Agenda
Planning Commission
Council Chambers
Wednesday, July 20, 2016 – 7:00 P.M.

I. Call to Order

II. Roll Call

Cheryl Zuellig, Vice Chair	P	A
Anthony Bedogne	P	A
Toi Dennis	P	A
Liz Dahl MacGregor	P	A
Matt Dunwoodie	P	A
Phil Hollifield	P	A
Heidi Jugenitz	P	A
Briana A. Mason	P	A
Jared Talaga	P	A

III. Approval of Minutes

- June 15, 2016

IV. Audience Participation

Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.

V. Presentations and Public Hearing Items

- Forest Ave Bike Lane
- 20 S. Washington- non-conforming use
- Zoning Ordinance Update (PowerPoint, discussion)

VI. New Business

- None

VII. Old Business

- Elections

VIII. Future Business Discussion / Updates

IX. Committee Reports

- Non-motorized Advisory Committee: June Minutes
- Non-motorized Advisory Committee: Nomination; Cathie Kinzel

X. Adjournment

PLANNING COMMISSION
MEETING MINUTES
June 15, 2016
CITY COUNCIL CHAMBER
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: C. Zuellig, A. Bedogne, B. Mason, L. MacGregor, P. Hollifield, J. Talaga, M. Dunwoodie, Toi Dennis

Absent: H. Jugenitz (excused)

Staff: Bonnie Wessler, City Planner
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Hollifield moved to approve the minutes of May 18, 2016, (Support: J. Talaga) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATION AND PUBLIC HEARING ITEMS

1. Zoning Ordinance Update

An update of the Zoning Ordinance was presented by Ms. Wessler, City Planner, including a power point presentation. She began with the Table of Contents, reviewing each line and explaining in detail various changes. She also reviewed "Solutions & Layouts" which included where to find specific items in the ordinance, all of the articles, how to use it, who uses it and all definitions, including signs discussing it in great detail. Uses will all be in one section. The new list of "Solutions and Layouts" makes for easier access, and use, by Planning Commission members. All Use Regulations are in one place. Also noted are the parking types and

quantities, storage of vehicles, which had previously been a sub-section (she may include this also in another section), site regulations, and landscaping. Commissioner Zuellig asked if parking types and off-street parking could be included in the same section, to which, Ms. Wessler agreed. All of the changes on landscaping and screening have been made.

Some people have asked about the blue border and Ms. Wessler stated that it is actually a thumb index.

Most of the conversation was centered on signage, i.e. duration of signs for elections and other events, house sales, construction, etc. Also discussed was type of signs, i.e. feather. After much discussion on this, it was agreed that members would go through the signage and provide feedback to Ms. Wessler. A sub-committee was formed consisting of Commissioners Dennis, Dunwoodie and Talaga, to discuss amendments on signage, hopefully within the next two weeks. Ms. Wessler added that she hopes to have a draft ready for next month except for signage.

Discussion was held on the definition of murals and how they should be permitted. Ms. Wessler was directed by the board to check with other communities to provide clarity and report at the next meeting.

It was noted that there was no public hearing due to the lack attendance by any members of the public.

VI. NEW BUSINESS

1. Elections

After some discussion, and because not all commission members were in attendance, Commissioner MacGregor moved to table this item until next month (Support: P. Hollifield) and the motion carried unanimously.

VI. OLD BUSINESS

1. 298 Jarvis – Site Plan

Matt made a motion to deny but it was not supported for lack of a second.

Ms. Wessler stated that she had not spoken with the project manager since the last meeting and has no idea as to what is going on with this item. Commissioner MacGregor moved to table this item (Support: B. Mason) and carried unanimously.

VII. FUTURE BUSINESS DISCUSSION/UPDATES

1. Continuation of zoning ordinance
2. Forest Avenue bike lanes
3. Elections

DRAFT

VIII. COMMITTEE REPORTS

1. Non-Motorized Advisory Committee – May minutes

IX ADJOURNMENT

Since there was no further business, Commissioner Dennis moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 8:36 pm.

DRAFT

FOREST AVENUE BIKE LANES

City of Ypsilanti

Community & Economic Development Department

Memo

To: Planning Commission

From: Bonnie Wessler, City Planner

Date: 15 July 2016

Subject: Forest Avenue Bike Lane Proposal

Process and Proposal

Bicycle lanes are being proposed for Forest Avenue between Norris and Prospect. Planning Commission is required to review all capital improvement projects on either a project-by-project basis or as part of the Capital Improvements Plan review. As this project was not included in the Capital Improvements Plan, it is being reviewed as a standalone project. A meeting to discuss the bike lane proposal was hosted by Ward 3 Councilmembers in May 2016. This project would be independent of any other road or sidewalk reconstruction project; no curbs would be moved nor roads resurfaced as part of this project, but existing parking would be removed.

Current Infrastructure and Background

This stretch of Forest is currently two-lane, with turn lanes at each intersection, posted at 25mph; and considered a Major Street. There are bike lanes on Forest both east and west of the project area; these bike lanes would fill that gap. Forest intersects the Border to Border Trail, and portions of Forest are part of said trail. There is on-street parking, approximately 15-17 unmarked spaces, on the north side of this street from River to Stanley; the addition of bike lanes would necessitate the removal of that parking.

- Resident reports indicate that most vehicle traffic travels in excess of the 25mph posted speed limit.
  - Studies consistently reflect that narrowing the roadway- even only with painted bike or parking lanes- can encourage drivers to drive more cautiously.
- There are no bus stops in the proposed project area.
- Intersections at Dwight, Hemphill, and Stanley are unmarked legal pedestrian crossings across Forest. There are no ADA ramps to cross Forest at these locations.
- All residences and other buildings in the project area have a driveway and most also have a garage, or alley access and a parking area, with the exception of 58 E Forest, at the southwest corner of River and Forest. Limited on-street parking is available on Dwight, Hemphill, and Stanley.
- Two reported crashes involving bicycles occurred in the project area; one in 2006 at Dwight and one in 2013 at Prospect. One reported crash involving a pedestrian occurred at Prospect in 2014.
- Vehicle traffic counts taken in 2006 indicate a volume of 5775 at Prospect; in 2004, 7490 at River.
- Reviewing GIS photos (2015: 0 cars, 2010: 0 cars, spaces marked, 2008: 2 cars, spaces marked; 2007: 2 cars, spaces marked; 2005: 1 car, spaces marked; 2002: 1 car, spaces

marked); Google maps photos (2016: 0 cars) and street view (Oct 2014: 1 car, Sept 2011: 0 cars; June 2011: 0 cars), and Bing aerial photos (2015: 0 cars), staff notes that less than 1% of the available on-street parking is used at any given time in those photos. However, please note that due to the nature of this review, these are all daytime numbers.

- An area resident performed a survey of the on-street parking in 2012 and 2016. These surveys are included in this packet.

Relationship to Adopted Plans

Bicycle lanes were noted as needed along Forest in the 2010 Nonmotorized Transportation Plan, but not included within the five-year scope of the 2016 Capital Improvements Plan.

The Master Plan (2013) calls out the following transportation priorities:

"Reward the short trip. Any street network change should facilitate the walk between neighborhoods, bike to work in the City or bus trip or car ride across town. It should not help regional through-travelers to the detriment of those traveling within the city.

Follow the money, and be ready for opportunities. Funding is usually available for on-going initiatives, such as resurfacing, underground utility work that digs up the street, development projects, etc. The City should pursue grant funding with match requirements within its budget as well as creative partnerships to advance the goals of this plan. If funding is available for one project or idea but not another, the City should be flexible to advance its goals and projects within the spirit of this plan.

Make the streets better, not wider. City resources should not be used to add turn lanes, widen roads, or other means of conventionally fighting congestion in the City, when other options are available. Instead, spend City money, grants, State and Federal dollars on adding value to the place, the walkability, the aesthetics and making the streets safe. A possible exception to this rule is the conversion of a travel lane to a turn lane with the conversion of a 4-lane road to three lanes.

If car-carrying capacity is needed, it can be achieved by:

• adding new, two-lane, two-way streets to the network;

• making connections in the network that were previously severed;

• shortening trip lengths by reducing circuitous routing (i.e., restoring two-way operation, removing turn prohibitions, breaking up super-blocks);

• shortening trip lengths by adding density and rich mix of land uses in the downtown and centers; and converting automobile trips into walking, cycling, and transit trips by all of the means above plus traffic calming, building regulations that make a comfortable environment for people as well as cars, and building complete streets that are comfortable for vehicular and nonautomobile modes of transportation.

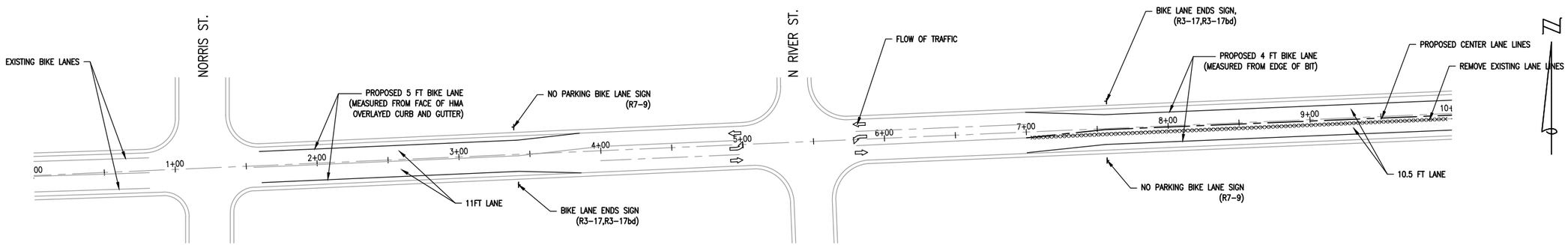
Design with the community, not for it. When a project has been funded and is on the drawing board, the engineers and designers should talk with the community about options and suggestions before the design is final. The people using the streets everyday have valuable insight and should be included early on in the process, as mandated by the City's Complete Streets Ordinance. The public engagement process should be updated with lessons learned by each project."

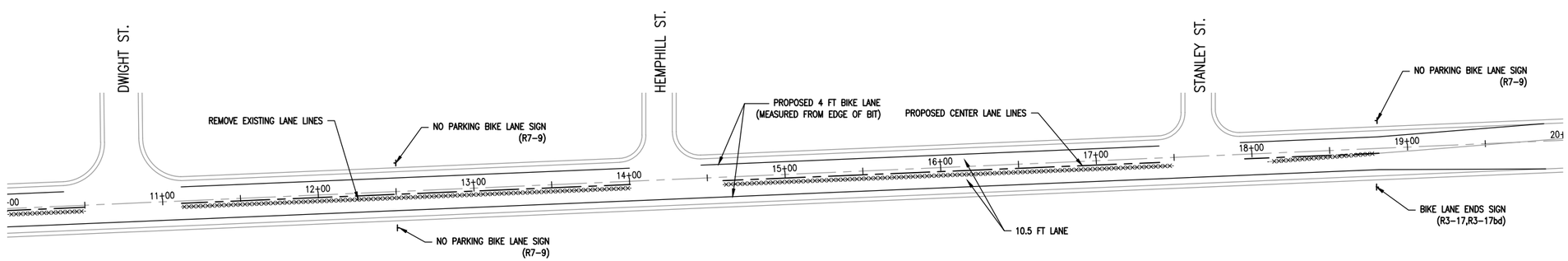
Staff Recommendation

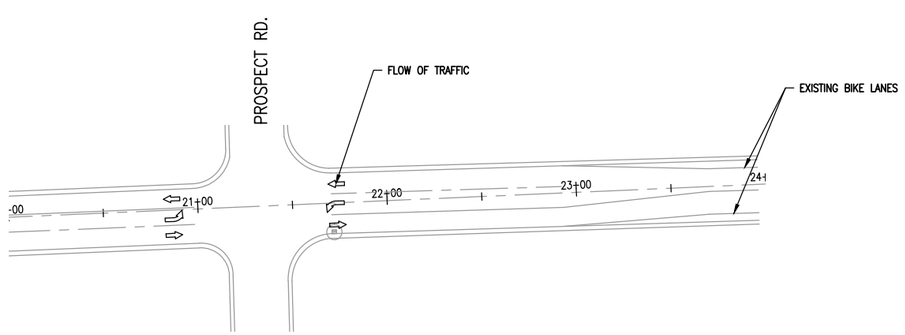
Staff recommends that Planning Commission recommend to City Council that bike lanes be installed on each side of Forest , with findings that bicycle lanes in the project area would bridge a significant gap in the nonmotorized network called out in the 2010 Nonmotorized Transportation Plan; existing parking facilities are currently underutilized and appear to have been underutlitized for more than a decade; and that, as a paint-only project, this be considered a pilot project to be revisited one year after completion.

Potential Bike Lane Layouts

Forest Ave Bike Lanes







Quantities Forest Bike Lanes		
Item	Quantity	Unit
4" Lane Line, White	2860	FT
4" Lane Line, Yellow	2020	FT
Lane Line, Rem	2000	FT
No Parking Signs (Bike Lane)	5	Each
Signs (Bike Lane Ends)	3	Each

OHM
ARCHITECTS ENGINEERS PLANNERS
OHM-ADVISORS.COM

SEAL

REVISIONS:

DATE 10-21-2015 | PROJ NUMBER 0094-15-0001 | ENG RQM | PROJ MGR MJM | CADD RQM

City of Ypsilanti
Forest Ave Bike Lanes
Forest Ave- Norris to Prospect
Bike Lanes

SHEET 1

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DRAWING PATH: P:\0000_0100\0094150000_General\Forest bike lanes\forest bike lanes.dwg Oct 21, 2015 - 11:19am

Forest Ave Bike Lanes

Feedback Received

Bonnie Wessler

From: Christina Berggren <calico_11@hotmail.com>
Sent: Wednesday, July 13, 2016 4:40 PM
To: Bonnie Wessler; Pete Murdoch
Subject: July 20th- Bike Lanes

Ms. Wessler,

My name is Christina Berggren and I live at 307 E. Forest Avenue. I wanted to express my concern with the removal of parking along Forest Avenue to accommodate bike lanes. We use the street parking frequently, and the removal of these spots would be a huge inconvenience to our family and our guests. There is simply not enough street parking on the side streets to accommodate the people who live on the side streets, as well as those of us who live on Forest Avenue and use street parking. I would, however, support a combination of parking and bike lane, such as on Cross St. I understand that a "study" was done (which we now know was done by one person-- Bob Krezinsky (sp.?), who lives on Dwight St.), who claims that the spots were rarely used. This is not true and not representative of those of us who live on Forest Avenue and utilize the parking spots.

I would appreciate it if you could pass this e-mail along to the Planning Commission (their e-mail addresses are not , and whomever else is involved in the decision making process. We will be out of town for the public hearing on the 20th, so we will not be able to voice our concerns in person. My husband and I (as well as many of our neighbors) have expressed our concerns to Pete Murdoch and Brian Robb.

Sincerely,

Christina Berggren

Bonnie Wessler

From: Chris Berggren <chrisberggren@hotmail.com>
Sent: Thursday, July 14, 2016 10:22 PM
To: Bonnie Wessler; Amanda Edmonds; Pete Murdock; Brian Robb
Cc: cortaz@gmail.com; aimster.amy@gmail.com; lhoekenga@gmail.com; dsterling@email.toast.net; kurt A; Christina Berggren
Subject: E. Forest Ave. Bike Lane Proposal

City of Ypsilanti Planning Commission,

While I will not be present at the public hearing concerning adding bike lanes to E. Forest Ave., I do have a strong opinion that the parking on E. Forest is a necessary convenience for the residents that live on the street. A few points that I and the neighbors who are attached on this email would like to make perfectly clear, are as follows:

1. 1. The "survey" of whether the parking spots in question were/are being used was conducted by a private citizen with a vested interest in adding bike lanes. There was nothing scientific about this survey, as it was conducted twice each business day (when the citizen in question left for work on his bike and then when he returned home following the work day) and incorporated counting the number of cars parked on the street only during these designated times. Furthermore, the citizen in question does not live on E. Forest Ave. and has ample street parking on both sides of his street, which is unthreatened by this proposal.

1. 2. Part of the problem with the parking spots on E. Forest Ave. is that they haven't been properly marked as parking spots in at least 20 years. As a result, a lot of people are hesitant to park in these spots because they are unsure if the extra width in the westbound lane is actually for parking. When I brought this point up at the Freight House public discussion on the topic, Stan Kirton, the Ypsilanti Director of Public Services, looked at me and said, "Well, you can't expect us to mark every spot." Actually, I do expect that. That's simple public maintenance that city tax dollars should have no problem covering. We are not talking about properly marking every parking spot in New York City; we are talking about Ypsilanti, a town with a total area of just 4.51 square miles. If the parking spots on E. Forest Ave. were marked in street paint with white"L's" to properly indicate where each spot exists that would not only drastically increase their usage, but also act to narrow the westbound lane, and, as a result, decrease the rampant speeding on the street. I think that 20-plus-years are long enough to go without these spots being marked. It is certainly in the E. Forest Ave. resident's interests to have them marked and it should be in the city's interest, as well.

3. There is also the question of whether a bike lane is even necessary. E. Forest Ave. receives moderate bike traffic, though it is hardly a thoroughfare for bicycles. The bicycles that I observe riding on the street seem to have no problem co-existing with the car traffic and I am aware of no bicycle-car accidents occurring along this stretch of road. The speed limit is 25 MPH, so there is not an overwhelming difference in the speeds of these vehicles, either. An activist neighbor, Kurt Anschuetz, who lives on Hemphill, even researched the safety benefits of having a bike lane and found that unless there is a 20-plus-MPH difference between the vehicles on the road (the cars and bikes) that having a bike lane actually makes bikers less safe. Another question about the necessity revolves around the lack of bike lanes on other streets

throughout Ypsilanti. There is an established bike lane on Cross St., which is also an east-west thoroughfare, though there are no established bike lanes anywhere in the city going north-south. If the city of Ypsilanti really wants to increase the amount of bicycle traffic, wouldn't it make more sense to establish a north-south bike lane, as opposed to another east-west route that runs parallel to the city's only current bike lane, which happens to be just a few streets over?

