4) Loading space areas shall be provided with a paved surface having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All loading spaces shall have a minimum 14-foot high clearance.
- (5) Loading areas shall not utilize any area required for the maneuvering of vehicles into parking spaces or block general vehicular circulation on a site.

Sec. 122-840.2. Special assessment districts.

When a property is located within a special assessment district created for the purpose of constructing a municipal parking lot or structure, and an assessment has been levied against the entire building site, the owner of such property may petition the planning commission for approval of substituting such public parking for all or a portion of the required off-street parking spaces. The planning commission shall determine that the petitioner's property is adequately served by the public parking facility in such a way that the objectives and intent of this article shall be secured. To accomplish this end, the planning commission shall have the power to require such conditions as deemed appropriate. The planning commission shall consider the assessment of benefits in the special assessment district in determining the adequacy of service by the public facility.

Sec. 122-841.3. Fee in lieu of providing off-street parking.

- (a) *Intent.* The intent of the fee in lieu of providing off-street parking is to encourage the development of apartment units above ground floor commercial uses, in existing buildings, in the ~~B3 C business~~ district. It is recognized that many structures in these business districts were constructed at zero lot lines. Often the structure covers the lot completely. Therefore, parking on the lot or contiguous to the lot cannot be provided. For those building

owners who cannot provide parking, pursuant to this chapter and whose upper floor space has not been legally occupied within one year of their application for payment of such a fee in lieu of parking, they shall be charged a fee according to the number of bedrooms in the residential units. Upon payment of this fee, the owner or applicant will be permitted to develop or rehabilitate these residential units without providing the parking required by this chapter. The fee will be held by the city for parking capital improvements, which will be used to provide increased parking **and transportation infrastructure such as transit stops, bicycle facilities and pedestrian pathways** for the areas where these buildings are located.

(b) *Condition for allowing payment of fee in lieu of providing off-street parking.* Property owners who meet all of the following requirements shall be entitled to apply for payment of fee in lieu of providing off-street parking:

- (1) They are the owner, or have permission of the owner, of a building which can provide residential units above ground floor commercial uses.
- (2) The building is located in a ~~B3~~ **C** zoning district within the city.
- (3) The property, by virtue of its construction, cannot meet parking requirements in the district.
- (4) The residential unit or units have not been legally occupied within one year prior to making application.

(c) *Application.*

- (1) An application for permission to use such payment in lieu of providing off-street parking shall be made as part of an application to the City Planner.
- (2) The permit shall contain the following information:
 - a. Name, address and phone number of property owner and name, address and phone number of applicant, if different than owner.
 - b. Address of property requiring fee in lieu of providing off-street parking.
 - c. Plan showing the layout of the proposed residential units, including size of rooms and identification of bedroom space.
 - d. Description of commercial use on ground floor level.
 - e. A site plan which shall include:
 1. Dimensions and size of parcel.
 2. Location of structure on parcel.
 3. If any parking is available on the site, its location must be indicated, including access, stall size, etc.
 4. Surrounding land use and zoning.
 5. Description of location of parking to be used by tenants.
- (3) Application fee. An application fee shall be paid at the time of submitting the application to the city planner.

(d) *Approval procedures.*

- (1) The City Planner shall consider the following in making his/her determination:
 - a. Whether the owner can provide on-site parking that meets ordinance standards.
 - b. Whether the owner can modify available parking space, or loading space, located on-site to meet ordinance standards.
- (2) If the City Planner determines that the owner cannot provide on-site parking to meet ordinance standards, or can only provide partial on-site parking to meet ordinance standards, and the other requirements of this article are met, then he/she shall make a specific finding regarding the number of spaces which are required for the residential units, which shall allow the City Treasurer to compute the amount of fee in lieu of parking.

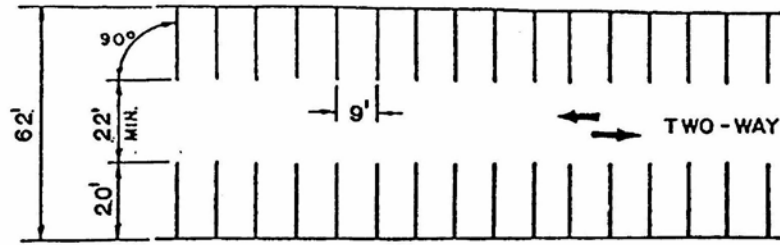
(e) *Condition.* The off-street parking requirement satisfied by fee in lieu of parking shall run with the land. If any subsequent change in use should occur, which requires additional parking, then the owner shall make a new application to the city pursuant to this chapter for such additional parking. An additional application fee shall be

paid when such application is submitted. An additional fee shall be due prior to the issuance of a building permit to allow the additional modifications.

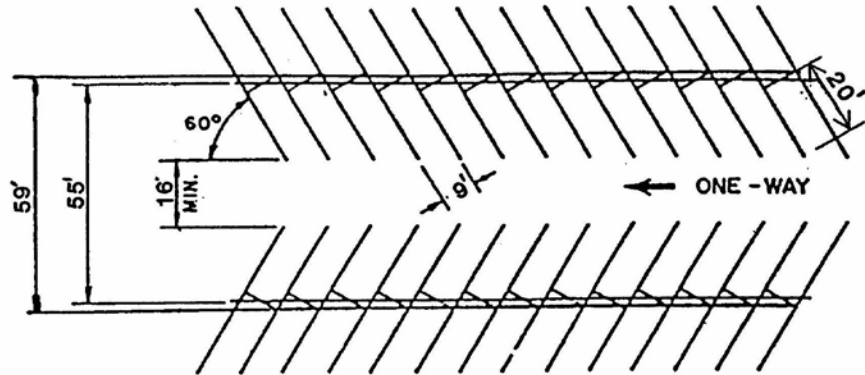
- (f) *Penalty for violation.* Violation of this section shall be deemed a misdemeanor which is punishable by a maximum of 90 days in jail and/or a fine of \$500.00, in the discretion of the court.

Off-Street Parking and Loading Requirements

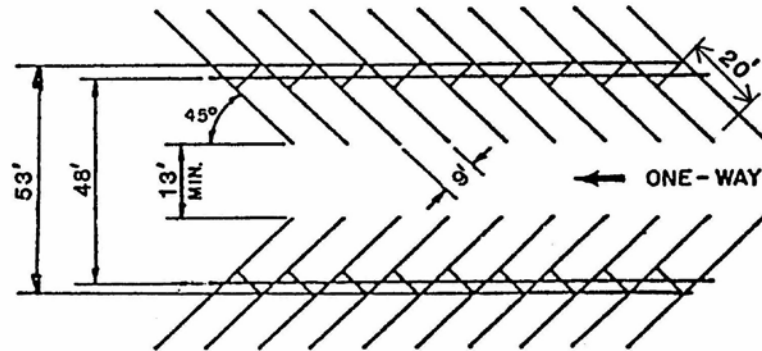
75 to 90
degree



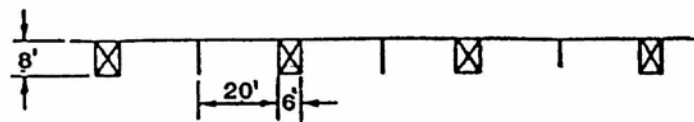
54 to 74
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30 to 53
degree



parallel



parking layout

ARTICLE ~~XIV~~ XIII.
SIGNS*

*Cross reference(s)--Businesses, ch. 22.