I believe that adding a bike lane to E. Forest Ave. is unfair to the residents who live here and rely on that parking, but also completely unnecessary. The city of Ypsilanti has a long history of ignoring things that need to be done, like properly marking parking spots, and instead using city resources for pet projects that don't serve the greater good of the community. Thank you for your time and consideration.

Sincerely,

Chris Berggren

E. Forest Ave. Resident

1.

1.

Re: E. Forest Ave. Bike Lane Proposal

DELETE REPLY REPLY ALL FORWARD •••

Mark as unread

Liam Hoekenga <lhoekenga@gmail.com>

Fri 15-Jul-16 18:47

To: Bonnie Wessler;

Cc: Chris Berggren <chrisberggren@hotmail.com>; Dave Sterling <dasterling@gmail.com>;

Action Items | + Get more apps

Ms Wessler

My name is Liam Hoekenga. My husband and I live at 305 E Forest. We both agree with Chris's assessment of the situation.

Liam

On Friday, July 15, 2016, Bonnie Wessler <bwessler@cityofypsilanti.com> wrote:

> Dear Ms Berggren-
>
> Thank you again for your input. Please note, however, that without confirmation from the neighbors that were CC'd on that email, we cannot assume that you speak for them.
>
> Dear neighbors of Ms Berggren-
>
> If you are unable to attend the meeting this coming Wednesday, and would like to affirm that you agree with Ms Berggren's statements, please send me an email (or call me) with that information and your street address. Upon affirmation, we can consider you signatories to the letter.
>
> Thanks,
>
> Bonnie
>
> --
> Bonnie Wessler
>
> City Planner
> Community Development Division, City of Ypsilanti

Forest Ave Bike Lanes

Resident Parking Survey

Forest Avenue Parking Survey
Prospect Road to River Street

Date	AM Count	PM Count	Eve. Count	
7/15/2012	1	1	1	
7/16/2012	2	2	2	
7/17/2012	n/a	1	1	
7/18/2012	2	1	1	
7/19/2012	1	1	1	
7/20/2012	2	1	1	
7/21/2012	1	1	1	
7/22/2012	5	0	1	Note: Color Run held in the morning
7/23/2012	1	n/a	n/a	
7/24/2012	n/a	n/a	n/a	
7/25/2012	n/a	n/a	1	
7/26/2012	0	0	1	
7/27/2012	0	0	3	Note: Beer Festival held in the evening
7/28/2012	0	9	0	Note: Beer Festival held in the afternoon
7/29/2012	0	0	0	

Notes:
a) "n/a" indicates being out of town and unable to perform survey.
b) Spikes of parking on 7/22, 7/27, 7/28 probably associated with special events.
c) If only one car indicated as being parked, the majority of the time this was at one address - 111 East Forest.

Parking Survey – Motor Vehicles Parked On Forest Avenue: Norris to Prospect
March 7 2016 to April 7 2016

Date	Time - # Parked	Time - # Parked	Notes
03/07/16	9am – 0	7pm – 0	
03/08/16	9am – 0	7pm – 0	
03/09/16	8am – 0	8pm – 0	
03/10/16	9am – 0	Not observed	
03/11/16	6am – 0	9pm – 1	9pm car parked in 100 block area
03/12/16	9am – 0	7pm – 1	7pm car parked in 100 block area
03/13/16	6am – 0	6pm – 0	
03/14/16	9am – 0	8pm – 1	8pm car parked in 300 block area
03/15/16	7am – 0	6pm – 0	
03/16/16	9am – 0	9pm – 0	
03/17/16	8am – 0	7pm – 0	
03/18/16	8am – 1	9pm – 0	8am car parked in 100 block area
03/19/16	7am – 0	5pm – 0	
03/20/16	7am – 0	6pm – 1	6pm car parked in 100 block area
03/21/16	Not observed	7pm – 1	7pm car parked in 100 block area
03/22/16	8am – 0	8pm – 1	8pm car parked in 100 block area
03/23/16	9am – 1	8pm – 0	9am car parked in 100 block area
03/24/16	7am – 1	9pm – 1	both times car parked in 100 block area, appeared disabled
03/25/16	7am – 1	8pm – 1	both times car parked in 100 block area, appeared disabled
03/26/16	9am – 1	8pm – 1	both times car parked in 100 block area, appeared disabled
03/27/16	9am – 0	8pm – 0	
03/28/16	9am – 1	7pm – 1	both times car parked in 100 block area
03/29/16	9am – 0	9pm – 1	9pm car parked in 100 block area
03/30/16	9am – 0	7pm – 0	
03/31/16	10am – 1	7pm – 0	10am car parked in 100 blocked area
04/01/16	7am – 0	6pm – 0	
04/02/16	9am – 0	7pm – 0	
04/03/16	8am – 0	7pm – 0	
04/04/16	11am – 0	7pm – 0	
04/05/16	9am – 0	9pm – 0	
04/06/16	7am – 0	10pm – 0	
04/07/16	9am – 0	8pm – 0	

20 SOUTH WASHINGTON

City of Ypsilanti
Community & Economic Development Department

15 July 2016

Staff Review of Change in Nonconforming Use Application
Beer Cooler
20-22 S Washington

GENERAL INFORMATION

Applicant:	Kamalpreet Singh Beer Cooler 20-22 S Washington Ypsilanti, MI 481987
Project:	Residential Conversion, 20 S Washington
Application Date:	6/27/2016
Location:	Northwest corner of Washington and Ferris
Zoning:	Center; nonconforming Single-Story Commercial building type
Action Requested:	Approval to convert a portion of a Single-Story Commercial Building to a residence pursuant to 122-205(1)(b)
Staff Recommendation:	Approval with Conditions

PROJECT AND SITE DESCRIPTION

20-22 S Washington is an approximately 7,000 square foot parcel that faces onto the north-west corner of Ferris and South Washington. It has a small parking area/driveway on the west side of the building, and the building occupies the remainder of the parcel. The building is itself divided into two portions; 20 S Washington, formerly a drive-through/garage (roll-up doors still evident on both sides) and currently used as storage for the Beer Cooler; and 22 S Washington, currently a "food store less than 15,000 square feet with sale of alcohol," and thus currently nonconforming due to a lack of special use permit. Note that for zoning purposes, the entire building is considered in use as the "food store less than 15,000 square feet with sales of alcohol" – the storage serves that use and thus is part of it. The applicant is proposing to construct an efficiency unit on the west (rear) side of the area occupied by the store.

The parcel is zoned Center, which allows as uses both "multiple-family dwellings" and "apartments located above the ground floor of permitted nonresidential uses." In the past, staff has administratively ruled that when a building contains apartments above the ground floor, they may also contain apartments on the main floor, if they are behind a commercial use and do not have street frontage (209 Pearl). Thus, an efficiency unit on the first floor could be construed as less

nonconforming than a party store, but would itself be nonconforming due to the lack of upper-story units.

The Planning Commission is empowered by Section 122-205(1)(b), as follows:

Sec. 122-205. Class B nonconforming uses of buildings.

All nonconforming uses of buildings not designated class A shall be class B nonconforming uses of buildings. Class B nonconforming uses of buildings shall comply with all the provisions of this article relative to nonconforming uses of buildings. The class B nonconforming use of a building, or building and lot in combination, may be continued subject to the following provisions:

(1) *Change in use.* The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building 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:

(i.) 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.

(ii.) Whether the proposed use will interfere to a lesser extent 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.

(iii.)The effect of the proposed use on adjoining lands and the surrounding neighborhood.

(iv.) In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

(v.) 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.

Figure 1: Subject Site

Figure 2: East frontage

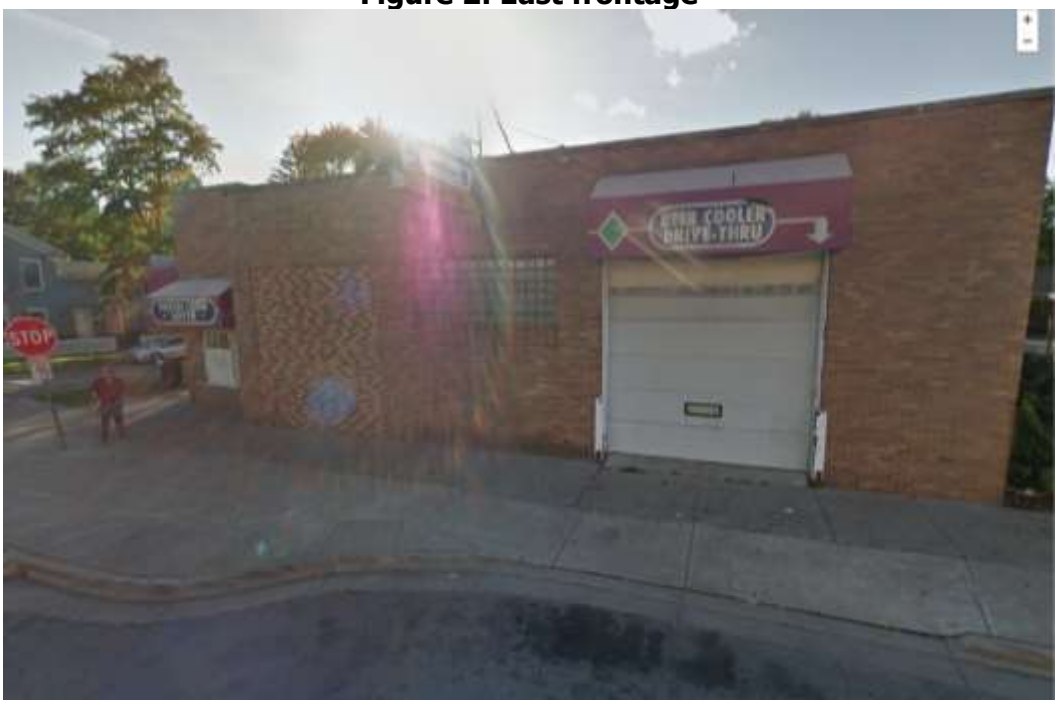


Figure 3:View from South-west; location of potential entrance

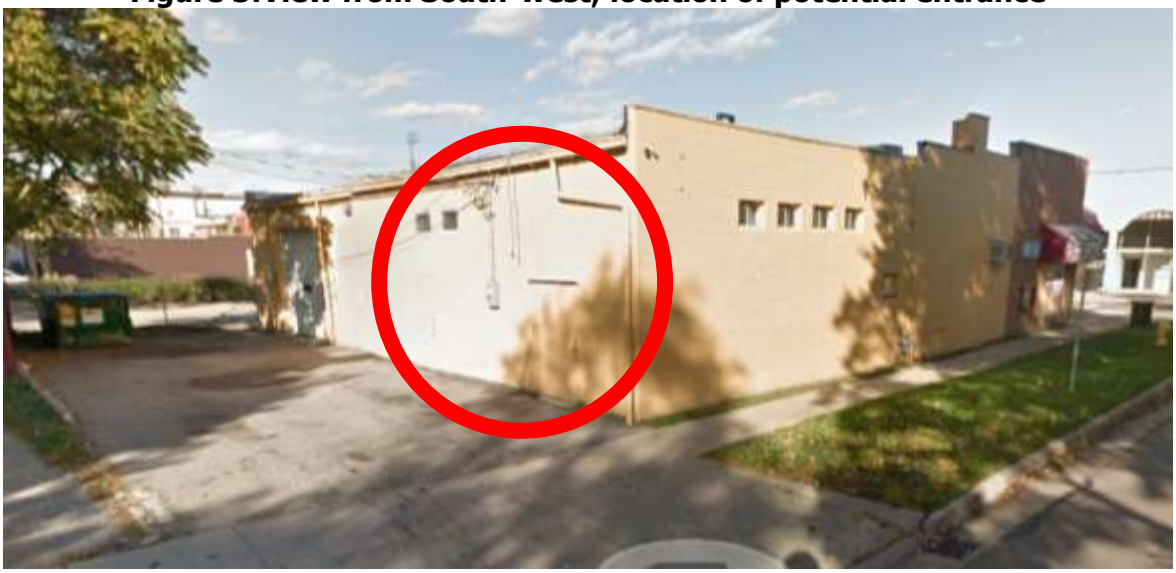


Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Farmer's Market	C
EAST	Vacant retail/commercial	C
SOUTH	Multifamily Residential	HC
WEST	Multifamily Residential	C

CHANGE IN NONCONFORMING USE: CRITERIA AND REVIEW §122-205(1)(B)

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.

The location is at the edge of one zoning district- Center- and another, Historic Corridor. During the rezoning, this was done with an eye to the 5-and 10-year horizon, to encourage a mix of residential/commercial and residential/office along the Ferris corridor. The party store had previously been zoned B3 (roughly equivalent to C), and the parcels to the south and west zoned RO (residential-office, somewhat similar to HC). As a result, the Washington façade faces strongly commercial building types and uses, but the southern façade faces very residential uses and building types. A residential use would not be inappropriate for the historic context, the zoning context, nor the current built environment.

Whether the proposed use will interfere to a lesser extent 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.

A dwelling unit would interfere less than the existing use of food store with sale of alcohol.

The effect of the proposed use on adjoining lands and the surrounding neighborhood.

The proposed use is similar to existing surrounding uses.

In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

Natural light shall be provided for the residential use through either new windows or roof openings. Construction of the residence must conform to all aspects of the Building Code and NFPA, as well as other portions of this zoning code. The unit must be barrier-free.

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.

Such a change in use should be noted as a 25% decrease in the overall square footage of the existing nonconforming use.

STAFF RECOMMENDATIONS: CHANGE IN NONCONFORMING USE

Staff recommends the Planning Commission approve the change of nonconforming use for the residential conversion at 20 -22 S Washington with the following findings and conditions:

Findings: The applicant is legally able to apply, and application is substantially in compliance with §122-205(1)(b).

Conditions:

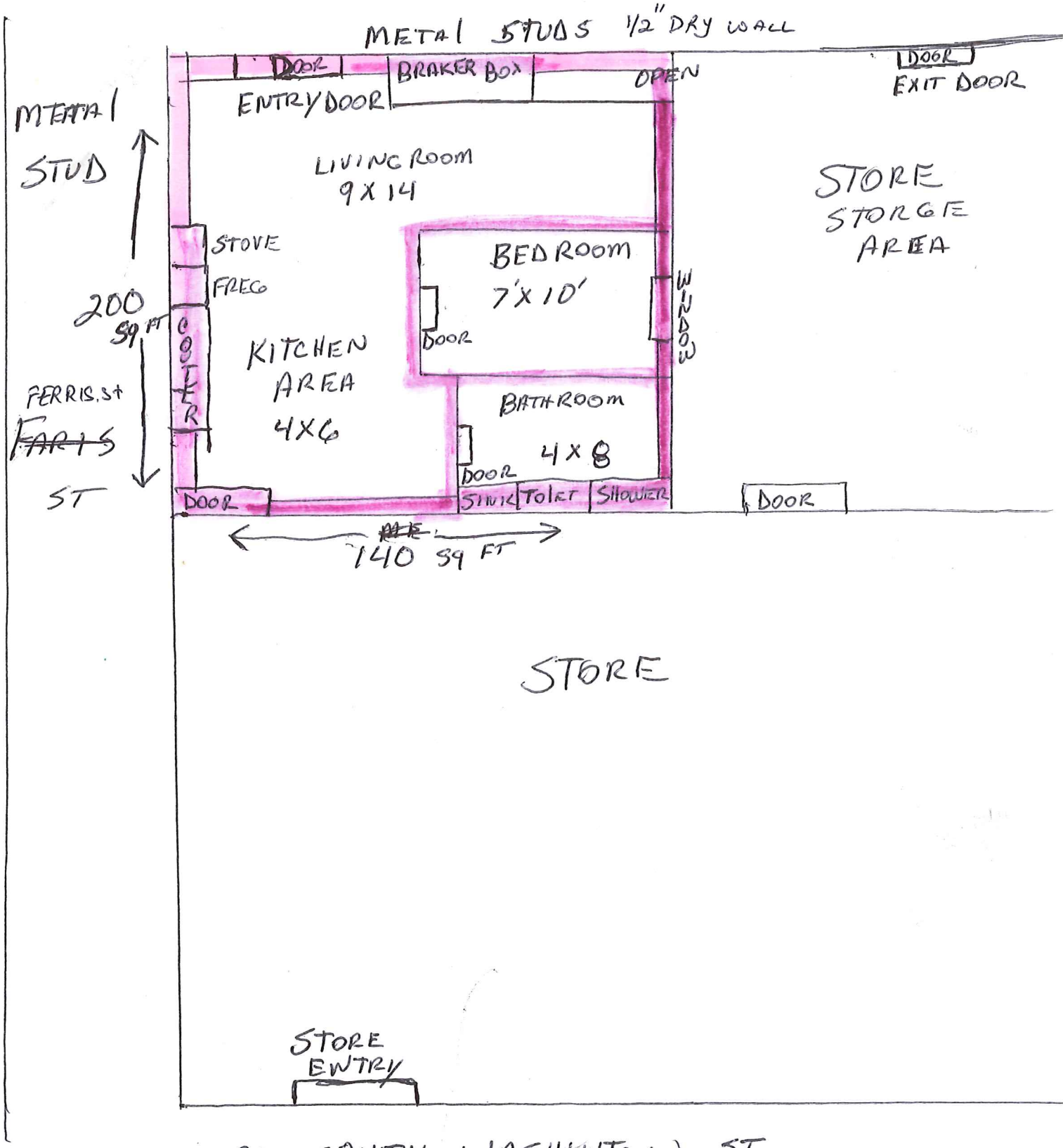
- Natural light shall be provided for the residential use through either new windows or roof openings.
- Construction of the residence must conform to all aspects of the Building Code and NFPA, as well as other portions of this zoning code.
- The unit must be barrier-free.

Bonnie Wessler
City Planner, Community & Economic Development Department

CC File
Applicant

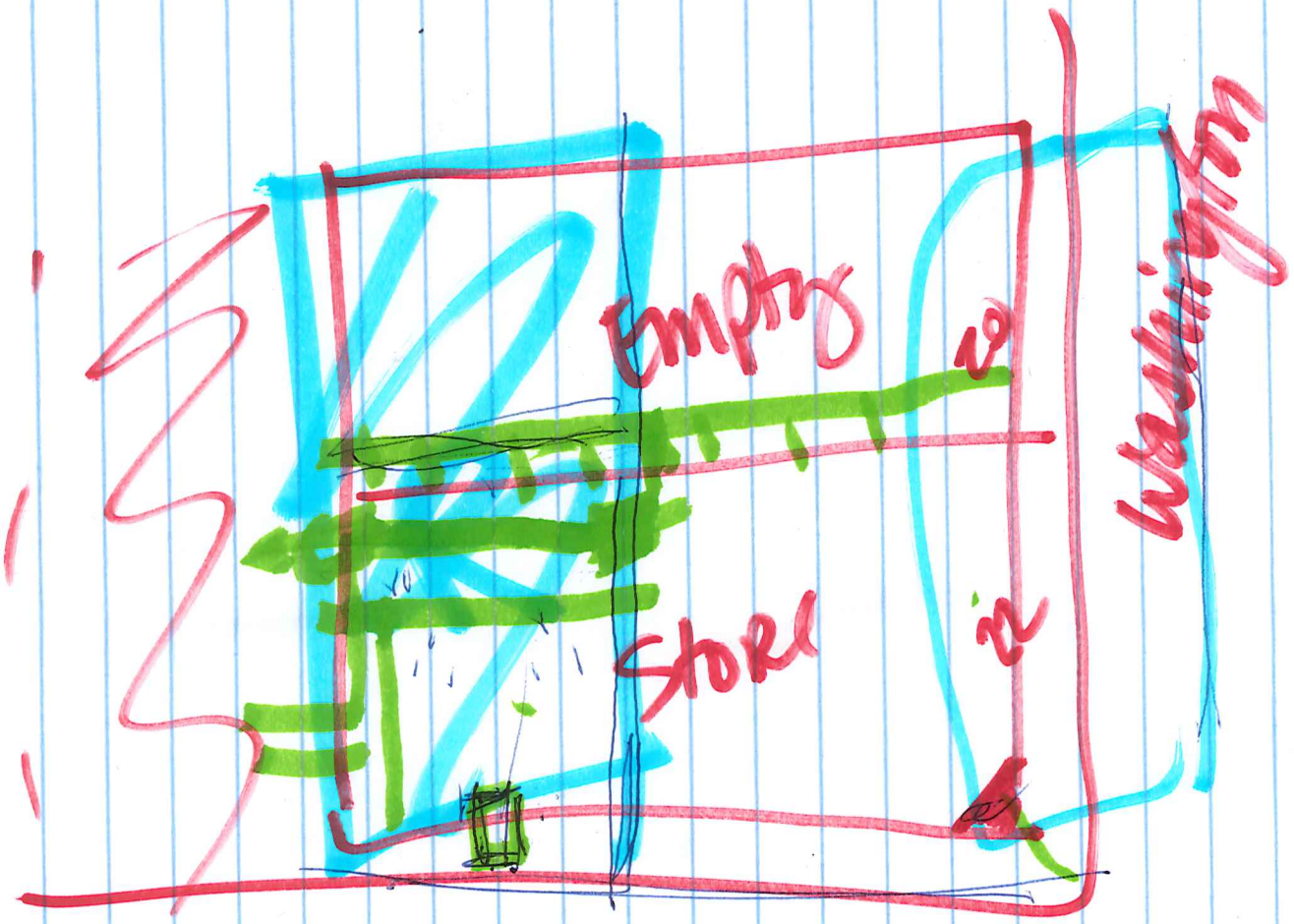
FOR OWNER USE ONLY.
THIS IS NOT FOR RENTAL PURPOSES.

OWNER'S BACK PARKING LOT



22 SOUTH WASHINTON ST

14



Ferris

ZONING ORDINANCE

SIGNS				
remember: content-neutral. Commercial includes multifamily (3 dwelling units or more); Residential includes 1 AND two-family homes. Roominghouses, townhomes (etc) are considered "group living" - residential by default unless called out otherwise				PERMIT REQUIRED?
PARK				
park	Freestanding Signs (temporary)	Maximum Area	10 sf	NO
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding Signs (permanent)	Maximum Area	100 sf	YES
		Maximum height	35 feet	
		Front setback	3 feet	
		Side, street side, and rear setback	10 feet	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	YES
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	YES
	Billboards	Location	adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	YES
		Maximum Area	672 sf	
		Maximum Height	65’	
		Other restrictions	see section 122-XXX	

R1				
	Signs – Residential Uses			
	Freestanding Signs (temporary)	Maximum Area	10 sf	NO
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	Not permitted		N/A
	Building-mounted signs (temporary)	Maximum Area	.5 square feet for each linear foot of building frontage, or 12 square feet.	no
	Building-mounted signs (permanent)	Maximum area	1 sq ft	NO
	Billboards	Not permitted		N/A
R1	**Signs – Non-residential Uses**			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	Maximum Area	16 sf	yes
		Maximum Height	6 feet	
		Front Setback	3 feet; must be outside of the visibility triangle defined in 122-XXX	
		Side, street side, and rear setback	10 feet; must be outside of the visibility triangle defined in 122-XXX	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Billboards	Not permitted		n/a

MD				
MD	**Signs**			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum Height	3 feet	
		All setbacks	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding Signs (permanent)	Maximum Area	16 sf	yes
		Maximum Height	6 feet	
		Front Setback	3 feet; must be outside of the visibility triangle defined in 122-XXX	
		Side, street side, and rear setback	10 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	1, unless >=100' on two frontages, then allowed a second (additional) sign at 8sf on the secondary frontage	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or up to 32sf each face of the building façade that faces a street, parking area, or on a facade where a public entrance is located	yes
	Billboards	Not permitted		n/a

PMD				
PMD	**Signs – Residential Uses**			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	not permitted		n/a
	Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	no
	Building-mounted signs (permanent)	Maximum area	1 sf	no
	Billboards	Location	adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	yes
		Maximum Area	672 sf	
		Maximum Height	65’	
		Other restrictions	see section 122-XXX	
	Signs – Non-residential Uses & Group Living			
	Freestanding Signs (temporary)	Maximum Area	10 sf per sign	yes
		Maximum height	8 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	no more than 1 per 20' frontage on primary face and 1 per 50' on secondary face	
	Freestanding Signs (permanent)	Maximum Area	16 sf	yes
		Maximum Height	6 feet	
		Front Setback	3 feet; must be outside of the visibility triangle defined in 122-XXX	
		Side, street side, and rear setback	10 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	1, unless >=100' on two frontages, then allowed a second (additional) sign at 8sf on the secondary frontage	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Billboards	Location	adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	yes
		Maximum Area	672 sf	
		Maximum Height	65’	
		Other restrictions	see section 122-XXX	

CN, CN-Mid, CN-SF				
	Signs – Residential Uses			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	not permitted		n/a
	Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	no
	Building-mounted signs (permanent)	Maximum area	1 sf	no
	Billboards	not permitted		n/a
	Signs – Non-residential Uses & Group Living			
	Freestanding Signs (temporary)	Maximum Area	10 sf total	no
		Maximum height	3 feet	
		All setbacks:	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding Signs (permanent)	Maximum Area	16 sf	yes
		Maximum Height	6 ft	
		Front Setback	3 feet; must be outside of the visibility triangle defined in 122-XXX	
		Side, street side, and rear setback	10 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	1, unless >=100' on two frontages, then allowed a second (additional) sign at 8sf on the secondary frontage	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Building-mounted signs (permanent)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	yes
	Billboards	not permitted		n/a

NC, HC, GC				
	Signs – Residential Uses			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum height	3 feet	
		All setbacks	10 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	not permitted		n/a
	Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	no
	Building-mounted signs (permanent)	Maximum area	1 sf	no
	Billboards	not permitted		n/a
	Signs – Non-residential Uses & Group Living			
	Freestanding Signs (temporary)	Maximum Area	10 sf per sign	yes
		Maximum height	8 feet	
		All setbacks	10 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	no more than 1 per 20' frontage on primary face and 1 per 50' on secondary face	
	Sidewalk Signs (freestanding temporary signs in the public ROW)	Not permitted in NC or GC.		yes
		Max size of 6sf per face, maximum 2 faces, max height of 4 feet.		
		Must allow for a 5' clear path of travel on at least one side.		
		May only be displayed during business hours.		
		Sidewalk signs must be constructed of durable wood, metal, or plastic. Any fabric shall be affixed in place on all sides.		
		max # signs?	1 per business	
	Freestanding Signs (permanent)	Maximum Area	**HC:** 20 sf**; NC**: 40 sf; **GC:** 100 sf	YES
		Maximum Height	**HC:** 8 ft; **NC**: 10 feet ; **GC:** 10 feet	
		Front Setback	3 feet from lot line or 10 ft from back of curb, whichever greater distance from roadway; must be outside of the visibility triangle defined in 122-XXX	
		Side, street side, and rear setback	10 feet; must be outside of the visibility triangle defined in 122-XXX	
		max # signs	1, unless >=100' on two frontages, then allowed a second additional sign at 50% of max area on the secondary frontage	
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Overhead banners (building-mounted signs that span a public right-of-way)	Not permitted in NC or GC.		yes
		The design, method of installation, and location of overhead banners must not endanger persons using any part of the public right-of-way or unduly interfere with the movement of people.		
		Minimum height to bottom of banner is 18 feet.		
		Must not be located closer than 10 feet to an intersection .		
		Shall not be more than 4 feet in height.		
		No more than one overhead banner shall be placed per block at any given time.		
		Overhead banners may remain in place for no longer than thirty days.		
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Billboards	not permitted		n/a

CENTER				
	Signs – Residential Uses			
	Freestanding Signs (temporary)	Maximum Area	10 sf	no
		Maximum height	3 feet	
		All setbacks	0 feet; must be outside of the visibility triangle defined in 122-XXX	
	Freestanding signs (permanent)	not permitted		N/A
	Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	no
	Building-mounted signs (permanent)	Maximum area	1 sf	no
	Billboards	not permitted		n/a
	Signs – Non-residential Uses & Group Living			
	Freestanding Signs (temporary)	Maximum Area	10 sf	yes
		Maximum height	3 feet	
		All setbacks	0 feet; must be outside of the visibility triangle defined in 122-XXX	
C	Sidewalk Signs (freestanding temporary signs in the public ROW)	Max size of 6sf per face, maximum 2 faces, max height of 4 feet.		yes
		Must allow for a 5' clear path of travel on at least one side.		
		May only be displayed during business hours.		
		Sidewalk signs must be constructed of durable wood, metal, or plastic. Any fabric shall be affixed in place on all sides.		
		max # signs?	one per business	
	Freestanding Signs (permanent)	Not Permitted		n/a
	Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Overhead banners (building-mounted signs that span a public right-of-way)	The design, method of installation, and location of overhead banners must not endanger persons using any part of the public right-of-way or unduly interfere with the movement of people.		yes
		Minimum height to bottom of banner is 18 feet.		
		Must not be located closer than 10 feet to an intersection .		
		Shall not be more than 10 feet in height.		
		No more than one overhead banner shall be placed per block at any given time.		
		Overhead banners may remain in place for no longer than thirty days.		
	Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	yes
	Billboards	not permitted		n/a

Zoning Ordinance
Chapter 122

City of Ypsilanti, Michigan

Approved by City Council 16 December 2014
Updated June 7, 2015

BUGFIX AND STRUCTURE REVISION DRAFT

DRAFT 07-15-16

Table of Contents

Article I: Purpose And How To Use 3
Article II: Development Procedures and Administration 5
Division 1: GENERALLY 5
Division 2: PERMITS 6
Subdivision I: ZONING COMPLIANCE 6
Subdivision II SPECIAL LAND USES 16
Subdivision III TEMPORARY USE PERMITS 19
Subdivision IV BUILDING PERMITS. 22
Division 3 NONCONFORMITIES 23
Division 4: AMENDMENTS 29
Division 5 VARIANCES AND APPEALS 33
Division 6: VIOLATIONS AND PENALTIES 35
Division 7 AUTHORITIES 36
Subdivision I 37
Subdivision II 39
Article III Definitions and Language 42
Article IV: Districts 67
DIVISION 1: GENERALLY 67
DIVISION 7. PARK DISTRICT 69
DIVISION 2. R1 SINGLE-FAMILY RESIDENTIAL DISTRICTS 72
DIVISION 3. MD MULTIPLE DWELLING RESIDENTIAL DISTRICTS 77
DIVISION 6. PRODUCTION, MANUFACTURING AND DISTRIBUTION DISTRICT 83
DIVISION 4. NEIGHBORHOODS, CENTERS, CORRIDORS AND HEALTH AND HUMAN SERVICES DISTRICTS 88
AKA WALKABLE URBAN PLACES 88
Article V: Use Regulations 113
DIVISION 1 SPECIFIC STANDARDS FOR CERTAIN USES 113
DIVISION 4. STORAGE OF VEHICLES* 131
DIVISION 3. COMMUNICATION DEVICES* 132
Article VI: Site Regulations 137
DIVISION 1. GENERALLY 137
DIVISION 2. YARD, AREA AND LOT REQUIREMENTS 140
DIVISION 3. LANDSCAPING AND SCREENING 141
DIVISION 4. ACCESSORY STRUCTURES AND SIGNS 146
Subdivision I: SIGNS 148
DIVISION 5: TRAFFIC AND PARKING 157
DIVISION 6: OFF-STREET PARKING AND LOADING REQUIREMENTS* 160
DIVISION 2 PARKING TYPES AND QUANTITIES 165
Article VII: Supplementary Regulations 173
Division 1 PLANNED UNIT DEVELOPMENT * 173
Division 2. SITE CONDOMINIUM SUBDIVISIONS 179
Division 3 FLOOD DAMAGE PREVENTION* 181

DRAFT 07-15-16

Article I:

Purpose And How To Use

Sec. 122-100. 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, diverse, and sustainable city; to meet the needs of the city's residents for food, fiber, energy and other natural resources; to guide 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; 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 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 regarding:

(1) 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.

(2) 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 vehicles and bicycles 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 distinctive in appearance, conveying their role in 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.

DRAFT 07-15-16

Sec. 122-101. 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.

The tables below illustrate the key steps an applicant would follow for development projects in the City. Table 1 pertains to projects more than three acres; Table 2 pertains to projects with fewer than three acres.

Comment [BW1]: Intent is for this process to generally apply to all districts. Need to clean it up a bit.

Quick Code Guide
Projects less than 1 acre; New Construction??????????

Step	Instructions	Section	Title
	Find the district for your parcel.		
	Confirm the proposed use(s) is allowed in this zoning district.		
	Determine if your site is within the Historic District.		
	Determine the dimensional requirements for your building: • If your parcel is in GC, NC, HC, C, HHS, CN, CN-Mid, or CN-SF districts, using lot size, determine what "Building Type" your parcel is to determine dimensional and design constraints; • If in another district, refer to the Non-Use and Dimensional Regulations table in each district section.		
	Comply with site design standards general to all districts	Traffic & Parking	
		Landscaping	
		Sign	
	Comply with site design standards unique to the proposed use, if any.		

DRAFT 07-15-16

Article II:
Development Procedures and Administration

Division 1:
GENERALLY

Sec. 122-110. Eligibility for zoning authorization.

(a) If a person, firm, or corporation 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).

Sec. 122-111. 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. 122-112. 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.

DRAFT 1.5.16

Division 2:
PERMITS

Subdivision I:
ZONING COMPLIANCE

Sec. 122-120. Purpose.

(a) The purposes of ~~site plan~~ development 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 developer's objectives in harmony with the spirit and intent of this chapter.

(b) The ~~site plan~~ development review procedures and standards in this article are intended to provide a consistent and uniform method of review of proposed development plans. The application of these regulations, consistent with the Master Plan, will ensure orderly and favorable development and redevelopment within the City.

Sec. 122-124. Application procedure; contents.

(a) An application for development 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, or a signed, notarized statement from the property owner authorizing such application.

(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 or sketch plan for the project, as outlined and defined in this ordinance.~~

~~(i) 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. If the site plan will go to the Planning Commission for review, the city planner may require that up to 12 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.~~

(b) The city planner shall review all application materials. If such materials are incomplete, they shall be returned to the applicant.

DRAFT 07-15-16

Sec. 122-122. Levels of Review

(a) Zoning compliance review shall be required for the activities or uses listed in the table below. Applications submitted for zoning compliance review may be required to submit a sketch or site plan, as well as additional documentation. The city planner may defer approval of any application to the Planning Commission. The 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.

(b) 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.