Sec. 122-861. Purpose.

The purpose of this article shall be to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public morals, health or safety.

It is further the intent of this article to:

- (a) Maintain and enhance the aesthetic value of the City.
- (b) Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
- (c) Enhance pedestrian and vehicular traffic safety.
- (d) Minimize the adverse effects of signs on nearby public and private property.
- (e) Minimize driver distraction.
- (f) Protect and enhance economic vitality by assuring aesthetic appeal for residents and visitors.
- (g) Preserve property values.
- (h) Enhance the effectiveness of permitted signs and directional and warning signs.
- (i) Seek the removal of illegal signs and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

Sec. 122-862. General Requirements.

- (a) *Building Permit Required.* Except as provided in this, Article XIV, no sign shall be constructed or erected prior to the issuance of a permit by the building department, and approval from other applicable reviewing bodies.
- (b) *Historic District Approval.* Signs to be located in the Historic District need approval by the Historic District Commission, excluding temporary signs.
- (c) *Accessory to Principal Use.* All signs shall be accessory to the primary use of the lot where the sign is located and shall comply with the applicable design standards set forth herein, with the exception of any sign specifically permitted by Section 122-866(d)(2).
- (d) *Public Rights-of-Way.* Signs shall be expressly prohibited from locating in all public rights-of-way and dedicated public easements except as otherwise provided for in this ordinance, and as follows:
 - (1) Signs erected by the City or other governmental entities for public purposes are permitted.
 - (2) Building mounted signs may project over a public **right-of-way** or easement provided they comply with the applicable design standards for the specific type of sign and that they maintain a minimum clearance of eight feet.
 - (3) Overhead banners
 - (4) Sidewalk signs
- (e) *Construction requirements.*
 - (1) All signs shall conform to the city building code unless more stringent requirements are specified in this article. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on building the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.
 - (2) The overturning movement produced from lateral forces shall in no case exceed two-thirds of the deadload resisting movement. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building. The weight of earth imposed over footings may be used in

determining the dead-load resisting movement. Such earth shall be carefully placed and thoroughly compacted.

- (3) *Wind loads.* For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than 20 pounds per square foot for those portions less than 60 feet above the ground.
- (4) *Allowable stresses.* The design of wood, concrete or steel members shall conform to the requirements of the most recently adopted version of the Michigan Building Code, and loads, vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified therein. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with deadloads may be increased as specified in the Michigan Building Code.
- (5) *Supports.* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.
- (6) *Fastenings.* Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. Anchors which attach signs to masonry surfaces shall be inserted into mortar joints.
- (f) *Traffic and Pedestrian Hazards.* The placement, size, content, coloring or manner of illumination of signs shall not create traffic or pedestrian hazards. No sign shall make use of the words “stop,” “look,” “danger” or other word, phrase or symbol in a manner that is confusing or misleading. No sign or flashing light shall be erected or maintained in any manner which, by reason of its size, location, context, coloring or manner of illumination, shall constitute a traffic hazard or which shall interfere with the visibility of any traffic control device.
- (g) *Substitution.* Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Article may contain a non-commercial message.
- (h) *Obstruction Prohibited.* No sign shall be placed so as to obstruct any fire escape, required exitway, window, or door opening used as a means of passage or as access for firefighting purposes.
- (i) *Obstruction to ventilation.* A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation by the building code; except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of this chapter.
- (j) *Maintenance.* All signs, sign frames, sign copy area, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.
- (k) *Authorized sign contractors.* Every person before engaging or continuing in the business of constructing, repairing or dismantling signs, poster boards or other display signs in the city, shall first furnish the city a public liability insurance policy, approved by the city attorney, with minimum limits of \$300,000.00 combined single limit bodily injury and/or property damage, and the contractor agrees to indemnify the city from all damage suits or actions of every nature brought or claimed against the contractor for or on account of injuries to persons or damages to property received or sustained by any person or person through any act of omission or negligence of such erector, agents or employees in the erection, repair or dismantling of any sign, poster board or other display sign. Such policy shall contain a clause whereby such policy cannot be canceled until after a written notice of intention to cancel has been filed with the city clerk at least 30 days prior to the date of cancellation.
- (l) *Master Sign Plan* in HHS, ~~RC, B1, B2, B3, B4, CI, WS, M1, M2, PL~~ **HC, NC, GC, C, PMD, P** districts and for non-residential uses in ~~residential~~ **R1, CN-SF, CN-Mid, CN, MD** districts.

All non-residential buildings shall submit a master sign plan as part of their sign permit application. The master sign plan shall identify size, location, and lighting of all existing and proposed signs located or to be located on the building.

- (m) *Modification of standards:* Upon receipt by of an application for a permit that includes a request to modify any of the standards in this Chapter, the Planning Commission may, at any regular meeting or any special meeting duly called for that purpose, consider whether the proposed sign, if erected, will achieve the purposes of this Chapter. The applicant shall demonstrate the following to the satisfaction of the Planning Commission:

- (1) Whether the structure, dimensions and placement of the proposed sign generally conform to the character of signs in the neighborhood or business district;
- (2) Whether the proposed sign achieves the purposes of this Chapter as described in Section 122-861;
- (3) Whether the proposed sign achieves another public purpose consistent with the purpose of this Chapter or the City's Master Plan;
- (4) Whether the proposed sign achieves innovation and variety in design and compatibility;
- (5) The proposed sign shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding uses, buildings, and signs. Consideration shall be given to the placement, bulk, height and materials used in construction.
- (6) The proposed sign shall promote the use of signage in a socially and economically desirable manner and not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare.
- (7) Appeals from the decision of the Planning Commission shall be heard by the zoning board of appeals.

Sec. 122-863. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which directs attention to an object, product, place, activity, person, institution, organization or business which is no longer currently existing and is not maintained in accordance with the standards set forth in this chapter and contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters or which is otherwise dilapidated, unsightly, unkempt and for which the business or property owner is not accepting maintenance responsibility where such acts evidence an intent to abandon. Signs of local historical significance may not be considered abandoned

Building frontage means the outside perimeter measurements of the building wall on which wall the sign shall be placed.