(c)

Levels of Review				
Activities or uses	**Type of plan required**	**Administrative**	**Planning Commission**	**City Council**
New Construction				
Single or two-family dwelling on individual lot	Sketch	X		
Accessory dwelling unit	Sketch	X		
Essential services, electrical substations, private utilities and similar uses	Site	X		
Non-residential construction ~~with no requests for exceptions or waivers allowed by this Chapter, and not a limited building type~~	Site	Review & recommend to PC	X	
Special Land Use	Site or Sketch, at Planner discretion	Review & recommend to PC	X	
Subdivisions (both site condominiums & plats)	Site	Review & recommend to PC	Review & Recommend to City Council	X
Rezonings, including conditional rezonings	Site	Review & recommend to PC	Review & Recommend to City Council	X
Planned Unit Development (PUDs)	Site	Review & recommend to PC	Review & Recommend to City Council	X
Expansion/Modification to Existing ~~Principal or Residential~~ Buildings				
~~Building expansion of~~ single or two family dwelling on individual lot	Sketch	X		
~~Building expansion of~~ accessory dwelling unit	Sketch	X		
~~Building expansion with~~ no requests for exceptions allowed by this Chapter and that does not exceed 25% of the existing total gross floor area of the building (up to a maximum of 5,000 square feet), or 500 square feet, whichever is greater.	Site	X		

Comment [BW2]: Clean up the wording here- zoning compliance application? Development process?

Comment [BW3]: Check land division act

DRAFT 07-15-

Levels of Review				
Activities or uses	**Type of plan required**	**Administrative**	**Planning Commission**	**City Council**
Where a building encroaches into the required setback from a planned easement~~ for a street~~; or area of expansion exceeds the threshold permitted for administrative review; or when exceptions or waivers are requested.	Site	Review & recommend to PC	X	
Expansion or intensification of a Special Land Use	Site	Review & recommend to PC	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~~	~~Sketch~~	~~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~~	~~Site~~	~~X~~		
Change of land or building to a more intense 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~~	Site	Review & recommend to PC	X	
Temporary uses, buildings & structures	Sketch	X		

DRAFT 07-15-16

Levels of Review				
Activities or uses	**Type of plan required**	**Administrative**	**Planning Commission**	**City Council**
Change in use to a new Special Land Use with *no* requests for exceptions as provided in this chapter and no proposed changes to the site or building footprint	Sketch	Review & recommend to PC	X	
Accessory Structures & Site Improvements				
Accessory buildings, structures, and off-street parking for single and two-family dwelling units on individual lots	Sketch	X		
Accessory buildings less than 250 square feet	Sketch	X		
Accessory buildings, except when accessory to single and two-family dwellings, 250 square feet or more	Site	X		
New parking lot and/or garage, except when accessory to single and two-family dwellings, with no requests for exceptions allowed in this Chapter	Site	X		
Expand or modify an existing parking lot that results 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	Site	X		
~~Expand/modify parking lot with existing or proposed 6 spaces or more, with no requests for exceptions allowed in this Chapter~~	~~Site~~	~~X~~		

DRAFT 07-15-16

Levels of Review				
Activities or uses	**Type of plan required**	**Administrative**	**Planning Commission**	**City Council**
~~Expand/modify parking lot with existing or proposed 5 or fewer 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~~	~~Sketch~~	~~X~~		
New parking lot and/or garage, or expand/modify existing parking lot, with requests for exceptions allowed in this Chapter	Site	Review & recommend to PC	X	
Other uses or site improvements				
Community garden as principal use	Sketch	X		
Infrastructure and paving improvements including sidewalks, bicycle facilities, and pathways on private property IN EXCESS OF 500 SQ FT, excluding parking areas and driveways; with no requests for exceptions allowed in this chapter	Sketch	X		
Construction, relocation or erection of structures including signs, screening walls, trash receptacles, fences, walls, lights, poles, cooling/heating or other mechanical equipment	Sketch	X		
Swimming pools	Sketch	X		

DRAFT 07-15-16

Sec. 122-123. 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 122-125.~~

122-122. Sketch Plans

A sketch plan may be submitted for administrative reviews or as noted elsewhere in this Ordinance. A sketch plan is 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:

(1) Address of project, scale, north arrow, date of original drawing, and date of any revisions.
(2) Name, address and phone number of the site owner, developer, and/or plan designer.
(3) The area of the site in square feet or acres, excluding all existing and proposed rights-of-way.
~~(4) Existing zoning of the site and all adjacent properties.~~
(5) 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.
~~(6) Location of abutting streets, existing rights-of-way, service drives, curb cuts, and access easements serving the site. Driveways opposite the site or within 50' of the site shall be shown when any change to the access of the site is proposed, or when the site is on a Major Thoroughfare.~~
(7) Parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and barrier-free access ramps, and type of surfacing.
(8) Landscape plan ~~in accordance with Article XI, division 4, of this chapter, which indicates~~ showing type, size, and location of all plant material. Existing vegetation which is to be retained on the site shall be illustrated.
(9) 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.
(10) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.
(11) 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.

Sec. 122-125. Site Plans

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:

(a) Name of development, scale, north arrow, date of original drawing and any revisions, and general location map showing major thoroughfares and site location.
(b) Name, address and phone number of the site owner, developer and plan designer, and the professional seal of the designer.
(c) 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.
(d) Existing zoning of the site and all adjacent properties.
(e) 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.
(f) 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.
(g) 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.
(h) 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.
(i) Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
(j) Landscape plan in accordance with Article XI, division 4, 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.
(k) 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 enclosures, and signs. Also show the location of all sidewalks or pathways, fire hydrants, existing and proposed utility poles, utility easements, and drainways.

DRAFT 07-13-16

(l) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.

(m) 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.

(n) If phased construction is to be used, each phase must be noted and each phase must stand on its own.

(o) 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.

(p) 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.

(q) For proposals in the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS districts, the following information shall be provided:

(1) The building type;

(2) For proposed development more than an acre in size, a circulation plan shall be submitted that identifies potential cross-and joint-access to adjacent parcels and the existing block layout. 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 122-704 will also be required to be applied to existing streets.~~

~~(2) 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.~~

~~(4) the building lot configuration~~

~~(5) the parking location~~

(s) Other data which the Planning Commission, city planner, or consulting engineer may deem reasonably necessary for adequate review.

(t) 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.

Sec. 122-126. Review procedure and authorization.

All applications required under this article shall be subject to review as follows:

(a) **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.

(b) **Distribution of plans.** 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.

(c) **Authorization**. The city planner or the Planning Commission, as applicable ~~(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.

(d) **Review period**. The 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 city planner or Planning Commission and the applicant.

(e) **Review standards**. The city planner or Planning Commission shall review each development proposal 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 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

DRAFT 07-15-16

recommendation of appropriate county, state or federal agencies, or other professionals, consultants, or agencies deemed necessary to assist in the review.

(f) **Signature of approval.** Upon approval of a development proposal, three paper copies of the plan shall be signed and dated by the 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 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.

(g) **Effect of approval**. Approval of a development proposal 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.

(h) **Expiration of approval.** Approval of a development proposal shall expire and be of no effect unless a building permit has been issued within one (1) year of the date of the site plan approval. Approval of a development proposal 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. 122-127. Standards for site plan and sketch plan review.

Plans shall be reviewed for compliance with the following general standards:

(a) The applicant is eligible to legally apply, and all required information has been provided.

(b) The development proposal 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.

(c) All elements of the site or sketch plan is 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.

(d) 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.

(e) Streets are designed in context with the urban form and continue the established pattern of the surrounding area.

(f) 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.

(g) 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.

(h) The 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.

(i) Separate phases of development shall be in logical sequence, and each phase shall stand alone so that no one

DRAFT 7-15-16

phase will depend upon a subsequent phase for adequate access, public utility services, drainage, or other improvements.

(j) 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, fair housing, 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.

(k) An objective of plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of 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 the city master plan.

Sec. 122-128. 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. 122-129. 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 122-125.

(b) Minor changes to a site plan may be made without following the procedures of section 122-125 at the discretion of the city planner. The 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 122-126(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. 122-130. 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.

Sec. 122-131. 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 122-134.

Sec. 122-132. 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.

DRAFT 07-15-16

Sec. 122-133. 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 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. 122-134. 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. 122-135. 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 city planner (or 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.

DRAFT 07-13-16

Subdivision II
SPECIAL LAND USES

Sec. 122-140. 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. 122-141. 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. 122-142. Application; contents.

(a) An application for a special use permit shall be made by filing an application form, containing 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 122-126. 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 122-126(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. 122-143. 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.

DRAFT 07-15-16

(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. 122-144. 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 following standards are met:

(1) The proposed use conforms with all the provisions and requirements of this chapter, including site plan review standards (section 122-128) 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. If nonconformities are present, all reasonable effort has been made to eliminate them.

(2) The proposed use shall promote the use of land in a socially and economically 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 the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use, access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for 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 sustainability of the community.

(6) 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.

Sec. 122-145. 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. 122-146. 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.

DRAFT 07-17-19

Sec. 122-147. Duration of special use approval.

(a) Approval of a Special Use Permit will expire and be of no effect unless a building permit 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. 122-148. 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. 122-149. 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. 122-150. 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. 122-151. Reapplication.

No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall not 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.

DRAFT 07-15-16

Subdivision III
TEMPORARY USE PERMITS.

122-160 Requirements.
The building department may issue temporary use permits for the uses listed below, after determining that such uses will meet the standards under subsection (9) of this section and review standards for that specific use included in 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.

(a) **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.

(b) **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.

(c) **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.

(d) **Seasonal uses.** The building department may authorize a temporary special permit for up to 30 days for seasonal temporary uses or for unusual, nonrecurrent temporary uses and associated signs. All signs shall meet the provisions under Article XIV of this chapter.

(e) **Temporary mobile food establishments.** The building department may authorize a temporary special permit to temporary mobile food establishments for no more than 200 consecutive days over a period of 12 calendar months, with the following standards:

(1) Permits expire on December 31st of each year.

(2) Temporary mobile food establishments are only permitted in Center, Parks, General Corridor, Neighborhood Corridor, and Health and Human Services zoning districts.

(3) The area occupied by temporary mobile food establishments and their accessory materials may not occupy more than 20% of the required parking spaces for the principal/permanent use(s) of the site.

(i) This requirement does not apply in Center or in Historic Corridor zoning districts.

(4) Evidence of approval from the Washtenaw County Health Department and/or the Michigan Department of Agriculture and Rural Development, as applicable, shall be provided.

(5) Sanitary facilities shall be provided if seating is provided. This requirement may be met via a temporary sanitary facility such as a port-a-john or via an agreement with a neighboring establishment with the same operating hours as the temporary food establishment.

(6) Operating hours shall be no later than 10pm Sunday through Thursday, and 11pm Friday and Saturday; nor any earlier than 7am on any day of the week.

(7) No outdoor amplified music, sound, or noise shall be permitted. Outdoor generators that provide power shall be identified on the sketch plan; no outdoor generators shall be permitted within 200 feet of a property that is not zoned Center, Parks, General Corridor, Neighborhood Corridor, or Health and Human Services zoning district.

(8) All outdoor lighting shall be down-directed and fully shielded.

(9) The temporary mobile food establishment and all accessory materials shall be located on a paved surface.

(9) A sketch plan of the proposed location shall be provided; location of any seating, waste containers, fuel storage, sanitary facilities, lighting, generators, or other accessory materials shall be shown.

(10) The standards in subsection (g) of this section also apply to temporary mobile food establishments.

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ORIGINAL: (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
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Comment [BW4]: This is a rewording of what we currently have, with some changes. 1- the implicit possibility to have food trucks as a principal use has been removed. This can be covered under outdoor markets/farmer's markets. 2- a "no earlier than" time has been established. 3- the drawing required has been greatly simplified. 4- the "essay questions" to PC have been removed- PC never really had any part of the review process (in theory, if they wanted to renew, they could- but a 200-day permit is not often going to be renewed). 5- outdoor generators and lighting got a little more explicit and hardcore- due to a couple complaints. 6- same with paved surface and sanitary facilities. Also doesn't have a separate special permit nor a separate special fee. Please see 122-35(7) for the previous ordinance. Note: food truck "courts" could be permitted as a principal (or accessory use) – outdoor market. Hence removing that section.

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 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 Section 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

DRAFT 7-15-16

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- (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?

(e) **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.

(f) **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.

(g) **Standards**. No temporary structure or use permit shall be authorized until the following additional standards are met:

(1) 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.

(2) If an open-air use, it must be located on a fully paved surface.

(3) The location of such use shall not be injurious to adjacent properties or the surrounding neighborhood.

(4) 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.

(5) The following shall be taken into consideration:

(i) The reasons and necessity for the temporary use or structure.

(ii) The nature of the use or structure.

(iii) The proposed location of the use or structure.

(6) 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.

(7) 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.

(h) A fee for a temporary use permit shall be paid in accordance with a fee schedule established by the City Council.

DRAFT 07-15-16

Subdivision IV
BUILDING PERMITS.

122-xxx Requirements; Duration

(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 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.

122-yyy. 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.

DRAFT 07-15-16

Division 3
NONCONFORMITIES

Sec. 122-201. Description and purpose.

It is recognized that there exists within the districts established by this chapter uses of land which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter.

It is the intent of this chapter to permit these nonconformities to continue until they are removed, abandoned, or brought into compliance with this chapter but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts. It is further the intent of this chapter that nonconforming buildings, structures, or lots shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the district.

It is further recognized that certain nonconforming uses are not necessarily contrary to the public health, safety and welfare and that such uses were lawful at the time of their inception, and that no useful purpose would be served by the strict application of the elimination of lawful nonconforming use status. Therefore, two classes of nonconforming uses are designated, being class A and class B. All nonconforming uses are classified as class B nonconforming uses unless designated class A nonconforming uses.

Sec. 122-202. Authority to continue class B nonconforming.

Any class B nonconforming use 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 which becomes 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:

(a) Use of nonconforming lot. Any nonconforming lot must be used only for a use permitted in the district in which it is located.

(b) 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.

(c) 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 from the Zoning Board of Appeals.

(d) 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 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.

(a) 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

DRAFT 07-15-16

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 or ownership. A change in occupancy or ownership shall not constitute a change in use.

(5) Abandonment. If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, such use shall not 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 may be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) demonstrating intent on the part of the property owner to abandon the nonconforming use:

(i) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;

(ii) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;

(iii) Cessation of business operations;

(iv) Receipt of a written declaration by the property owner.

(v) Signs or other indications of the existence of the nonconforming use have been removed;

(vi) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;

(vii) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;

(viii) Bank or tax foreclosure;

(ix) Operation or maintenance of a permitted or different use at the property; or

(x) 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.

(b) A nonconforming use of land is not eligible for class A nonconforming designation.

Sec. 122-205. Class B nonconforming uses of buildings.

All nonconforming uses of buildings not designated class A shall be class B nonconforming uses of buildings. Class B nonconforming uses of buildings shall comply with all the provisions of this article relative to nonconforming uses of buildings. The class B nonconforming use of a building, or building and lot in combination, may be continued subject to the following provisions:

(a) Change in use. The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building 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.

(1) 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.

(2) 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:

(i) 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.

(ii) Whether the proposed use will interfere to a lesser extent 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.

(iii) The effect of the proposed use on adjoining lands and the surrounding neighborhood.

(iv) In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

(v) 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.

(b) Expansion of class B nonconforming use.

DRAFT 07-15-16

(1) 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.
(2) 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.
(3) An existing structure containing a nonconforming use shall 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.

(c) Change in occupancy or ownership. A change of occupancy or ownership shall not constitute a change in use.

(d) 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 shall 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 NC, Neighborhood Corridor Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded.

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, shall not be included. The actual repair and reconstruction may be done by the owner or contractor of his or her choice.

(e) Abandonment. If the nonconforming use of land is discontinued 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:

(1) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
(2) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
(3) Cessation of business operations;
(4) Receipt of a written declaration by the property owner.
(5) Signs or other indications of the existence of the nonconforming use have been removed;
(6) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
(7) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
(8) Bank or tax foreclosure;
(9) Operation or maintenance of a permitted use or different use at the property; or
(10) 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. 122-206. Class A nonconforming uses of buildings.

Nonconforming uses of buildings shall be designated class A provided that the Planning Commission finds all of the following exists with respect to the use or structure:

(a) The use of structure was lawful at its inception.

(b) The decision to continue the nonconforming use, if granted, will not alter the essential character of the area or neighborhood.

(c) Continuance of the use or structure would not be contrary to the public health, safety, or welfare or the spirit of the chapter.

(d) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.

(e) Nonconforming uses of buildings are subject to the following restrictions:

(1) Change in use. The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building 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.

DRAFT 07-15-16

(2) 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.

(3) 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:

(i) 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.

(ii) Whether the proposed use will interfere to a lesser extent 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.

(iii) The effect of the proposed use on adjoining lands and the surrounding neighborhood.

(iv) In permitting such change, the planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

(v) 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.

(f) Removal or destruction. If a class A nonconforming structure is destroyed, or severely damaged, it may be restored in conformance with the plans submitted when the status was conferred.

(g) This designation shall run with the land.

Sec. 122-207. Class A Conditions.

The decision to grant a class A designation shall be made by the Planning Commission in writing, setting forth its findings of fact and basis for the designation. Only multiple family dwellings and/or group residence uses in R1 and CN-Mid shall be eligible for this designation. For changes or improvements to a class A use, site plans shall be required.

(a) Application. An application for class A nonconforming status 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 survey will meet this requirement.

(4) The applicant shall show compliance with all applicable conditions of the City of Ypsilanti Code of Ordinances, and all applicable conditions of the International Property Maintenance Code, as adopted under Chapter 18 of the City of Ypsilanti Code of Ordinances.

(5) Other reasonable information deemed necessary by the Planning Commission in order to make a proper decision.