Clearance. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

Damaged sign means a sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.

Display surface means the sign area measured in square feet. Superficial ornamentation, trim or simple type appendages of non-message-bearing character shall not be included in determining display surfaces so long as they do not exceed 20 percent of sign area. The square footage of a two-, three- or four-faced sign shall mean the square footage of the largest face of the sign.

Flag means a flag bearing the official design of a nation, state, municipality, educational institution or organization.

Mechanical Sign means any signs that have any visible moving parts, mechanical movement or other apparent visible movement achieved by electrical or mechanical means or action of normal wind currents.

Mural means a design or representation painted, drawn, or otherwise attached to the exterior surface of a structure that does not advertise a business, product, service or commercial activity.

Nameplate means a sign identifying only the name, occupation, or profession and address of the business or occupant of the lot where the sign is placed.

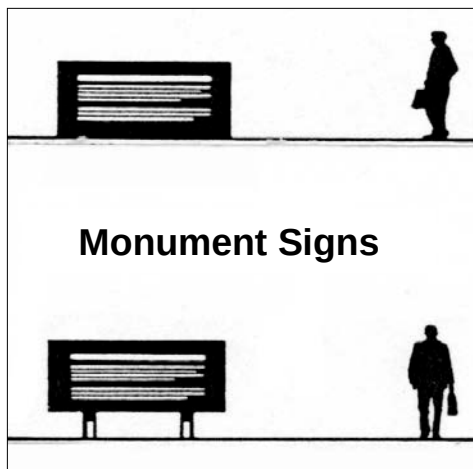
Nonconforming sign means a sign which complied with the provisions of the chapter in effect at the time that it was erected but which does not conform to this article.

Seasonal display means decorations that do not convey a commercial message. These shall not be considered signage, and shall not require a permit.

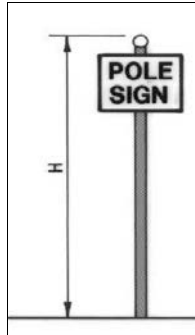
Sign means a name, identification, description, announcement, display, illustration or insignia which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land, which directs attention to an object, product, place, authority, person, institution, organization or business and which is visible from any public street, right-of-way, sidewalk, alley, park or other places open to the public.

- (1) *Address sign* means a numerical address with numbers no greater than eight inches in height.

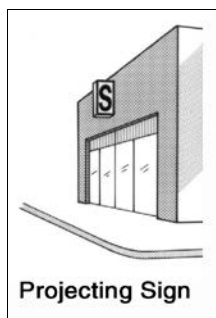
- (2) *Animated sign* means a sign that uses light emitting elements including but not limited to light bulbs, fixtures, LEDs, fiber optic lighting to create a continuously scrolling, flashing, or animated effect on any sign visible from the exterior of the building.
- (3) *Awning sign* means a sign that is painted on, attached to, or an integral part of an awning or canopy.
- (4) *Banner* means a sign, including inflatables, consisting of a large piece of cloth or similar flexible material, in public view, in front of a building or entranceway.
- (5) *Banner, overhead*, means a sign consisting of a large piece of cloth or similar flexible material suspended by wires in public view across a street or other public space.
- (6) *Billboard* means an off-premises sign.
- (7) *Building directory* means a sign identifying multiple tenants in a single building located above the street level façade (such as a multiple-story office or commercial building).
- (8) *Building-Mounted Sign* means a display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs include, but are not limited to awning, projecting, wall and window signs.
- (9) *Directional sign* means a sign not exceeding two square feet which contain only noncommercial messages including designation of restrooms, telephone locations, restrictions on smoking, door openings, private control on premises vehicle or bicycle traffic and parking.
- (10) *Election sign* means a sign advocating or opposing a candidate for public office or a position on an issue to be determined at an election, but does not advertise any products, goods, services or businesses.
- (11) *Electronically illuminated message sign* means a sign with a message displayed on a surface with an electronically illuminated changeable copy area (often composed of LEDs).
- (12) *Ground sign* means any freestanding sign, not attached to a building, including monument or pole signs.
- (13) *Hanging sign* means a sign suspended under an awning, canopy, or marquee.
- (14) *Historical sign* means a sign designating a building as a historical structure, names of buildings, dates of construction, and other historic information.
- (15) *Illuminated sign* means a sign that provides artificial light directly or through transparent or translucent material from a source connected to or within such a sign, on which is illuminated by a light so shielded as to prevent direct rays from being visible from the public right-of-way.
- (16) *Inflatable sign* means a temporary sign that is intended to be expanded by air or other gas for its proper display or support.
- (17) *Marquee sign* means a projecting sign that accommodates changeable copy.
- (18) *Monument sign* means a freestanding sign supported by a pedestal or base, with permanent attachment to the ground.



- (19) *Off-premises sign* means a sign not relating to the premises on which such sign is located.
- (20) *On-premises sign* means a sign related to the premises on which such sign is located.
- (21) *Opinion sign* means a sign advocating or opposing an opinion or point of view, but does not advertise any products, goods, services or businesses.
- (22) *Pole sign* means a sign which is erected on a single freestanding mast or pole, not attached to a building.



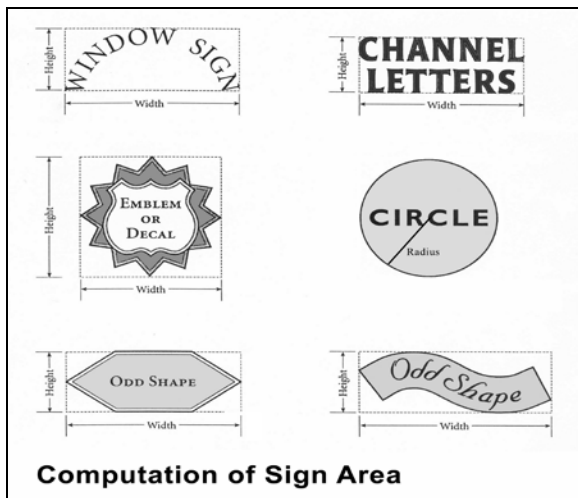
- (23) *Portable sign* means a sign of a temporary nature, not securely anchored to the ground or to a building or structure, excluding sidewalk signs.
- (24) *Projecting sign* means a sign which is attached directly to the building wall, and which extends more than 18 inches from the face of the wall. A projecting sign shall project not more than four feet from the wall of a building and shall not project above the front wall of the building.