(6) No application for Class A designation shall be accepted after such time as the building has been destroyed as described in §122-205(4)or the use abandoned as described in §122-205(5).

(b) Conditions. The Planning Commission may condition its approval on the following:

(1) Screening and landscaping in keeping with community standards to ensure compatibility with adjacent uses.

(2) Restrictions on lighting, noise, odor, or visual impact.

(3) Signage must comply with current zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.

(4) Replacement of a building must not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.

(5) Other reasonable safeguards and improvements may be imposed by the Planning Commission to protect conforming uses in the surrounding area.

(c) Procedure. By the following procedure, the Planning Commission shall assure the public health, safety and welfare, and the spirit and purpose of this chapter:

DRAFT 07-15-16

(1) A class A designation shall be deemed temporary until the Planning Commission has received written verification from the building official that the party requesting the class A designation has complied with all of the conditions set forth by the Planning Commission.

(2) Once the Planning Commission has received written verification from the building director that the party requesting the class A designation has complied with said conditions, the class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.

(3) No class A nonconforming use shall be resumed if it has been abandoned as defined in section §122-205(5). No class A nonconforming use shall be used, altered, or enlarged in violation of any conditions imposed in its designation.

(4) A temporary class A nonconforming use designation shall be void after six months if any conditions imposed by the designation remain outstanding, unless the Planning Commission grants a written request for an extension of six months. No more than two extensions may be granted.

(d) Revocation. Approval of a Class A designation may be revoked by the Planning Commission if the use and building is not in conformance with the approved plans, or if compliance with 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 Class A designation if it finds that a violation of the conditions set forth by the Planning Commission in their initial decision exists and has not been remedied prior to the meeting.

Sec. 122-208. Nonconforming 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, 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.

(c) Nonconforming buildings and structures are subject to the following restrictions:

(1) Expansion. Nonconforming structures may be expanded only in compliance with the following regulations:

(i) All nonconforming structures, in any zoning district, may only be expanded in such a way that does not increase a non-conforming characteristic.

(ii) 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.

(iii) 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 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.

(i) All repairs and maintenance work required to keep a nonconforming building in sound condition may be made, but such structure must not be structurally altered in a way inconsistent with the description and purpose of this article.

(ii) 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.

(d) 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 §122-205) provided the Planning Commission finds all of the following provisions are met:

(1) 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.

DRAFT 6-15-16

(2) All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and are implemented in the restoration project.

Sec. 122-209. 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. 122-210. 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. 122-211. Unlawful nonconformities.

(a) No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
(b) The city shall 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.

DRAFT 07-15-16

Division 4:

AMENDMENTS

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:

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.

Contain a legal description of the land to which it pertains.

Contain a statement acknowledging that the "Statement of Conditions" runs with the land and is binding upon successor owners of the land.

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.

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.

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

DRAFT 6-15-16

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

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:

The proposed amendment is consistent with the guiding values of the Master Plan; and

The rezoning is consistent with description and purpose of the proposed district, and.

The proposed amendment consistent with the intent of this Zoning Ordinance; and

The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and

The proposed amendment will preserve the historic nature of the surrounding area and of the City; and

The proposed amendment will enhance the natural features and environmental sustainability of the City; and

The proposed amendment will protect the health, safety, and general welfare of the public; or

The proposed amendment is needed to correct an error or omission in the original text; or

The proposed amendment will address a community need in physical or economic conditions or development practices; and

The proposed amendment will not result in the creation of significant nonconformities in the City.

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:

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.

DRAFT 07-15-16

The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
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.
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.
The rezoning will not be detrimental to the financial stability and economic welfare of the City.
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.
The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
The property in question was improperly zoned or classified when this Chapter was adopted or amended.
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.

(c) 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:

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.
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.
The building type change is consistent with the size, scale and character desired within the zoning district.
The property can accommodate the requirements of the proposed building type change.
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.
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.
The building type change will not be detrimental to the financial stability and economic welfare of the City.
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.
The building type change is consistent with the trend of development in the neighborhood or surrounding area.
The building type change on the property in question is consistent with the description and purpose of the district of the property.
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.

(d) 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:

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.
The rezoning and voluntary conditions are consistent with the description and purpose of the district of the property.
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.
The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district and voluntary conditions.
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.
The capacity of City infrastructure and services are 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.
The rezoning and voluntary conditions will not be detrimental to the financial stability and economic welfare of

DRAFT 07-15-16

the City.
The rezoning and voluntary conditions will not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
The rezoning and voluntary conditions are consistent with the trend of development in the neighborhood or surrounding area.
The voluntary conditions bear a reasonable and rational relationship to the property for which rezoning is requested.

Sec. 122-64. 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. 122-66. 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.

DRAFT 07-15-16

Division 5
VARIANCES AND APPEALS

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 sketch plan will meet this requirement (see Section 122-126 for site plan requirements and subsection 122-126(19) for sketch plan).

(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 interested 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.

(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 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

DRAFT 07-15-16

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.

DRAFT 07-15-16

Division 6:

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.

DRAFT 07-15-16

Division 7
AUTHORITIES

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.

DRAFT 07-15-16

Subdivision I
PLANNING COMMISSION

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.

Sec. 122-50. Zoning Board of Appeals member of the Planning Commission.
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, consider, and approve a master plan as a guide for development within the city's planning jurisdiction. An update shall be considered no less frequently than every five (5) years; upon which consideration a determination shall be made as to the necessity of such a revision.
(b) 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

Comment [BW5]: Made revisions to eliminate duplicates (two listings for master plan, two listings for "be in accordance with applicable state acts"); added a bit about the land division act, because it's pretty darn important.

DRAFT 07-15-16

Improvement Plan prior to adoption by City Council, rather than of each project individually.

(c) Take such action on petitions, staff proposals, and City Council requests for amendments to the zoning ordinance as required.

(d) Review subdivision and condominium proposals and recommend appropriate actions to the City Council, in accordance with the Land Division Act, Public Act 288 of 1967.

(e) 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.

(f) 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.

(g) Promote understanding of and interest in the master plan and the city zoning ordinance.

(h) Carry out duties and responsibilities as required by and in accordance with 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.

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.

DRAFT 07-15-16

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

DRAFT 10-15-16

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 122-134.

(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. 122-96. 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.

DRAFT - FOR PUBLIC

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.

DRAFT 07-15-16

Article III
Definitions and Language

Sec. 122-200. Interpretation of language.

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

(a) The particular shall control the general.

(b) 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.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.

(d) 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.

(e) A "building" or "structure" includes any part thereof.

(f) The phrase "used for" includes "arranged for," "designed for" "intended for," "maintained for," or "occupied for."

(g) The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.

(h) Unless otherwise specified, the word "waiver" indicates an action staff may take; "exception" indicates an action Planning Commission may take; and "variance" indicates an action that the Zoning Board of Appeals may take.

(i) 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:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

(j) Terms not defined in this chapter shall have the meaning customarily assigned to them.

Sec. 122-201. 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. 122-202. 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. 122-203. 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:

A

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(5).

DRAFT 07-15-16

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.

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

DRAFT 07-15-16

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, strippers, 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.

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.

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.

Arts and crafts studios mean facilities that are used as work space for an artist or crafter or an instruction 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 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 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

DRAFT 07-15-16

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.

Automobile repair means repair of automobiles including engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing, 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.

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 Wash/Detailing means any building or premises or portions thereof used for washing and/or detailing motor vehicles 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.

B

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 lodging means a structure 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 Building 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 Building Code for existing structures or as established by the building code adopted by the this Code for new construction,

DRAFT 07-15-16

additions or repairs.

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."

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, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks.

Building code means chapter 18 of this Code.

Comment [BW6]: "article III" removed- too specific.

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.

~~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.~~

Building frontage means the outside perimeter measurements of the building wall on which wall the sign shall be placed.

Comment [BW7]: This is from signs; see that it conforms with FB types

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;

DRAFT 07-15-16

(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.

C

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 sells fuels, a canopy is a roof-like structure that 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.

Change of Use constitutes the conversion of an existing structure from one permitted use to another. Such a change may or may not include exterior building alterations~~, but due to a use intensity, requires additional off-street parking and modification to interior circulation or landscaping~~.

Child care means the following:

Family day care home 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.

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.

Child care center or day care center means a commercial facility, 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).

Cistern means a storage container 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.

Club or lodge, private means a nonprofit association of persons who are bona fide dues paying members 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.

DRAFT 07-15-16

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.

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.

Communication Facilities, Mobile 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.

Communications Facilities, Mobile Attached 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.

Communication Support Structures, Mobile 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.

Communication facility, 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.

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.

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 Lot means ~~the same as building site a~~nd is that portion of the condominium project designed and intended for separate ownership and/or exclusive use, as described in the master deed. Condominium Lot is 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 will be assigned to the owner of the condominium unit, for the owner's exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots within each zoning district.

Comment [BW8]: Took from the condominium section, was just called "lot" before. Check condo section to ensure consistency.

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.

DRAFT 07-15-16

~~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.~~

Comment [BW9]: There is absolutely no reference anywhere else in the ordinance to "mobile home condominium project" – so striking this.

Cooperative housing means a multiple dwelling owned by a corporation which leases its units to stockholders/shareholders on a proprietary lease arrangement.

Correctional facility means a place of confinement for persons who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

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.

D

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.

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

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

DRAFT 07-15-16

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 means a building designed for and occupied by three or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple 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.

(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.

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

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.

E

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.

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 erected.

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 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.

F

DRAFT 07-15-16

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 domestic workers employed by the household;

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 MD district and in any permitted residential uses in any corridor 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 "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.

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.

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.

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.

DRAFT 07-15-16

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 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.

G

Garage 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.

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 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.

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

DRAFT 07-15-16

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.

H

~~Hedge means a row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.~~

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

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. A 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. A 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.

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.

~~**Housing code** means Article V of chapter 18, as amended.~~

Comment [BW10]: Per conversations w/building dept- made Building code more general; removed references to Housing Code and replaced w Building Code.

I

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. See "Bed and Breakfast."

J

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.

DRAFT 07-17-16

K

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.

L

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.

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.

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.

DRAFT 07-15-16

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.

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.

M

Major thoroughfare. See "Street."

Massage parlor or **massage establishment**; see "Adult Regulated Uses."

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 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.

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 is used to guide the zoning board of appeals and the Planning Commission in all decisions before those bodies. The master plan is updated periodically.

Medical or dental clinic **or office** 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 or dental office means the 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~~.

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

DRAFT 07-15-16

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.

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.

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~~.

Comment [BW11]: So incredibly redundant.

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.

Mural means a hand-produced work of visual art that is tiled or painted directly upon, or affixed directly to, an exterior wall of a building.

Comment [BW12]: Moved to its own def from the signs section. Ripped off iowa (maybe? Someplace).

N

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.

DRAFT 07-15-16

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.

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."

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.

O

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.

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 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.

P

Parcel. See "Lot."

Park means either a publicly owned and designated park, or an amenity provided and maintained by a property owner for public use.

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,

DRAFT 07-15-16

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 building means a building with walls and roof that are predominantly transparent or translucent and does not have a foundation or permanent electrical utilities. Primarily used to grow plants. It may also be called a hoophouse or greenhouse.

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ORIGINAL: 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.
NOTES: changed because (1), it's a building (enclosed), not a structure (maybe not enclosed); (2)
          all the mentions of "passive solar structure" said "such as a hoophouse or greenhouse";
          (3) sounded way more complex than it should have.
```

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.

Personal service establishment means a retail, office, or service business that is characterized by a one-on-one interaction between a customer and a proprietor or employee of the business. Includes but is not limited to the following types of establishments: tailor, beauty salon &/or barber, cobbler, locksmith, small appliance repair, graphic design or printmaking services, or postal center.

Comment [BW13]: Awkward: new definition. Hadn't been defined in this code. Wasn't really defined in previous code. Lots of "personal service shops, such as…". Cobbled together to get this.

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."

Private Frontage refers to the ~~area~~ side of the building that faces the primary 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.

R

Rain gardens mean 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.

DRAFT 07-15-16

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.

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 boardinghouse or lodginghouse shall be deemed a roominghouse for the purposes of this chapter.

DRAFT 07-15-16

S

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 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.

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. For a site condominium, setbacks are measured from the respective front, side, and rear yard area lines associated with the condominium lot to the respective front, side, and rear of the condominium structure/building envelope.

Comment [BW14]: Added from the "site condominium" definition of setbacks; removed the separate definition of setbacks.

Shrub means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

SIGNS

Comment [BW15]: Removed a duplicate def of sign. Removed address signs. Removed building directory sign, damaged sign, directional sign, election sign, flag (could be covered by banner), historical sign, monument sign, nameplate, nonconforming (covered under nonconforming structure), off-premises, on-premises, opinion, pole sign, portable sign, residential entry, seasonal display, special event sign

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 122-863.~~

Sign, abandoned means a sign that 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.

~~Address sign means a numerical address with numbers no greater than eight inches in height.~~

Comment [BW16]: Address numbers and street names will not be used in sign calculations. Shall conform to all provisions of building code.

Sign, animated 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.

Sign, electronic message means a sign with a message displayed on a surface with an electronically illuminated changeable copy area (often composed of LEDs).

Comment [BW17]: Changed from "electronically illuminated message sign"

Sign, awning means a sign that is painted on, attached to, or an integral part of an awning or canopy; considered a building-mounted sign.

Sign, banner means a sign consisting of a large piece of cloth or similar flexible material; considered a temporary sign.

Sign, overhead banner means a sign consisting of a large piece of cloth or similar flexible material suspended across a street or other public space and attached at each end; considered a temporary sign.

Sign, billboard shall have the meaning ascribed to it by the Highway Advertising Act of 1972, PA 106 of 1972, as amended.

Sign, Building-Mounted means a sign that is attached to a building. Such signs may include, but are not limited to awning, projecting, wall, and window signs.

Sign, freestanding means any sign not attached to a building, including monument or pole signs.

DRAFT 07-15-16

Sign, hanging means a sign suspended under an awning, canopy, or marquee; considered a building-mounted sign.

Sign, Illuminated 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.

Sign, Inflatable means a ~~temporary~~ sign that is intended to be expanded by air or other gas for its proper display or support; considered a temporary sign.

Sign, Marquee means a sign that accommodates changeable copy.

Sign, Mechanical means a sign that has any visible moving parts, mechanical movement or other apparent visible movement, achieved by electrical or mechanical means or action of normal wind currents.

Sign, permanent means a sign that is securely anchored to the ground or a building for an indefinite period of time, often one year or more.

Comment [BW18]: We didn't have a definition of permanent sign. Please review.

Sign, Projecting means a sign which is attached directly to the building wall, and which extends more than 18 inches from the face of the wall.

Sign, Public means a sign erected or installed by a government entity.

Sign, Roof 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.

Sign, Sidewalk means a temporary sign placed within the right-of-way. These types of signs may include "A" Frame or "T" Frame styles.

Sign, Temporary means signs intended for a limited period of display, not permanently affixed to the ground or to a building.

Sign, Wall means a sign which is painted on or attached directly to a building wall that extends 18 inches or less from the face of the wall and which does not extend above the parapet, eaves, or building façade; considered a type of building-mounted sign.

Sign, Window 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, historic marker means a sign that is erected by a duly organized local historic preservation organization.

Comment [BW19]: Added 7/8. Intent is to exempt these from sign maxes. Covers signs like MotorCities, the YHF plaques, the markers-on-boulders, etc.

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.

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.

DRAFT 07-15-16

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.

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 2) 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.

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).

DRAFT 07-15-16

Street line means a dividing line between a street and a lot, also known as the right-of-way line.

Street, primary means the street to which a property is addressed; if a property has more than one address, then the primary street is the one that has the higher National Functional Classification (NFC); if the property has more than one address and the NFC levels are equal, then the primary street is the one that has more frontage.

Comment [BW20]: New def b/c was defined terribly in the text of that bit before the cutsheets- and didn't provide for ties.

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 in, on, over or below 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, biofiltration means shallow drainage ways with low-pitched side slopes that detain, evaporate, and/or infiltrate the runoff associated with a storm event. They are designed to remove silt and sediment-associated pollutants before discharging to storm sewers and to reduce volume if soils allow for infiltration. Swales may be rock-lined or vegetated.

Comment [BW21]: "swale, rock/vegetated" was removed and pieces combined with "swale, biofiltration"

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.

DRAFT 07-15-16

T

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.

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.~~

U

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.

Use, unclassified means a use that is not specifically or implicitly addressed in the Code, often 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.

Use, Residential means a use classified as residential under the Building Code, generally including single-family residences, one- and two-family homes and group living. For the purposes of the Zoning Ordinance, this shall not include hotels or bed and breakfasts.

Use, Non-residential means any use not classified as residential under the building code. For the purposes of the Zoning Ordinance, this includes hotels and bed and breakfasts.

V

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.

DRAFT 07-15-16

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.

Vehicle, Commercial 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.

Vehicle, Inoperable 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: Has any missing or broken windows; Has a missing hood.; Has a missing door.; Has missing or flat tires; Has missing trunk lid; Has a missing engine, or any substantial part thereof; Is inoperable because of missing or defective steering mechanism; Does not have any or all of the following: operable head lights, parking lights, clearance lights, tail lights, stop lights.

Vehicle, Motor means any wheeled vehicle which is self-propelled or intended to be self-propelled.

Vehicle, Recreational 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.

Vehicle, Unlicensed means any motor vehicle that does not have lawfully affixed to it a valid, unexpired license plate."

Vehicle, Untitled means any motor vehicle which has not been titled in accordance with the law.

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.

W

Warehouse means an enclosed building used for the storage of commercial goods or wares which are intended for sale, transfer or processing.

Y

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.

DRAFT 07-15-16

Z

Zoning Map means the Zoning Map of the city together with all amendments subsequently adopted.

DRAFT 07-15-16

Article IV:
Districts

DIVISION 1:
GENERALLY

Sec. 122-400. Establishment of districts.

Ypsilanti's Master Plan classifies 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 are 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 as laid out in the Master Plan, included here as Health and Human Services, has been classified as a walkable urban area because it is surrounded by Neighborhoods, Centers, and Corridors and has an underlying street network and mixture of uses.

For the purposes of this chapter, the city is hereby divided into the following zoning districts having the names and symbols here shown:

Use-Based Districts
- P Parks
- R1 Single-family residential district
- MD Multiple dwelling residential district
- PMD Production, Manufacturing and Distribution

Walkable Urban 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

Comment [BW22]: Changed from "walkable urban areas"

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 is 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 the Walkable Urban 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.

(c) A copy of the Zoning Map shall be available for sale or distribution to the public. The Zoning Map shall be updated regularly.

Comment [BW23]: Abbreviated from "neighborhoods, corridors, etc"

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 shall 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

DRAFT 07-15-16

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 apply:

(a) Boundaries indicated as approximately following lot lines, the centerlines of streets or alleys, and city limits must be construed as following such lines.

(b) Boundaries indicated as parallel to or extension of features indicated in subsection (1) of this section shall be so construed. Distances not specifically indicated on the official Zoning Map are determined by the scale of the map.

(c) 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.

(d) 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 utility 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, applies to these uses.

Sec. 122-237. Zoning of vacated land.

Vacated streets or alleys, or the divided portions thereof, are automatically 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.

DRAFT 07-15-16

DIVISION 7.
PARK DISTRICT

Sec. 122-301. Description and purpose.

The Park (P) district is designed to preserve ~~publicly and privately owned~~ green space for recreation and for preservation of natural resources. ~~When embedded in R-1, CN-SF, CN-Mid, CN, MD and HHS districts, the district is intended to 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.

Comment [BW24]: These sentences don't actually differentiate- so removed.

Sec. 122-302. Use-based Regulations.

ALLOWABLE USES IN THE PARKS DISTRICT

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

USES		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 not limited to concession stands, canoe liveries, or bicycle liveries.
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Solar Farms	S	Section 122-788
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Cemetery	P	
Crematory	S	All principal buildings must be set back at least 75 feet from all property lines.
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		
Community Gardens	P	Subject to 122-815
Passive solar building	P	

Comment [BW25]: Do we want to permit cell towers in this district?

Comment [BW26]: Add farmer's markets and other outdoor markets as temporary uses (permitted)?

DRAFT 07-15-16

Sec. 122-303. Non-Use and Dimensional Regulations.

PRINCIPAL STRUCTURES AND ATTACHED ACCESSORY STRUCTURES		
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		
Front yard	25 feet	Minimum setbacks increase by one foot for each foot a building or structure exceeds 30 feet in height.
Side yard	15 feet	
Street Side yard	25 feet	
Rear yard	20 feet	
Parking Setbacks		
Front & street side yard	10 feet	
Side & 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.

DRAFT 07-15-16

OTHER SITE REGULATIONS		
Fences		
Front Yard	No more than 4' in height and 50% opacity	• Opacity 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. • Subject also to 122-713 • Subject also to corner visibility standards
Side, Street Side, and Rear Yards	No more than 6' in height, no opacity restriction	
Signs		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

DRAFT 07-15-16

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 religious institutions. ~~The purpose of the R1 single-family 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.~~

Comment [BW27]: Redundant and obvious

Sec. 122-252. Use Regulations.

ALLOWABLE USES IN THE SINGLE FAMILY 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	Public schools are subject to State regulations regarding location and construction. Section 122-805
Post-secondary educational institutions (public & private)	S	Public schools are subject to State regulations regarding location and construction. 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.
Garage Sales	A	Section 122-670
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		

Comment [BW28]: Added a flag that's basically "per state law, we can't tell them what to do"

Comment [BW29]: Added a flag that's basically "per state law, we can't tell them what to do"

Comment [BW30]: Move to temporary uses? Think we don't want a permanent FM in R1.

DRAFT 07-15-16

ALLOWABLE USES IN THE SINGLE FAMILY DISTRICT *P=Principal, A=Accessory, S=Special Land Use*		
USES	**R1**	**NOTES & OTHER REGULATIONS FOR USE**
Community Gardens	P	Exempt from area regulations in Section 122-253, subject to Section 122-815
Toolhouses, sheds, garages, 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 building	A	Must meet accessory structure regulations for lot coverage. Rear or side yard only. Must meet regulations in Section 122-253, with an exception for an up to 200 sq ft passive solar building if floor area of existing detached accessory structures are less than 200 sq ft or equal to the gross floor area of the ground floor of the principal structure. Maximum square footage is 800 sq ft.

DRAFT 07-15-15

Sec. 122-253. Non-Use and Dimensional Regulations.

PRINCIPAL STRUCTURES AND ATTACHED ACCESSORY STRUCTURES		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
REGULATIONS		**NOTES**
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~~ be within the range so established.
Side yard	4 feet	
Side yards (combined)	12 feet	
Street Side yard	8 feet	
Rear yard	25 feet	
Corner Lots	platted or of record after August 8, 1984	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
	platted or of record prior to August 8, 1984	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.
Minimum Setbacks (Non-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~~. be within the range so established
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	
Corner Lots	platted or of record after August 8, 1984	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
	platted or of record prior to August 8, 1984	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.

DRAFT 7-15-16

PRINCIPAL STRUCTURES AND ATTACHED ACCESSORY STRUCTURES		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
REGULATIONS		**NOTES**
Height		
Maximum height	30 feet or 2.5 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	500 sq. ft.	

DETACHED ACCESSORY STRUCTURES		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
Regulations		**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	Not allowed	
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, or 1 foot if lot line abuts an alley, or 12 feet for a through lot	
Distance from principal structure	5 feet or minimum to comply with fire regulations and building code, whichever greater.	
Height		
Maximum height	15 feet	
Size of Accessory Buildings		
Maximum Floor Area	The gross ground 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.	

DRAFT 15.16

OTHER SITE REGULATIONS		
REGULATIONS	**R1**	**NOTES**
Minimum Lot Width		
Lot width for all buildings	45 ft.	
Minimum Lot Size		
Residential Uses	5,000 sq. ft.	
Non-residential uses		
Maximum Lot Coverage		
Residential Uses	35%	
Non-residential Uses	50%	
Parking Setbacks (non-residential uses only; residential uses covered by 122-xxx)		
Front & side street yard	Not allowed	
Side and rear yards	10 feet	
Fences		
Front Yard	No more than 4' height and 50% opacity	Opacity 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. further subject to 122-713 subject to corner visibility standards
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	
Outdoor Lighting		
See Section 122-641		
Signs – Residential Uses		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

Comment [BW31]: This section only had a min listed for "single-family detached dwelling" – not for non-res uses. So, what do you think?

DRAFT 7-15-16

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. Use Regulations.

ALLOWABLE USES IN THE MULTIPLE DWELLING DISTRICT

P=Principal, A=Accessory, S=Special Land Use

Per 122-XXX, Special Land Uses in this district are intended to allow residents to access everyday needs by foot, only if a similar service is not currently provided within a quarter mile walking distance.

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 dwelling on the same lot.
Multiple Family Dwellings, maximum of 6 units per building	P	Includes but is not limited to 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 but is not limited to 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 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	
Indoor recreation	A	Section 122-802

Comment [BW32]: Not sure if this is redundant or if this is legal, if not redundant.

DRAFT 10-16

ALLOWABLE USES IN THE MULTIPLE DWELLING DISTRICT

P=Principal, A=Accessory, S=Special Land Use

Per 122-XXX, Special Land Uses in this district are intended to allow residents to access everyday needs by foot, only if a similar service is not currently provided within a quarter mile walking distance.

USES	MD	NOTES & OTHER REGULATIONS FOR USE
Social facility for multiple dwelling residents and their guests	A	
Primary & Secondary Schools (public & private)	S	Public schools are subject to State regulations regarding location and construction. Section 122-805
Post-secondary educational institutions (public & private)	S	Public schools are subject to State regulations regarding location and construction. 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 Clinics, less than 10,000 square feet	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	
Garage Sales	A	Section 122-670
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.

Comment [BW33]: Added a flag that's basically "per state law, we can't tell them what to do"

Comment [BW34]: Added a flag that's basically "per state law, we can't tell them what to do"

Comment [BW35]: Changed from # caregivers to # of square feet

Comment [BW36]: Note: financial services w/o drive-throughs are generally still check-cashing/payday loans places.

DRAFT 07-15-16

ALLOWABLE USES IN THE MULTIPLE DWELLING DISTRICT

P=Principal, A=Accessory, S=Special Land Use

Per 122-XXX, Special Land Uses in this district are intended to allow residents to access everyday needs by foot, only if a similar service is not currently provided within a quarter mile walking distance.

USES	MD	NOTES & OTHER REGULATIONS FOR USE
Passive solar building	A	Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only. Maximum square footage is 800 square feet.

DRAFT 07-15-16

Sec. 122-263. Non-Use and Dimensional Regulations.

PRINCIPAL STRUCTURE(S)		
REGULATIONS	**MD**	**NOTES**
Minimum Lot Width		
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 dwelling structure must not be more than the area of the parcel in square feet divided by 1,400 square feet, exclusive of right-of-way.	
Minimum Unit Size		
1 Bedroom	600 sf	
2 Bedroom	800 sf	
3+ Bedroom	1,000 sf	
Minimum Setbacks (Residential and Apartment Home Uses)		
Front yard	25 feet	
Side yard	4 feet	For buildings with more than 6 units, 6 feet.
Side yard when abutting and R1 district	25 feet	
Side yards (combined)	12 feet	For buildings with more than 6 units, 14 feet
Street Side yard	8 feet	For buildings with more than 6 units, 15 feet
Rear yard	25 feet	
Distance between buildings	20 feet	
Corner Lots	Platted or of record after August 8, 1984	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.
	Platted or of record prior to August 8, 1984	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.
Minimum Setbacks (All Other Uses)		
Front yard	25 feet	
Side yard	6 feet	
Side yards (combined)	14 feet	
Street side yard	15 feet	
Rear yard	25 feet	

DRAFT 07-15-16

PRINCIPAL STRUCTURE(S)		
REGULATIONS	**MD**	**NOTES**
Corner Lots	Platted or of record after August 8, 1984	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
	Platted or of record prior to August 8, 1984	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.
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	
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 may not be counted as required open space.		

DETACHED ACCESSORY STRUCTURES		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
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	

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DETACHED ACCESSORY STRUCTURES		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
REGULATIONS	**MD**	**NOTES**
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 7 feet
Height		
Maximum height	15 feet	
Size of Accessory Buildings		
Maximum Floor Area	No limitations other than maximum impervious surface lot coverage.	

OTHER SITE IMPROVEMENTS		
REGULATIONS	**MD**	
Maximum Impervious Surface Lot Coverage		
Residential Uses	45%	
Non-residential Uses	50%	
Parking Location and Setbacks		
Front & side street yard	Not allowed	
Side and rear yards	10 feet	
Fences		
Front Yard	No more than 4' height and 50% opacity	• Opacity 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. • further subject to 122-713 • subject to corner visibility standards
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	
Outdoor Lighting		
See Section 122-641		
SIGNS		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

3180

DRAFT 07-15-16

DIVISION 6.
PRODUCTION, MANUFACTURING AND DISTRIBUTION DISTRICT

Sec. 122-291. Description and purpose.
The Production, Manufacturing and Distribution (PMD) district is designed to create and sustain producing, manufacturing, storing, and distributing goods. These districts are generally 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 screening around outside storage areas. Uses are expected to generate waste, noise, odor, and truck traffic; however, 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 undesirable 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. Use-based Regulations.
(a) Deleterious operations. No activity, operation, or use is 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.
(C) Unclassified Uses. Any unclassified use may be permitted as a Special Use by determination of the City Council after having been recommended by the Planning Commission. 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.

Comment [BW37]: Moved from the table because it doesn't really fit.

ALLOWABLE USES IN THE PRODUCTION, MANUFACTURING, AND DISTRIBUTION DISTRICT
P=Principal; A=Accessory; S/Res= Special Land Use when 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

DRAFT 07.15.16

ALLOWABLE USES IN THE PRODUCTION, MANUFACTURING, AND DISTRIBUTION DISTRICT *P=Principal; A=Accessory; S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF & MD zoning, otherwise permitted; S=Special Land Use*		
USES	**PMD**	**NOTES**
Stormwater Control	A	Section 122-789
SERVICES		
Business and professional offices and services, 15,000 square feet or more	P	
Business and professional offices and showrooms	A	
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	
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	
Adult Regulated Uses	S	Section 122-774
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	No storage of vehicles is permitted in setback from R-1, CN-SF, CN-Mid, CN, MD district
Vehicle Wrecking, Salvage, Storage of Inoperable Vehicles	S	No storage of vehicles is permitted in setback from R-1, CN-SF, CN-Mid, CN, MD district
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

DRAFT 07-15-16

ALLOWABLE USES IN THE PRODUCTION, MANUFACTURING, AND DISTRIBUTION DISTRICT *P=Principal; A=Accessory; S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF & MD zoning, otherwise permitted; S=Special Land Use*		
USES	**PMD**	**NOTES**
Junkyards	S	Section 122-790 No storage of vehicles is permitted in setback from R-1, CN-SF, CN-Mid, CN, MD districts
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 plating or galvanizing, plastic extrusion or molding or similar process	S	
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 building	P	
Hydroponics, aquaculture and aquaponics and similar raising of food	P	All activities must take place indoors.
STORAGE		
Outdoor storage	S/Res	Section 122-801
Storage of liquid and solid fuels	S	Section 122-807
	S	

DRAFT 07-15-16

Sec. 122-293. Non-use and dimensional 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 (all structures)		
Front yard	25 feet	Minimum setbacks 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	
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

OTHER SITE IMPROVEMENTS		
REGULATIONS	**PMD**	**NOTES**
Maximum Lot Coverage		
All impervious surfaces	90%	
Parking Setbacks		
Front & street side yard	10 feet	
Side and rear yards	10 feet	
From adjacent R-1, CN-SF, CN-Mid, CN, MD districts	15 feet	
Landscaping		
See section 122-XXX for general guidelines regarding landscaping.		
Conflicting Land Use Screening	From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS districts	Section 122-703. Screening must be a solid wall or fence constructed of face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.
Greenbelt	must be provided along the front yard and any street side yard. must be landscaped with a minimum of one (1) tree for every thirty (30) feet of frontage. No evergreens. Ne less than 10' deep Remainder must be landscaped in grass, ground cover, shrubs and	