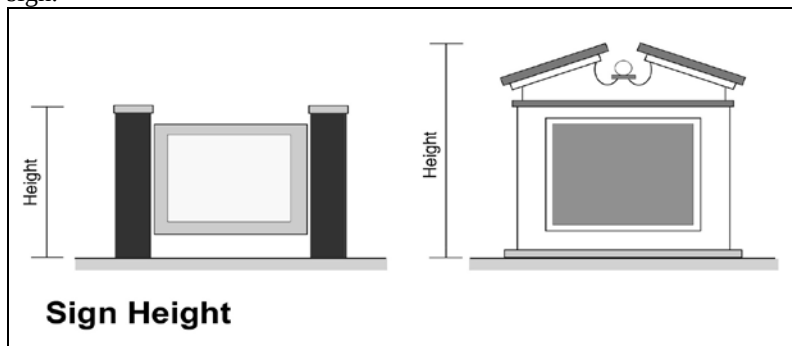
- (25) *Public signs* means a traffic or other governmentally erected notices, railroad crossing, danger and other temporary emergency signs, location of transit line, a railroad station or other public carrier or other non-advertising signs.
- (26) *Residential entry feature or sign* means an architectural feature with signage at each entrance to a residential subdivision, neighborhood, apartment community, condominium development, or mobile home park **condominium project**.
- (27) *Roof sign* means a sign which is constructed and maintained upon or above the roof of a building, marquee, or parapet wall and which is wholly or partially supported by such building.
- (28) *Sidewalk sign* means a temporary sign placed within the right-of-way. These types of signs may include "A" Frame, "T" Frame or other temporary styles, which are not permanently affixed to the ground.
- (29) *Special Event Sign* means banners, pennants, balloons or festoons associated with a specific event and displayed for a specified and limited period of time, including commercial store sales, etc.
- (30) *Temporary Sign* means display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
- (31) *Wall sign* means a sign which is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 18 inches from the face of the wall and which does not extend above the parapet, eaves or building facade.

(32) *Window sign* means any sign within a building placed within 12 inches of a window or upon a window pane and that is visible from the exterior of the building not including merchandise located in a window.

Sign Area. The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Where a sign has two (2) or more faces, the sign area shall equal the total area of all sign faces, except where two (2) faces are placed back to back and are at no point more than three feet (3') apart, the sign area shall equal the area of the larger single sign face.



Sign Height. The vertical distance measured from the average grade at the sign location to the highest point of the sign.



Sign Structure. Anything constructed or erected for the purpose of supporting a sign, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.

Sec. 122-864. Sign permit requirements.

a. Schedule of sign permit requirements

It shall be unlawful for any persons to erect, alter or relocate within the city any sign or other advertising structure without first obtaining a permit as indicated in the following schedule:

Type of Sign*	Permit Required	Sign Standards
Animated	Prohibited	---
Barber Pole	N	---
Building Mounted Signs		122-866 (b)
• Address Number/Nameplate	N	---
• Awning, Canopy	Y	122-866(b)(6)
• Building Directory	Y	122-866(b)(9)
• Menu	Y	122-866 (b)(8)
• Projecting	Y	122-866(b)(7)
• Wall	Y	122-866(b)(5)

Type of Sign*	Permit Required	Sign Standards
• Window	N	122-866(b)(10)
Directional	N	122-866(a)(6)
Flags	N	---
Ground (pole and monument)	Y	122-865(a)
• Billboards	Y	122-866d)(2)
• Residential Entry Sign	Y	122-866(a)(8)
Historic Designation	N	---
Mural	Y	--
Opinion	N	122-866(c)(6)
Off-premises signs (except billboard)	Prohibited	---
Portable (except sidewalk signs)	Prohibited	---
Public	N	---
Roof	Prohibited	---
Temporary Signs		122-866(c)
• Banner	Y	122-866(c)(3)
• Overhead Banner	Y	122-866(c)(4)
• Construction – R1, R2, R3, R4, RO, and RC, MD, CN-SF, CN-Mid, CN and HHS	N	122-866(c)(1)
• Construction – All other districts	Y	122-866(c)(1)
• Election Sign	N	122-866(c)(5)
• For Sale, For Lease – Non-Residential	N	122-866(c)(1)
• For Sale, For Lease - Residential	N	122-866(c)(1)
• Garage Sale	N	---
• Inflatables	Y	122-866(c)(3)
• Special Events	Y	122-866(c)(1)
Sidewalk	Y	122-866(d)(3)
Traffic Control	N	---
Vehicle	N	---

(b) **Application for permits; contents.**

- (1) Application for sign permits shall be made upon forms provided by the building department.
- (2) Applications for signs other than overhead banners shall contain or have attached thereto the following information:
 - a. Name, telephone number and address of applicant.
 - b. Name, address and telephone number of owner or lessee of the premises upon which the sign is to be erected.
 - c. A written statement signed by the owner or lessee of the premises upon which the sign is to be erected, indicating his consent thereto, or the signed contract between the parties.
 - d. The address of the premises upon which the sign is to be attached or erected.
 - e. One set of plans showing the dimensions, materials, height and method of anchorage of the sign.
 - f. Position of the sign in relation to nearby buildings, structures and property lines.
 - g. Insurance policy or proof of financial security as required in section 122-862(k).
 - h. On electrical signs, certification by Underwriters Laboratory or some other recognized testing laboratory. Electrical sign installations shall comply with Article 600 of the National Electrical Code.
 - i. Such other information as deemed necessary to show compliance with this article.
- (3) Application for overhead banners shall contain or have attached thereto, the following information:
 - a. The name of organization or group sponsoring the banner.
 - b. A statement as to purpose of the banner.
 - c. Phrase on the banner, and/or sketch of the content

- d. Location where banner is to be erected.
- e. The dates the banner will be hung.
- f. The name, address and telephone number of the applicant.
- g. Insurance policy or proof of financial security as required in section 122-862 (k).
- h. Such other information as deemed necessary to show compliance with this article and with Act No. 200 of the Public Acts of Michigan of 1969 (MCL 247.321 et seq., MSA 9.140(21) et seq.), and R247.271--R247.279 of the Michigan Administrative Code, 1979.

(4) Application for sidewalk signs shall include a sidewalk occupancy permit application.

Sec. 122-865. Unsafe and Prohibited signs

The following signs are prohibited in all zoning districts:

- (a) Notice of unsafe and prohibited signs. When any sign or sign structure becomes insecure, in danger of falling, or otherwise unsafe, or if any sign or sign structure shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this chapter, or prohibited signs, it shall be considered a nuisance per se. The owner or lessee shall, upon receipt of written notice of the building official, immediately in the case of an unsafe sign, and in any case within not more than ten days, make such sign conform to the provisions of this article or shall remove it. If, after ten days, the notice is not complied with, the building official may remove such sign at the expense of the owner or lessee after having obtained an order from the administrative hearings bureau. The cost, including actual attorney fees, shall be assessed against the property as provided in article VIII of the City Charter.
- (b) *Prohibited signs.*
 - (1) *Abandoned signs.*
 - (2) *Signs not complying with sign schedules.* Signs not complying with the requirements as set forth in schedules or tables contained in sections 122-866 and 122-868 respectively.
 - (3) *Signs not specifically permitted.* Signs which are not specifically permitted under the sections of this chapter.
 - (4) *Signs located near overhead electrical conductors.* Signs located with less than six feet horizontal clearance or 12 feet vertical clearance from overhead electrical conductors which are energized in excess of 250 volts.
 - (5) *Animated signs.*
 - (6) *Portable signs, not including sidewalk signs.*
 - (7) *Roof signs*
 - (8) *Obscene Material.* Display of obscene material upon any sign is prohibited.
 - (9) *Mechanical Signs.*
 - (10) *Electronically illuminated message sign*

Sec. 122-866. Sign Design Standards.