DRAFT 07.15.16

OTHER SITE IMPROVEMENTS		
REGULATIONS	**PMD**	**NOTES**
	other natural landscape materials. Access drives from public rights-of-way through required greenbelts are permitted, but such drives may not be subtracted from the dimension used to determine the minimum number of trees required.	
Fences		
Front Yard	No more than 4' height and 50% opacity	
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	
Outdoor Lighting		
See Section 122-641		
SIGNS		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

DRAFT 07-15-16

DIVISION 4.
NEIGHBORHOODS, CENTERS, CORRIDORS AND HEALTH AND HUMAN SERVICES DISTRICTS

AKA WALKABLE URBAN 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 1940s. 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.

(a) 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:

Core Neighborhoods (CN). 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.

Core Neighborhood Mid (CN-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 use districts.

Core Neighborhood Single Family (CN-SF). 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) Center (C). 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.

Historic Corridor (HC). 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.

Neighborhood Corridor (NC). 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.

General Corridor (GC). 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) Health and Human Services (HHS). 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.

DRAFT 7-15-16

Sec. 122-274. Building Types.

Building types are specific sets of height, bulk, and setback regulations, dictated by district and lot size and dimension. Building Types only apply in Walkable Urban Districts, and apply to any new construction or expansion in those districts. The building types are consistent with the size, scale and character desired within each zoning district.

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ORIGINAL: 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.
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(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.

Comment [BW38]: Simplified and (hopefully) clarified.

DRAFT 07-15-16

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	--	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	L	L	L	L	L	L	L	L

Comment [BW39]: So a site would have to be rezoned to the L type – no longer a get out of jail free card.

~~**(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 122-123.~~

Comment [BW40]: Redundant now- any new construction of non-residential requires a site plan be reviewed by PC.

DRAFT 07-15-16

(c) How to Read Building Type Diagrams. The following categories are included in each building type diagram. Each standard is labeled by a letter; that letter corresponds to a location on an illustration of the standard. Each standard is described as follows:

(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.

(e) 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.

(A) Lot requirements. Lists the minimum and maximum lot width, lot depth, and lot size; also the maximum lot coverage.

(B) Building envelope. Lists the minimum and maximum setbacks for street, side, and rear setbacks, as well as the required frontage buildout.

(C) Accessory Structure Envelope. Lists the setbacks and maximum building footprint permitted for accessory structures.

(D) Building height. Lists permitted heights in stories.

The minimum height for all first stories is twelve (12) feet. For the MA, ES, HS, CO, TH, CA, and AB building types the maximum height for the first story shall be fourteen (14) feet; for all others, the maximum height for the first floor shall be twenty (20) feet. Institutional building types, however, have no maximum height for the first floor. This shall not be construed as limiting multi-story or open foyers or lobbies.

The minimum height for second story and above is ten (10) feet; the maximum height for second story and higher must not exceed twelve (12) feet. However, the top story of any building has a minimum height of ten (10) feet, but no maximum height.

(E) Parking zones. The amount of parking is determined by Article XIII of this Chapter, but the area in which parking may be provided is determined by building type. Driveways are permitted in any zone, provided all other requirements of this chapter have been met. The diagrams illustrate a corner lot on a primary and non-primary street. Zones are the lot area between the principal building 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 non-primary street.

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ORIGINAL:
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:
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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.
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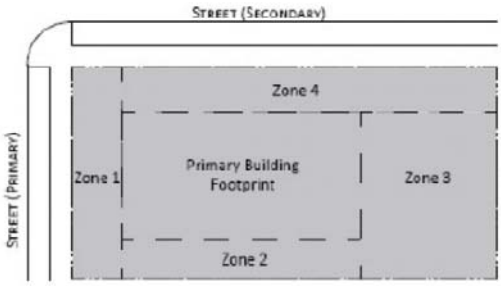
Comment [BW41]: Changed from being a waiver- can't grant a waiver without findings, and findings on this would be weird and likely end up related to use- too much margin for error. Also, specifically referenced the specific standards for religious institutions, which is just not good practice. Added the bit about foyers because foyers are generally good features- and encourage builders to have a bit of a grand entrance that translates to a better presence on the street..

Comment [BW42]: Added to enable cathedral ceilings.

DRAFT 01-15-16



(6) Private frontages. The private frontage style may be noted as "required" or as "preferred." If there are multiple frontages provided in the table, the applicant may choose which to provide per building.

(f) Infill and Redevelopment. Additions, renovations, and new buildings on existing built parcels may require the assembly of building types. The building types are outlined by lot size, and can often fit within existing lots. 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.

(1) Lot Requirements For New Construction. Several buildings of either one type or multiple types are permitted on one lot, provided that each building type is provided at least the minimum area required by building type, and other requirements of this chapter are met. ~~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 a single-building type example, 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.

(2) Lot and Block Requirements for Existing Buildings. In the event when an addition is proposed for an existing building, and the existing building exceeds the height requirements or encroaches on the setbacks for the building type, the City Planner must determine if an administrative waiver can be granted, or if it should require a review by the Planning Commission. An administrative waiver can be issued with a finding that the existing building with proposed additions will not cause the block perimeter to exceed a total length of 1,600 feet in the C, CN, CN-Mid, and CN-SF districts or 2,000 feet in the HC, NC, GC, and HHS districts; or a block side length of 400 feet in the C, CN, CN-Mid, and CN-SF districts or 500 feet in the HC, NC, GC, and HHS districts.
If the proposed additions to an existing building exceed the block requirements, the applicant is subject to review by the Planning Commission.

ORIGINAL: "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 subsection 122-273(d)5.
4. If the proposed additions to an existing building exceed the block requirements, the applicant may be subject to review by the Planning Commission."

Comment [BW43]: I honestly just have no idea here.

(g) Exceptions to Setbacks. The following exceptions apply to setbacks for all building types:

(1) Historic Structure. A structure may encroach up to within five feet of a required front or rear yard setback, or within three feet of a side yard setback, upon a recommendation from the Historic District Commission that contains a finding that such setbacks allow for the restoration of a historic feature and with Planning Commission approval.

ORIGINAL: "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 of 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

DRAFT

enhance the authenticity of an historic site; provided that no part of any structure is located on or over any adjacent property."

(2) 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.

(h) 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.

Comment [BW44]: This could be brought to generals-villed too

DRAFT 07-15-16

Sec. 122-272. District Regulations.

ALLOWABLE USES IN CORE NEIGHBORHOODS				
	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 residence	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	
Indoor recreation	A	--	--	Section 122-802
Primary & Secondary Schools (public & private)	S	S	S	Section 122-805

DRAFT 07-15-16

ALLOWABLE USES IN CORE NEIGHBORHOODS

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.
Garage Sales	A	A	A	Section 122-670
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 building	A	A	A	Must meet accessory building regulations for building type. Maximum square footage is 800 square feet.

DRAFT 07/13/16

ALLOWABLE USES IN CORE NEIGHBORHOODS				
	P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted			
USES	**CN**	**CN-MID**	**CN-SF**	**NOTES & OTHER REGULATIONS FOR USES**
Toolhouses, sheds, and other similar buildings for the storage of domestic supplies	A	A	A	Must meet accessory building regulations for building type.

DRAFT 07-15-16

REGULATIONS FOR SITE IMPROVEMENTS NOT REGULATED BY BUILDING TYPE				
For dimensional requirements for principal and accessory buildings, please see Building Type Diagrams in Section XXXX				
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"				
IMPROVEMENT	**CN**	**CN-MID**	**CN-SF**	**NOTES & OTHER REGULATIONS FOR USES**
Fences				
front yard	No more than 4' height and 50% opacity			Opacity 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.
side, street side, and rear yards	6' height max, no opacity restriction			
Outdoor Lighting				
See Section 122-641				
SIGNS				
POPULATE FROM SPREADSHEET ONCE FINALIZED				

DRAFT 07/15/15

ALLOWABLE USES IN CORRIDOR 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, 15,000 square feet or less	P	P	P	
Business and professional offices, 15,000 square feet or more	--	S	P	

DRAFT 05-05-16

ALLOWABLE USES IN CORRIDOR DISTRICTS

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-in facilities require special land use
Financial services, including banks, 15,000 square feet or more	--	S	P	Drive through or drive-in 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 clinics, less than 10,000 square feet	P	P	P	
Medical or dental clinics, 10,000 square feet or more	S	S	P	
Veterinary hospitals and clinics	--	S	S	Section 122-809
Kennels, commercial	--	--	S	Section 122-791
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	

DRAFT 07-15-16

ALLOWABLE USES IN CORRIDOR DISTRICTS *P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted*				
USES	**HC**	**NC**	**GC**	**NOTES & OTHER REGULATIONS FOR USES**
Retail stores, greater than 15,000 square feet	--	--	P	
Resale stores	--	P	P	
Arts & crafts studios	P	P	P	
Food stores, excluding sale of alcohol, less than 15,000 square feet	S	P	P	
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 open-air 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-in 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	

Comment [BW45]: Had been "organized"

DRAFT 07-15-16

ALLOWABLE USES IN CORRIDOR DISTRICTS

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

USES	HC	NC	GC	NOTES & OTHER REGULATIONS FOR USES
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				
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	Section 122-814
TEMPORARY USES				
Temporary permitted use in vacant storefront	--	P	P	Section 122-35 (8)
Mobile Food Establishments	--	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 building	A	A	A	Must meet accessory structure regulations for building type. Maximum square footage is 800 square feet in the HC zoning district.
Community gardens	--	A	A	Section 122-815

DRAFT 07-15-16

ALLOWABLE USES IN CORRIDOR DISTRICTS *P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted*				
USES	**HC**	**NC**	**GC**	**NOTES & OTHER REGULATIONS FOR USES**
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

DRAFT 07-15-16

REGULATIONS FOR SITE IMPROVEMENTS, WHEN NOT REGULATED BY BUILDING TYPE		
For dimensional requirements, please see Building Type Cut Sheets in Section XXXX		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
Fences		
Front Yard and Street Side Yard	No more than 6' height	Opacity 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. Further subject to 122-713 and corner visibility standards in section 122-649
Side and Rear Yards	10' height max	
Outdoor Lighting		
See Section 122-641		
SIGNS		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

DRAFT 07-15-16

ALLOWABLE USES IN THE CENTER DISTRICT		
		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-in 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	

DRAFT 07-15-16

ALLOWABLE USES IN THE CENTER DISTRICT		
		P=Principal, A=Accessory, S=Special Land Use
USES	**C**	**NOTES & OTHER REGULATIONS FOR USES**
Child Care Centers	P	Section 122-779
Laundromats and dry cleaners	P	No dry cleaning on premises.
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 open-air 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-in 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)

DRAFT 07-15-16

ALLOWABLE USES IN THE CENTER DISTRICT *P=Principal, A=Accessory, S=Special Land Use*		
USES	**C**	**NOTES & OTHER REGULATIONS FOR USES**
Mobile Food Establishments	P	Section 122-35 (7)
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		
Operation between 2 a.m. and 6 a.m. during any 24-hour period	P	
Sale of alcoholic beverages for consumption off the premises	S	

Comment [BW46]: Contradicts "carry out sales permitted with proper licenses" of brewpubs; and tasting rooms; not needed due to breakout of "with sales of alcohol/without sales of alcohol" for foodstores.

DRAFT 07-15-16

REGULATIONS FOR SITE IMPROVEMENTS WHEN NOT REGULATED BY BUILDING TYPE		
For dimensional requirements, please see Building Type Cut Sheets in Section XXXX		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
Fences		
front yard, street side	Not permitted except for off-street parking screening OR max of 3'?	Opacity 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. further subject to 122-713 subject to corner visibility standards in 122-649
side and rear yards	6' height max, no opacity restriction	
Outdoor Lighting		
See Section 122-641		
SIGNS		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

3410

DRAFT 07-15-16

ALLOWABLE USES IN THE HEALTH AND HUMAN SERVICES 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 (see Section 122-811), 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	
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

DRAFT 07-15-16

ALLOWABLE USES IN THE HEALTH AND HUMAN SERVICES DISTRICT		
		P=Principal, A=Accessory, S=Special Land Use
USES	**HHS**	**NOTES & OTHER REGULATIONS FOR USES**
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-in 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 clinics	P	
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		
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 building	A	Must meet accessory structure regulations for building type.
PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE		

DRAFT 07-15-16

ALLOWABLE USES IN THE HEALTH AND HUMAN SERVICES DISTRICT		
		P=Principal, A=Accessory, S=Special Land Use
USES	**HHS**	**NOTES & OTHER REGULATIONS FOR USES**
Operation between 2 a.m. and 6 a.m. during any 24-hour period	S	

DRAFT 07-15-16

REGULATIONS FOR SITE IMPROVEMENTS WHEN NOT REGULATED BY BUILDING TYPE		
For dimensional requirements, please see Building Type Cut Sheets in Section XXXX		
All accessory structures are also subject to Article XI, Div 2, "Accessory Structures and Uses"		
Fences		
front yard, street side yard	No more than 6' height and 50% opacity	Opacity 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. subject to 122-713 and corner visibility
side, and rear yards	10' height max, no opacity restriction	
Outdoor Lighting		
See Section 122-641		
SIGNS		
POPULATE FROM SPREADSHEET ONCE FINALIZED		

DRAFT 07-15-16

Article V:
Use Regulations

122-500. 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.

122-501. Compliance with article.

The uses in sections 122-773--122-830, 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.

DIVISION 1
SPECIFIC STANDARDS FOR CERTAIN USES

122-521 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:

(1) The proposed use is a permitted use in that district. Special uses shall not be given temporary use permits.
(2) All building and fire code requirements are met.
(3) The standards in Section 122-35(9) are met.

A

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 Building Code.

(2) For each adult cared for, the square footage of outdoor recreation or relaxation area required by the Building Code and licensing agency must be provided. Such outdoor space 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 caregiver 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 CN-Mid and CN-SF.

Sec. 122-793. Adult drop-in centers or neighborhood counseling centers.

Adult drop-in centers or neighborhood counseling centers are permitted subject to the conditions hereinafter imposed:

(1) 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 district.

(2) 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.

DRAFT 07-15-16

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, 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, 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 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. 122-788. Alternative Energy.

(1) Photovoltaic Production

(a) Attached accessory photovoltaic structures are permitted in all zoning districts when meeting the following requirements:

i. Positioning. All attached photovoltaic structures positioning and attachment must meet Building Department requirements for snow loads and wind loads.

ii. Height. All attached photovoltaic structures must meet the following height regulations by type:

DRAFT 7-15-16

a. Maximum. The maximum height of photovoltaic roof paneling installed on a sloped roof or flat roof of a building is ten feet above the maximum building height allowed for that zoning district or building type . Photovoltaic 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 systems 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

Sec. 122-812. Auction House.

The applicant shall provide a use statement with the following information:

The maximum capacity of the facility

Number and frequency of the auctions

Method for providing parking during auctions

~~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.~~

122-775. Automobile service or repair.

Automobile service and repair 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.

DRAFT 07-15-16

122-776. Automobile filling stations.

Automobile filling stations where permitted are 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 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 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 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 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) All outdoor lighting must comply with section 122-641.~~

122-777. Automobile or ~~car~~ commercial vehicle 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 R1, P, MD, CN, CN-Mid and CN-SF districts or 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. 122-781. Automobile parking garages.

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 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.

No access from a major thoroughfare is permitted. The vehicle entrances to structured parking should be from side streets and/or access roads.

Direct pedestrian access from parking garages to any adjacent street must be provided.

The exterior facades of all parking garages fronting on any street must be designed to achieve an architectural unity with the block.

~~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.~~

The parking garage must have sheltered bicycle and motorcycle parking areas within 25 feet of the vehicular entrance.

The City may approve other design alternatives, such as liner buildings around the outer edge of the garage.

Sec. 122-782. Automobile parking lot as principal use.

A parking lot as a principal use is permitted subject to the conditions hereinafter imposed:

DRAFT 07-15-16

(1) A lighting plan must be submitted for lots which contain more than 5 spaces, in accordance with 122-641.
(2) Parking lots must meet all dimensional requirements for off-street parking in accordance with Article XIII of this chapter.
(3) Parking lots must contain an amount of bicycle spaces equal to 5% of the number of vehicle spaces year-round; another 5% must be provided April-October, with that area being used for snow storage or additional vehicle parking during the winter months.
(4) Parking lots must contain twice the number of barrier-free parking spaces as would be required under Michigan Barrier-Free code, with no fewer than two barrier-free spaces being provided.

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ORIGINAL:
A parking lot as a principal use 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) Parking lots must meet all requirements for off-street parking in accordance with
    Article XIII of this chapter.
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B

122-778. Bed and breakfasts and inns.

Bed and breakfast lodgings and inns are permitted subject to the conditions hereinafter imposed:
(A) When located within the CN, CN-Mid, CN-SF, or R1 zoning districts the structure to be used as a bed and breakfast lodging must be the principal residence of the owner/operator; in all other zoning districts, it must be the principal residence of the owner/operator or a resident manager. In either case, such party must live on the premises when the bed and breakfast lodging is in operation. A minimum of 450 square feet of living space must be reserved for the owner/operator's or resident manager's quarters.
(B) 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.
(C)When located within the CN, CN-Mid, CN-SF, or R1 zoning districts, 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. In other districts, the establishment 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 made.

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ORIGINAL:   (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.
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Comment [BW47]: B&Bs/inns had been two separate things in the longago code, the merge wasn't clean. Cleaned up; removed the (duplicative) parking requirements, removed the bit about structure/roominghouseness (not necessary), removed licensing (we don't), and removed inspections (covered under separate ordinance).

C

Draft 03.15.16

Sec. 122-779. Child care centers and group day care homes.

Child care centers or group day care homes are permitted subject to the conditions hereinafter imposed:

(1) All child care 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) The square footage of outdoor recreation required by the Building Code and licensing agency must be provided and maintained. Such space must be fenced and screened from any adjoining lot in any residential district.

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ORIGINAL: 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) The square footage of outdoor recreation required by the Building Code and licensing
    agency must be provided and maintained. Such space must 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.
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Comment [BW48]: Removed parking requirement b/c duplicative. Removed drop-off centers because State does not treat them differently- nor define them at all- nor can we quite figure out what those were and how they were different from a "regular" center.

D

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 does 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, or for the demolition of such when such demolition has received a permit from the building department.

(d) This section is also not intended to regulate common household gardening, household composting, or general ground care.

Sec. 122-784. Drive-through or drive-in facilities.

Drive-through or drive-in facilities in combination with any kind of store, financial institution, or personal service business, or other use are permitted subject to the conditions hereinafter imposed:

(A) Drive-through windows or other facilities and stacking spaces must not be located within 50 feet of a CN, CN-Mid, CN-SF, or R1 district.

(B) Off-street stacking spaces must be provided in accordance with section 122-840.

(C) Canopies and support structures associated with drive-through facilities must meet all minimum yard setback requirements for principal buildings.. The lowest edge of a canopy must be at least 12 feet above grade.

(D) The sound from amplification equipment must not be audible beyond the boundaries of the site.

(E) 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.

(F) Any drive-through or drive-in facilities in C, HC, NC, GC must also provide for walk-up and bicycle users.

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ORIGINAL: Drive-through facilities in combination with any kind of store, financial institution,
    or personal service business are permitted subject to the conditions hereinafter imposed:
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(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 122-840. Canopies and support structures associated with drive-
    through facilities must meet all minimum yard setback requirements.
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DRAFT 07-15-16

(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.

E

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 predominantly non-residential areas, rather than predominantly residential or multifamily areas.

F

G

Sec. 122-670. Garage sales, rummage sales, yard 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.~~

H

Sec. 122-669. Home occupations.

(a) Prohibited home occupations. The following are not permitted as home occupations: animal grooming establishments, barber shops or beauty parlors with more than one stylist or chair, 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, millinery and other apparel shops, 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.

DRAFT 07-15-16

(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.

Sec. 122-785. Homeless Shelter.

~~Emergency~~ shelters for the homeless are permitted subject to the conditions hereinafter imposed:

Comment [BW49]: No definition of being an immediate family member, so.

Comment [BW50]: Covered elsewhere

DRAFT 07-15-16

(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 24 hours a day, 7 days a week..
(3) No such facility may be located within 1,000 feet of a similar facility.

I

Sec. 122-802. Indoor Recreation.

Indoor recreation centers, including gyms, shall be permitted subject to the conditions hereinafter imposed:
(A) 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.
(B) The Planning Commission may reduce the number of off-street parking spaces required as specified in section 122-837 in those instances with a finding that the users will originate from the immediately adjacent areas and will therefore be pedestrian.

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ORIGINAL: 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 122-837 in those instances where it is specifically determined that
    the users will originate from the immediately adjacent areas and will therefore be
    pedestrian.
```