(a) *Ground Signs*

Zoning District	Maximum		Sign Setback Requirements
	Sign Area	Sign Height	
R1 ¹ , CN-SF ¹	16 sq. ft	6 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines
R2 ¹ , R3 ¹ , CN-Mid ¹ , CN ¹	16 sq. ft	8 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines
R4MD ¹ , HHS, RCHC	32 sq. ft	8 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines
B1, B2, WSN ¹	40 sq. ft	10 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines
B4GC	100 sq. ft	10 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines

B3	Prohibited	Prohibited	--
M1, M2, CL, PLP, PMD	100 sq. ft	35 ft	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines
¹ For non-residential uses only			

- (1.) *Number of Signs.* If permitted in a district, one monument or pole sign shall be allowed per lot or parcel. Lots that have more than 100 feet of frontage on two or more public streets shall be permitted one ground sign for each street frontage. A second ground signs shall have a maximum area of 50% of that otherwise permitted for a ground sign in the district .
- (2.) *Height requirement* – no monument sign shall exceed 10 feet in height.
- (3.) *Corner Clearance.* Signs shall be located outside of any corner clearance area as described in Section 122-649 of this Ordinance.
- (4.) *Materials.* Ground or pole signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred sign construction materials.
- (5.) *Landscaping.* Low level landscaping shall be provided around the base of the ground sign, but shall not obscure any part of the sign message.
- (6.) *Directional Signs.* Shall not exceed 2 square feet of sign area
- (7.) *Drive-Through Signs.* Any use that includes a drive-through is permitted to have signs that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of six feet and a maximum area of 32 sq. ft. per drive-through use, and shall not be included in the computation of total sign area for the parcel unless such signs are legible from a point of observation off the premises.
- (8.) Residential entry signs shall be subject to the following standards
 - a. Maximum of one (1) sign on each side of the entrance from a major street.
 - b. May not exceed the maximum area permitted for a ground sign in the applicable district.
- (b) *Building Mounted Signs.* Building mounted signs, including wall, awning, projecting and window signs shall comply with the following requirements:
 - (1.) *Location.*
 - a. Building mounted signs may be located on any façade that faces a street, parking area, or vehicle circulation area that provides access to more than one parcel, or on a façade where a public entrance is located.
 - b. Upper story tenants may only have window signs, except as allowed for in subpart d.
 - c. Illuminated building mounted signs may not be located on a façade that faces a property line that abuts a residential zoning district unless the sign is set back at least 200 feet from the property line or screening is provided that will completely obscure the view of the sign from the adjacent residential district.
 - d. In the case of a building that contains two or more businesses each business that is directly accessible from the exterior of the building may have a building mounted sign on the façade where the primary or main customer entrance is located. For the purposes of calculating sign area in such multi-tenant buildings, the frontage controlled by each tenant on the façade where the entrance is located shall be used to calculate linear frontage.
 - (2.) *Sign Area.*
 - a. The total area of all building mounted signs, including wall, awning, projecting and window signs, shall not exceed three square feet for each one linear foot of building frontage on the side of the building the sign(s) are located on.
 - (3.) *Minimum Height.* Awning and projecting signs shall maintain a minimum clearance of 8 feet between the grade level below the sign and the lowest part of the sign (including sign support devices).
 - (4.) *Materials.*

- a. Building mounted signs shall incorporate exterior materials, finishes and colors that are the same, similar, or complementary to those used on the principal building.
- b. Building mounted signs shall be professionally constructed using high-quality materials such as metal, stone, hard wood, or brass. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name or logo is permitted; however, neon tubing outlining windows or other architectural features is prohibited.
- c. Internally lit box signs are prohibited.
- d. External illumination of signs shall be limited to fully-shielded light fixtures with a maximum of 900 lumens. Such fixtures shall be mounted above the sign face with all light directed downward and concentrated on the area of the sign to prevent glare upon the street or adjacent property.
- e. To minimize damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.

(5.) *Wall Signs.*

- a. No surface of a wall sign may project beyond or overhang any wall or permanent architectural feature by more than eighteen inches.
- b. In non-residential districts wall signs cannot exceed 1 square foot for each linear foot of building frontage, or 100 square feet, whichever is less.
- c. In residential districts, residential uses including multiple family dwelling containing 3 or more units, sorority, or fraternity houses, wall signs cannot exceed .5 square feet for each linear foot of building frontage, or 12 square feet.
- d. In residential districts, for non-residential uses, wall signs cannot exceed 1 square foot for each linear foot of building frontage or 100 square feet whichever is less.

(6.) *Awning Signs.*

- a. Sign lettering or logos may comprise up to 35% of the total exterior surface of an awning.
- b. A minimum vertical clearance of 8 feet shall be provided between the lowest point of the awning and the sidewalk.
- c. Internal illumination of awning signs is permitted where the permitted awning sign area is illuminated through semi-opaque material and the remainder of the awning consists of opaque material.

(7.) *Projecting Signs.*

- a. Projecting signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.
- b. Projecting signs are limited to 24 square feet of sign area per sign face.
- c. A minimum vertical clearance of eight feet shall be provided between the lowest point of the sign and the sidewalk.

(8.) *Menu Signs.* Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry, and may have a maximum area of 3 square feet.

(9.) *Building Directory Signs.*

- a. The building directory sign shall be separate from any permitted signs accessory to the uses occupying the street level façade.
- b. The maximum sign area of the building directory sign shall be equal to five percent (5%) of the total permitted building mounted sign area.

(10.) *Window Signs.* May not occupy more than twenty-five percent (25 %) of the total transparent area of any individual window.

(c) *Temporary Signs.*

(1.) Schedule of regulations for temporary signs:

<i>Temporary Signs</i>	<i>Maximum Size (Square Feet)</i>	<i>Maximum Duration</i>
Banners	122-866(c)(3)	Two (2) permits allowed per calendar year. Each permit expires after 30 days.
Overhead Banners	122-866(c)(4)	30 days
Construction signs, residential and office properties R1- R4 , CN-SF, CN-Mid, CN, MD and HHS and RC	12	The earliest of the following: to issuance of certificate of occupancy, final inspection of permit, or 7 days after completion of work.
Construction all other zones	64	Within 7 days after completion of construction
Special Event signs -	6	Three (3) permits allowed per calendar year. Each permit expires after 3 days.
For sale, for rent, for lease, pertaining to real estate, residential properties (no permit required)	12	3 days after purpose of sign fulfilled
For sale, for rent, for lease, signs relating to real estate, nonresidential zones	64	10 days after purpose of sign fulfilled
Election signs (no permit required)	Maximum size allowed by district by sign type	10 days after final election

(2.) *Temporary signs general.* Temporary signs may be constructed of materials other than those specified in the chapter, with or without structural frames. Temporary signs not regulated by the Schedule contained in section 122-866 (above) or which are listed in Schedule and exceed 20 square feet in total size must conform to all standards that apply to permanent signs in the zoning district which the temporary sign is erected with the exception of the material specifications.

- a. The permit shall specify the time period for which the temporary sign is authorized.
- b. Sizes of temporary signs shall conform to specifications in the Schedule (c) (1) above.
- c. The advertising message or copy contained on any permitted temporary sign shall pertain only to the business being currently conducted, or to be conducted on or within the premises on which such sign is erected or maintained. This provision does not apply to signs of a civic nature.

(3.) *Banners.* Banner requirements shall be as follows:

- a. The banner must be made of nonflammable material that will not shred and has adequate air holes. For banners hanging overhead across a street, roadway or highway the banner must contain at least three air holes for every 40 feet.
- b. The building department shall be permitted to inspect the banner or a sample of material prior to it being erected.
- c. The banner must be securely attached, sufficient to withstand storms, including strong gusts of wind and continuous pounding by the elements. The manner of attachment shall first be submitted to the building department.
- d. If a banner becomes partially unsecured, it shall be immediately reattached or removed by the entity which erected it.
- e. If a banner begins to shred, it shall be immediately repaired or removed by the entity which erected it.
- f. If the entity which erected the banner fails to comply with is the standards of section(c)(3)or fails to remove the banner by the time the permit expires, the city shall remove the banner and shall charge the cost thereof to the entity erecting the banner.
- g. Any banner permit may be canceled by the city if the installation becomes dangerous to motorists or pedestrians, unduly interferes with free movement of traffic or otherwise endangers the health, safety or welfare of persons in the city.

- h. No banners shall be erected unless a permit having a maximum duration of 30 days is first obtained from the building department. Only two permits may be issued per year.
- i. Banners or inflatables shall be attached to the premises to which the message contained thereon pertains.
- j. Banners or inflatables may not be strung overhead across roads, streets or highways.
- k. A banner shall not have displayed thereon any legion or symbol which is or purports to be an imitation of or resembles, or which may be mistaken for a traffic control device or which attempts to direct the movement of traffic.
- l. Banners or inflatables may not exceed 32 square feet.

(4.) *Overhead banners.* Requirements for overhead banners shall be as follows:

- a. An overhead banner shall be permitted for city approved events or other city or governmental sponsored messages
- b. The design, method of installation, and location of overhead banners shall not endanger persons using roads, streets or highways or unduly interfere with the free movement of traffic.
- c. An overhead banner shall have a minimum bottom height of 18 feet above the pavement, and shall not be placed closer than ten feet on either side of traffic signals, and shall not be placed so as to obstruct a clear view of traffic signals or other traffic control devices.
- d. An overhead banner shall:
 - 1. Not exceed 2.5 feet in height.
 - 2. Contain a snap top to permit a one-fourth-inch cable to run across the top.
- e. There shall be no more than two overhead banners placed at any time on a public road, street or highway with the exact location of such banners to be approved by the city building department, police department and the department of public works. When the banner shall be hung over a state trunkline, prior approval from the state department of transportation must be obtained.
- f. All overhead banners permits shall have a maximum duration of 30 days.

(5.) Election signs shall be subject to the following requirements

- a. At polling places, on Election Day only, erected no less than 100 feet from the entrance of the polling place. Such signs may be located on the city right-of-way (margin)
- b. Such signs shall not be located on any city right-of-way except as permitted in subsection (5) of this section.

(d) *Other Signs.*

~~(1) Electronically illuminated message sign change cycle. The message displayed on electronic message signs may change a maximum of once every 60 seconds.~~

(1) *Billboards.* Outdoor advertising billboards may be erected in land use zones M1, adjacent to and visible from I-94, and M2, adjacent to and visible from I-94, subject to the following regulations:

- a. Billboards are permitted in the adjacent area along I-94 as defined by the Highway Advertising Act of 1972, and may be the principal or primary use on the parcel in which it is located, notwithstanding Sec 122-862 (c).
- b. Billboards must be located and oriented in such a fashion as to be visible from I-94.
- c. New billboard permits will be issued only in the following cases:
 - 1. For non-digital billboards, when one non-conforming billboard is removed
 - 2. For digital billboards, when two non-conforming billboards are removed.
- d. Digital billboards - The message displayed on electronic message billboards may change a maximum of once every 6 seconds (an exemption from Sec. 122-866 (d) (1)).

- e. Billboard structures shall not exceed 65 feet in height . All billboards must provide a setback from any adjacent residential zoning district equal to the height of the billboard.
- f. Billboard structures which have two or more panels stacked, one above the other, are not permitted.
- g. Double-faced billboard structures (two panels mounted on the same structure back-to-back) are permitted.
- h. Spacing between billboards shall be 1,000 feet as provided in the Highway Advertising Act of 1972, as amended.
- i. No more than the 672 square feet billboard shall be permitted regardless of land use zone, except when adjacent to a limited access highway and permitted by applicable state law.
- j. All billboard structures shall be of steel. No wood or other combustible material shall be permitted to support such signs.
- k. Billboards supported or maintained on the roof of a building are prohibited.
- l. Billboard structures shall be restricted to and used only with respect to interstate highways, freeways or primary highways as set forth in the highway advertising act, Act No. 106 of the Public Acts of Michigan of 1972 (MCL 252.301 et seq., MSA 9.391(101) et seq.).

(2.) Sidewalk Signs.

- a. Sidewalk Signs may have a maximum area of 6 square feet per side.
- b. Sidewalk signs may be located on the sidewalk adjacent to the use to which they are accessory. Sidewalk signs shall be located such that they will not impede pedestrian traffic on the sidewalk, and such that they will not present a hazard to vehicular traffic.
- c. Sidewalk signs may not be permanently affixed to any object, structure, or the ground.
- d. Sidewalk signs may only be displayed during business hours and shall be removed when the business to which the sign is accessory is closed.
- e. Each business may have a maximum of one sidewalk sign.
- f. Sidewalk signs shall be made of durable materials with a finished appearance.
- g. Sidewalk signs made of decorative wood or decorative metal, that are architecturally compatible with the style, composition, materials, colors and details of the building may be increased to a maximum of 8 square feet.

Sec. 122-867. Nonconforming signs.

- (a) Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following requirements:
 - (1) Expansion or relocation prohibited. Nonconforming signs shall not be expanded or relocated.
 - (2) Servicing. Painting, servicing, cleaning, minor repairs, or changes in sign copy panel area (sign face changes) to a nonconforming sign structure shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes and the requirements for all signs specified above.
 - (3) Alterations. Alterations or changes to the sign structure of a nonconforming sign shall be subject to the following conditions:
 - a. The sign shall be brought into compliance with the requirements for all signs specified above.
 - b. The sign shall be brought into compliance with all applicable sign height and sign area standards for the type of sign, as specified above.
 - c. Nonconformities caused by inadequate ground sign setback at a ground sign's current location may be permitted to continue so that the existing support structure and wiring may be re-used, provided that permitted alterations will not increase this nonconformity, and provided that the ground sign is located entirely outside of all street rights-of-way and corner clearance areas.
 - d. Approval of appropriate permits by the Building Official.

(b) *Signs of local historical significance.* Non-conforming signs located in the Historic District may be repaired, reconstructed, or relocated pursuant to the provisions of Section 122-534(2). For the purpose of this section, the applicant shall be required to provide the information under Section 122-864 for review by the Planning Commission.

(1.) The City Council may approve and or amend a list of existing non-conforming signs deemed to be of local historical significance by the Historic District Commission. Signs deemed historically significant may be repaired, reconstructed, or relocated, subject to review by the Building Official.

(c) *Repair of signs.* This section shall not be construed to prevent the repair or restoration to a safe condition of any part of any existing, conforming or nonconforming sign when damaged by storm or other accidental emergency. Such repair or restoration shall be affected within 60 days of the event which causes the damage, unless an extension has been obtained in advance from the building department.

(d) *Relocating signs.* Any sign that is moved to another location on the same or other premises shall be considered a new sign, and a permit shall be secured for any work performed in connection therewith when required by this article.

Sec. 122-868. Table of allowable signage

Type of Sign	Zoning Districts	Area	Height
Animated	Prohibited	--	---
Billboards	M1, M2, PMD	--	35 ft
Building Mounted		3sf/1lf of building frontage	
• Awning / Canopy	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	35% of canopy/awning area	8 ft. min clearance
• Address Number/ nameplate	All	2 sf	---
• Building Directory	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	5% of building mounted sign area	---
• Menu	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	3 sf	---
• Projecting	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	24 sf per sign face	8 ft. min clearance
• Wall – residential	Residential	.5 sf/1f of building frontage or 12 sf	---
• Wall – non-residential	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	1 sf/1f or 100 sf	---
• Window	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	25% of individual window area	--
Changeable Copy	HHS, HC, NC, GC, C, P, PMD RC, B1, B2, B3, B4, WS, CI, PL, M1, M2	part of sign area	--
Directional	All	2	4
Election	All	Maximum size allowed in district by sign type	

Type of Sign	Zoning Districts	Area	Height
Flags	All	--	--
Ground			
	R1, CN-SF	16 sf	6 ft
	R2, R3 CN-Mid, CN	16 sf	8 ft
	R4, MD, HHS, RC	32 sf	8 ft
	B1, B2, WS, HC, NC	40 sf	10 ft
	B4 GC	100 sf	10 ft
	B3 C	Not Permitted	---
	CI, PL, M1, M2 P, PMD	100 sf	35 ft
Historic	All	--	--
Opinion	All	Maximum size allowed in district by sign type	
Public	All	--	--
Portable	Prohibited	--	--
Residential Entry Sign	R1, CN-SF	16 sf	6 ft
	R2, R3 CN-Mid, CN	16 sf	8 ft
	R4, MD, HHS, RC	32 ft	8 ft
Roof	Prohibited	--	--
Temporary Sign	All	122-866(c)(1)	
Traffic Control	All	--	--

(Ord. No. 1160, adopted 16 Aug 2011)

Secs. 122-869--122-910. Reserved.

ARTICLE XV. FLOOD DAMAGE PREVENTION*

*Cross reference(s)--Businesses, ch. 22; vehicles for hire, ch. 114.

Ord 1170-A, adopted 15 May 2012

Sec. 122-911. Flood hazard findings.

The flood hazard areas of the city are subject to periodic inundation which may result in safety hazards, loss of life, property and health, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare. The flood losses are caused by the cumulative effects of obstructions in floodplains causing increased flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

Sec. 122-912. Purpose.

It is the purpose of this article to protect the general public and all land within the city subject to flood losses by provisions designed to do the following:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property in times of flood or which cause excessive increases in flood flow heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 122-913. Scope.

This article shall apply to all flood hazard areas. The boundaries of the flood hazard areas shall coincide with the boundaries of the areas indicated as within the limits of the 100 year flood in the report entitled *Flood Insurance Study*, Washtenaw County (All Jurisdictions) Community Number 260216, dated April 3, 2012, with accompanying Flood Insurance Rate maps and Flood Boundary and Floodway maps. Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this chapter. The term flood hazard area, as used in this chapter, shall mean flood hazard area zone and the term floodway, shall mean the designated regulatory floodway.

- (1) AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Ypsilanti is hereby designated as the enforcing agency to discharge the responsibility of the City of Ypsilanti under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Ypsilanti assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.
- (2) CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Ypsilanti.
- (3) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan (All Jurisdictions) and dated April 3, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 122-914. Regulation of uses in floodplain areas.

Any proposed occupation, structure, excavation, fill, extraction, grading or scraping and any substantial improvement to an occupation, structure or area shall be reviewed and approved by the planning commission. "Substantial improvement" means any repair, reconstruction or improvement of an occupation, structure or area, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started or (ii) if the occupation, structure or area has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural member commences, whether or not that alteration affects the external dimensions of the structure or area. The term does not, however, include either (i) any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or state register of historic places.

- (1) *Permitted uses.* The following uses may be permitted in those portions of the floodplain which are not a floodway, to the extent that they are allowed uses within a given zoning district and subject to the construction standards of building code in effect for the city at the time of construction:
- a. Residential and nonresidential structures provided that the building official certifies to the planning commission that the proposed provisions for flood resistant construction, flood proofing or elevation meet or exceed the standards set forth in the city's building code.
 - b. Recreational uses such as parks, swimming areas, picnic grounds, ball fields, hiking or biking trails, and wildlife and nature preserves.
 - c. Residential support uses such as lawns, gardens, play areas, and parking areas which do not result in the filling in of floodplain areas.
 - d. Industrial and commercial support uses which are open in nature such as loading areas or parking areas which do not result in the filling in of any floodplain areas.
 - e. Utility facilities such as power plants, transmission lines, pipelines not crossing a lake or waterway, lighting facilities, and navigational and drainage aids.
 - f. Piers, boat ramps, bridges, and other such water related uses subject to approval by the water resources commission of the state department of natural resources.
 - g. Fencing of any type, provided that such fencing shall not be located in that portion of the floodplain that is a floodway or other areas essential to the conveyance of floodwaters.
 - h. Sidewalks, driveways, patios, and similar structures when constructed at grade.
 - i. Fill or removal of topsoil, sand, and gravel or other extraction operations, in that portion of a floodplain which is not a floodway provided the following conditions are met:
 - 1. Proof that proper long term maintenance will be provided so that the flood-carrying capacity is not diminished.
 - 2. Any fill or excavated area shall be protected from erosion during and after operations by rip-rap, vegetative cover, bulk-heading, or other approved means.
 - 3. The proposed filling in of land, provided that material equal to 110 percent of the fill volume is removed elsewhere from such premises and adjusted to be capable of storing floodwaters. Structures and parking areas may be permitted on such filled land provided the elevation of the filled land is at least one foot above the base flood elevation. A permit issued by the state department of natural resources under the state's floodplain regulatory authority, Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.3101 et seq., MSA 13A.3101 et seq.), shall be obtained prior to the filling of land in the floodplain. A copy of the state department of natural resources permit shall be provided to the city building inspection division prior to the issuance of a building permit..
 - j. Streets, railroads, and other rights-of-way.
 - k. Pavilions, open amphitheaters, detached garages, raised patios and decks, and other accessory structures provided they are properly anchored and made flood resistant and are not located in a floodway or other area essential to the conveyance of floodwaters.
 - l. Facilities for the storage and detention/retention of stormwater.
 - m. Storage yards for heavy equipment, materials, or machinery.

(2) *Prohibited uses.* The following uses are not allowed in a floodplain area under any circumstances:

- a. New residential construction or occupation, including mobile homes, manufactured homes or pre-manufactured homes, are specifically prohibited in that portion of the floodplain that is a floodway. Other types of construction and occupation may be allowed in that portion of the floodplain that is a floodway; however, a hydraulic analysis shall be required which demonstrates that occupation and resulting obstruction of the floodway will not restrict the flood carrying capacity of the watercourse.
- b. A landfill, dump, junkyard, recycling center or hazardous waste storage or treatment facility are expressly prohibited in a floodplain area.
- c. The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health, is expressly prohibited within a floodplain area.
- d. On-site sewage disposal systems shall be permitted within a floodplain area.
- e. Any encroachment which would cause any increase in the base flood level.

Sec. 122-915. Review procedures.

(a) *Site plan review.* All development, construction, occupation or substantial improvement proposals located within a floodplain area shall be reviewed by the **City Planner or** planning commission in accordance with the site plan review procedures of article IV of this chapter, and the "Rules of the Washtenaw County Water Resources Commissioner." The **City Planner or** planning commission, when reviewing an application for occupation, construction or substantial improvement in a floodplain, shall consider the following standards before rendering a decision:

- (1) Any possible danger to life and property as a result of increased flood heights or velocities caused by encroachments on the floodplain.
- (2) The danger that materials may be swept to other lands or downstream to the injury or property loss of others.
- (3) The susceptibility of the proposed development and its contents to flood damage.
- (4) The importance of the services provided by the development to the community.
- (5) The requirement of the proposed development for a waterfront location and the availability of alternate locations not subject to flooding.
- (6) The compatibility of the proposed use with existing and anticipated development of the surrounding area and the floodplain management program of the area.
- (7) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (8) The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.
- (9) The planning commission may attach certain conditions to an approval such as limitations on period of use and operation; imposition of operational controls, deed restrictions, performance bonds, and covenants; or requirements for construction of dikes, levees, and other protection measures.

(b) *Building official's responsibility.* Prior to site plans being submitted to the planning commission the building official shall:

- (1) Certify that the proposed construction, occupation or substantial improvement complies with the city building code adopted in chapter 18.
- (2) Where permits are required by other state or federal agencies, a copy of the approved permit shall be provided, by the applicant, prior to review by the planning commission.
- (3) Cause to be verified and recorded on the site plan and building plans, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (4) Cause to be verified and recorded on the site plan and building plan, the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have or will be floodproofed.
- (5) Require that all site plans and building plans for occupation, construction or substantial improvement within the floodplain have been prepared under the supervision of a registered professional engineer or architect. All site plans and building plans shall be signed by the registered professional engineer or architect.

- (6) Certify that notification has been made to adjacent communities and the state flood control coordinator of a proposed development, construction, occupation, substantial improvement alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the planning commission.
- (7) Be available at the meeting of the planning commission when such plans are reviewed to answer any questions relative to the floodplain or construction standards.

Sec. 122-916. Building permit requirements.

No occupation, building or structure within a floodplain area shall be erected, moved, repaired, altered, or razed until a building permit shall have been obtained from the building official in accordance with the customary building permit requirements under chapter 18. For structures located within a floodplain, the following additional information shall be included with the building permit, and shall become a condition of the permit. All plans, specifications and conditions approved by the planning commission. The plans shall include all of the information required by section 122-912.

Sec. 122-917. Appeals, variances.

The zoning board of appeals shall hear and decide appeals and requests for variances from the requirements of this article, In accordance with the procedures and conditions set forth in this article. Prior to hearing of the appeal, the city planner shall certify to the zoning board of appeals that notices as required under this article have been made. Further, the city planner shall certify to the zoning board of appeals that the immediate downstream community's chief elected official and the state flood control coordinator have been notified of the request for appeals or variance and of the public hearing. Appeals or variances relating to the construction standards as set forth in the building code, shall be heard by the construction board of appeals as outlined in chapter 18. In addition, the following conditions shall be applied to variances granted from the floodplain regulations of this article:

- (1) Variances shall be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, public nuisances, or cause fraud on or victimization of the public.
- (2) Any applicant to whom a variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation at which a structure is being built, and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (3) All such variances to this article shall be maintained in a record and reported to the Federal Insurance Administration and the state flood control coordinator upon request.

Sec. 122-918. Disclaimer of liability.

The degree of flood protection required by this article is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive floodwater heights may be experienced due to manmade and natural causes. This article does not imply that areas outside the special flood hazard areas, or uses permitted within such areas, shall remain free from flooding or flood damages. This article shall not create a liability on the part of the city or any officer or employee thereof for any flood damage that results from compliance with or reliance upon this article or any administrative decision lawfully made thereunder.

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