J

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 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 Building Code.

K

Sec. 122-791. Kennels, commercial.

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

Comment [BW51]: Changed b/c that title didn't really line up with anything else; what uses in the districts that aligned with it were called "indoor recreation" or "outdoor recreation"; and "outdoor recreation" isn't actually separated from parks, so…. We proabaly need to do that for things like minigolf, go karts, etc.

DRAFT 07-15-16

contained therein may escape such enclosure.

L

M

Sec. 122-813. 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 Marihuana 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 marihuana 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.

If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;

Dispensary drive-through facilities shall be prohibited;

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;

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;

The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;

DRAFT 07-15-16

(14) Growing or cultivation of medical marijuana in a dispensary is prohibited;

Sec. 122-814. 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 Marihuana 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 marihuana 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.

If the growing/manufacturing facility ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;

Growing/manufacturing facility drive-through facilities shall be prohibited;

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;

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;

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;

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

DRAFT 11-15-16

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;
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;
The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited. There shall be no other accessory uses permitted within the same building.

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, 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 another zoning 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 the PMD district.
~~(3) The architecture and construction materials must be in character with the surrounding residential area.~~

N

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, 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. 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.

O

Sec. 122-797. Offices and showrooms for skilled trade services.

Offices and showrooms of a skilled trade service are permitted subject to the conditions hereinafter imposed:
(1) Any fabrication, repair, cleaning or other processing of goods 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 or rentals of new or used automobiles, trucks and tractors, boats, mobile homes, recreational vehicles and trailers are permitted subject to the conditions hereinafter imposed:
(A) 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.
(B) All areas of a front yard or street side yard which are not landscaped, shall be paved in accordance with adopted engineering standards. .

DRAFT 07-15-16

(C) 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.
(D) In the case of automotive, commercial vehicle, or recreational vehicle sales lots, no major repair or major refinishing is permitted outside a fully enclosed building.
(E) Outdoor sales, storage, and display areas shall comply with all minimum setback requirements for the zoning district or building type.
(F) In the case of uses other than automotive, commercial vehicle, or recreational vehicle sales lots, all items offered for sale must be totally enclosed within a lawful structure or building, or otherwise safely and securely stored, between the hours of dusk to dawn.

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ORIGINAL: 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.
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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.
(1) ~~Plant~~ Outdoor storage and display areas shall comply with all minimum setback requirements for the zoning district or building type.
(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. 122-799. Outdoor cafes, restaurants, seating areas, and beer gardens.
Outdoor cafes, restaurants, seating areas, 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, 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, MD, CN, CN-Mid, or

Comment [BW52]: This can be pretty limiting in the west cross area.

DRAFT 07-15-16

CN-SF.
(4) All outdoor seating areas shall be kept clean and void of litter at all times.

P

Sec. 122-786. Express and passenger terminals.

Private 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. 122-810. Printing services.

Printing 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.

Comment [BW53]: This is a requirement that might be better-suited towards 24-hour uses, and then- just that the windows be shaded so that the level of light emitted is in conformance with the levels in the outdoor lighting section.

Q

R

Sec. 122-780. Religious Institutions and Private Assembly spaces, including social facilities ~~and Services.~~

Religious institutions ~~and services~~ private assembly spaces and social clubs~~,~~ including accessory offices, meeting rooms, and athletic facilities are permitted subject to the conditions hereinafter imposed:
(1) When located within the R-1 and MD districts, parking areas are 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).
(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 CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS 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 except in accordance with the underlying zoning district. ~~unless the Planning Commission finds that any adverse impacts on surrounding properties and traffic will be mitigated.~~

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ORIGINAL: Sec. 122-780. Religious Institutions and Services. 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:
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(1) For religious institutions located within 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).
(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 CN, CN-SF, CN-Mid, C,
    HC, NC, GC, HHS districts, the Planning Commission may grant exceptions based on maximum
    compliance possible with the IT institutional building type.
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Comment [BW54]: Religious institutions and "private assembly" are paired up as far as where they're allowed- because they're effectively the same. However, religious had special stuff, and private assembly didn't. So- combined for both, and scrubbed religious-specific references out.

DRAFT 07-15-16

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(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.
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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 property zoned R1, CN-SF, CN-Mid, CN, or MD.

(2) All separation and storage areas shall conform to the setback requirements for buildings in the PMD district and screened with fencing in accordance with section 122-703.

(3) Access to such site shall not be through or abut property zoned R1, CN-SF, CN-Mid, CN, or MD.

(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:

(1) A roominghouse or group residence permitted as a special use shall not be located within 200 feet of an R1 or CN-SF district.

(2) The minimum usable floor area of the structure, size of common interior living space, and kitchen facilities must comply with the applicable Building Codes and Fire Codes adopted by the City of Ypsilanti. 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 Building Code.

(4) If the owner of the property does not reside on the premises, the owner must appoint a resident manager, who must reside on the premises. The property owner must provide the name and contact information of this person upon request by the City.

(5) For rooming houses or group residences permitted as a special land use access to and from the site shall be directly to a major street or to a major street through a CN, CN-M or nonresidential district. In no event shall access be through an R1 or CN-SF district.

S

Sec. 122-805. 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, 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

DRAFT 07-15-16

shall be available.
~~(9) Athletic fields and playgrounds accessory to educational facilities shall be shown on the approved site plan 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. 122-808. 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, CN-Mid, or CN-SF district or of another such facility.

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:
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:
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.
Nursing homes
Substance Abuse Treatment Facility
Homeless Shelter
Drop-in center
Correctional facility
~~Site Plan Review in accordance with Article IV shall be required.~~
~~A minimum lot area of 8,000 square feet shall be provided.~~
The maximum number of persons served per the facility shall not exceed 8.
On-site services shall be for residents of the facility only.
~~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.~~
~~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.~~

Comment [BW55]: Fair housing flag. How is this different from a family with domestic workers?

T

U

V

Sec. 122-809. Veterinary hospitals and clinics.

Veterinary hospitals and clinics shall be permitted subject to the conditions hereinafter imposed:

DRAFT 07-15-16

(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.

W

X

Y

Z

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 122-3 are permitted subject to the conditions hereinafter imposed:~~
~~(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 122-840.~~

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:~~

Sec. 122-794. Multiple-family dwellings containing more than six units.

Multiple family dwellings containing more than six units:
(1) Access to the site from a major thoroughfare must not traverse through or abut an R1, CN-SF or CN-Mid district, unless access is directly from a major thoroughfare.
(2) Access drives, parking areas, and maneuvering lanes must be located to encourage pedestrian and vehicular safety and convenience and to minimize their conflict with buildings and outdoor living areas. 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.

Comment [BW56]: Soften a bit?

~~(4) DUP 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) DUP All parking areas, building entrances, and sidewalks must be illuminated for safety and security.~~
~~(6) MOVED TO DISTRICT 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~~

DRAFT 07-15-16

~~1 Bedroom~~	~~600~~
~~2 Bedroom~~	~~800~~
~~3+ Bedroom~~	~~1,000~~

Sec. 122-815. Gardens/Community Gardens

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, 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~~ Chapter are to become null and void.

(1) All principal use gardens/community gardens in R1, 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 a.m. and ending at 8:00 p.m.

(6) Compost piles may only be used for waste generated on site, and are subject to accessory structure setbacks.

(7) Gardens shall use integrated pest management techniques and best practices in accordance with Chapter 110, Act II of this Ordinance.

DRAFT 07-15-16

DIVISION 4.
STORAGE OF VEHICLES*

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, 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 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:
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.
The storage of vehicles as is specifically authorized in PMD and GC districts.
Minor repairs, such as changing flat tires, of vehicles where the repairs will be completed within 24 hours.

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.

DRAFT 07.11.16

DIVISION 3.
COMMUNICATION DEVICES*

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.

DRAFT 07-15-16

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 1½ 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, 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 CN-Mid zoning district, a satellite dish station may be located on the roof of a building associated with nonresidential use (i.e. school, 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 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. Conflicting land use screening 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, HC, NC and GC districts.

The following requirements must apply to all communication devices in the C, 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.

DRAFT 07-15-16

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. Conflicting land use screening 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 the PMD zoning district.

(1) Intent. The intent of this Section is to permit the location of mobile communication facilities within the PMD zoning district 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.

(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

DRAFT 07-15-16

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 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.

DRAFT 07-15-16

(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. Conflicting land use screening of the apparatus building must be provided.

(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.

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 to 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.

DRAFT 07-15-16

Article VI:
Site 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 may only be repaired when in conformance with the subsection 122-206(c)(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. 122-643. 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 122-134.

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, is not permitted in any zoning district.

Sec. 122-635. Dwelling on rear of lot.
~~(a) No building on the same lot and in the rear of a principal building may be used as a dwelling, nor may any building be located in front of a building used as a dwelling on the same lot, except as provided by this chapter 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 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 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.

DRAFT 07-15-16

(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. 122-650. 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:

(a) 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.

(b) 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.

(c) 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.

(d) 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,

(e) All trash storage areas must be 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 wooden 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.~~

Sec. 122-641. Outdoor lighting.

(a) (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, building entrances, and building exits used during night-time hours shall be artificially illuminated.

(b) 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 Dark Sky compliant. Lights may be required to be full cutoff where they may impact residential uses.

(b) Outdoor lighting fixtures must not exceed 30 feet in height or the height of the principal building on the site, whichever is less. For development sites abutting 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 uses.

(c) Where outdoor lighting is required by this chapter, the light intensity provided at ground level must be a minimum of one-third (0.3) footcandle anywhere in the area to be illuminated. Light intensity must average a minimum of one-half (0.5) footcandle over the entire area, measured five feet above the surface.
however, neon tubing outlining windows or other architectural features is prohibited.

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. 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

DRAFT 07-15-16

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 safety 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 re-graded 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.

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.

DRAFT 07-15-16

DIVISION 2.
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. 122-754. 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.

DRAFT 07-15-16

DIVISION 3.
LANDSCAPING AND SCREENING

Sec. 122-701. Intent.

The intent of this section is to: protect and preserve the appearance, character, and value of the community; minimize noise, air, soil, groundwater, surface water and visual pollution; minimize soil erosion and runoff, provide protection from wind and sun, mitigate the heat island effect and promote energy conservation; 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; buffer residential areas and lower-intensity land uses from more intense land uses; 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; 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:

(a) Location, spacing, size (caliper), root type (shallow or deep) and descriptions for each plant type (deciduous, conifer, annual, or perennial) to be planted.

(b) 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.

(c) Typical straight cross section including slope, height, and width of berms.

(d) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grade.

(e) 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.

(f) Identification and description of grass and other ground cover to be planted and method of planting (sod, plugs, sprigs or seeds).

(g) Identification of landscape maintenance program in accordance with Section 122-712

Sec. 122-711. Landscape elements.

The following minimum standards 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 Standard for Nursery Stock, and must have proof of any required governmental regulations and/or inspections.

(b) Composition. A mixture of plant material and species, 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) Quantity. Plant quantities may not count to satisfy more than one requirement, unless otherwise stated within the requirement.

(d) Berms. Berms are only permitted as part of screening between conflicting land uses at the discretion of the Planning Commission. If permitted, they must be constructed with slopes not to exceed a 1:3 gradient, and protected with sod, seed, or other form of natural ground cover.

(e) Tree Species. All trees must be 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.

(f) Minimum Size ~~and Spacing~~ Requirements. Where landscaping is required the following schedule sets forth minimum size ~~and spacing~~ requirements; for representative landscape materials:

Plant Material	Minimum Size	Size

DRAFT 07-13-16

Trees	2.5” in caliper	2.5”-8”
		8”-12”
		12”-20”
		Over 20”
Shrubs	24” in height	All sizes

(g) Credit for Existing Vegetation. The preservation and incorporation of existing shrubs and trees is encouraged. Existing shrubs and trees may be used to satisfy the requirements of this section, if all of the following requirements 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 applicant 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 ineligible for credit include but are not limited to: Ash (Fraxinus), Black Locust (Robinia spp.), Black Walnut (Juglans nigra), Siberian Elm (Ulmus pumila); Box Elder (Acer negundo), Tree-of-Heaven (Ailanthus spp), and Gingko Female (Gingko biloba).

(5) The shrubs and/or trees meet the following minimum sizes and must receive credit based on size shown in the table below:

Plant Material	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

Sec. 122-712. Installation, maintenance, and completion.

(a) 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 122-134, must be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

(b) 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.

(c) 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.

(d) 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.

(e) 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. 122-703. Screening between conflicting land uses.

Comment [BW57]: Cannot overlap

DRAFT 07.15.16

Screening between land uses is required when:

- Required elsewhere in this Chapter;
- When a PMD zoning district abuts any other zoning district;
- When a HHS, HC, NC, or GC zoning district abuts a R-1, CN-SF, CN-Mid, CN, or MD zoning district;
- When a non-residential use abuts a property where a residential use occupies the first floor of the principal structure;
- Any building with three dwelling units or more abuts an a building with an equal or lesser number of dwelling units in the R-1, CN-SF, or CN-Mid~~, or CN~~ zoning districts.

(a) Location. Screening must be provided along all lot lines between conflicting land uses when required by this section. The Planning Commission may approve a waiver for the location of the screen upon a finding that the location of utilities interfere with the proposed location; it may also approve a waiver upon a finding that the height of the screening must conform with 122-713.

(b) Construction. Screens must be a wall, fence, or landscape buffer at least six (6) feet in height.

(1) A wall or fence must be at least 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. Wire or chainlink fencing with slats is not permitted.

(2)A landscape buffer must consist of evergreen trees and shrubbery to maintain a minimum opacity of at least eighty (80) percent. To achieve effective screening, landscape materials must be planted in a staggered manner.

Sec. 122-713. Fences and walls.

Except as otherwise required by this Ordinance, the following regulations apply:

(a) In a 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.~~ Opacity 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 HHS, HC, NC, GC or PMD district, no fence, wall, or other screening structure shall 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, s, 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. All fences must be constructed in accordance with corner visibility standard.

IN THE CENTER DISTRICT….??? No fences in the front yard; fences in the rear yard may not exceed 8 feet in height.

(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. Planning Commission may waive this restriction with a finding that such materials are in the interest of public safety. ~~Barbed wire cradles may be placed on top of fences enclosing public utility buildings or as deemed by Planning Commission to be 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.

Comment [BW58]: Q outstanding to frank 4/15/16

Comment [BW59]: Cannot overlap

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) Location. The street trees must be centered between the sidewalk and the back of street curb. Planning Commission may grant a waiver of this condition with a finding that utilities necessitate a different location, or that the proposed location of the trees will align with already-established street trees along the same block face to remain..

(b) Quantity. A minimum of one (1) tree for every thirty (30) lineal feet of frontage, inclusive of proposed or existing access drives. Existing trees in good health to be preserved may count towards the street tree requirements.

(c) Planting Area Size. Tree pits provided for street trees must be sufficient for the species of tree provided, Where no planting bed exists or can be provided for street trees within the right-of-way, the applicant may choose to either plant and maintain the required trees within the front yard; or to provide a fee in lieu of planting in the amount of 100% of the materials and installation cost.

DRAFT 04-15-16

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 in the GC and NC zoning districts. 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 between the front or sides of the building and any paved area, adjacent to the building.

(b) Quantity. Foundation planting areas must contain a minimum of six (6) shrubs per thirty (30) lineal feet of applicable building frontage.

(c) Planting Area Size. Individual planting areas must be of a size appropriate to the proposed plantings, but no less than four feet in depth, measured perpendicular from the building.

Sec. 122-708. Site landscaping.

Inclusive of any 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 foundation landscaping beds.

Sec. 122-789. accessory stormwater control features

(a) Swales. Biofiltration swales are permitted in all districts.

(b) Pervious paving. Pervious paving is permitted in all districts, subject to adopted engineering standards.

(c) Rain gardens. As defined in 122-3, rain gardens are permitted in all districts subject to Article IV 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.

(d) Rain barrels or cisterns. Rain barrels or cisterns are permitted in all districts subject to Article IV Site Plan Review, where required.

(1) Underground cisterns or rain barrels are subject to engineering review and constructed in accordance with the State Building Code.

(2) 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 Building Code.

(e) Vegetated roofs. Vegetated roof systems are permitted in all districts in accordance with the Building Code.

(f) 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.

~~**Sec. 122-709. Residential development landscaping.**~~

~~Landscaping for residential development projects must be provided in accordance with the following requirements: Other Site Improvements. A landscape plan for a subdivision or site condominium development must 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 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.

Comment [BW60]: Cannot overlap

Comment [BW61]: CAN overlap

Comment [BW62]: CAN overlap

Comment [BW63]: Cannot overlap

DRAFT 07-15-16

Sec. 122-714. 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 area, provided the areas between the screening and the property lines are landscaped or 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:

1. 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.
2. That the public benefit intended to be secured by this Section will exist with less than the required landscaping or screening.
3. The historic district designation on the property precludes the ability to require any or all of the landscape requirements.

(d) In the case of conflicting land use screening, with the finding that the design and placement of the screen meets the intent of the zoning ordinance in general and the zoning district in particular.

DRAFT 07-15-16

DIVISION 4.
ACCESSORY STRUCTURES AND SIGNS

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 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 PMD 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 cannot 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.
e. 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 PMD district, must be sided and roofed with materials which are compatible with the principal building and adjacent principal buildings.
f. 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.
g. Mobile homes. Mobile homes are not permitted as an accessory use to a permitted principal use.
h. 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. 122-276. 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. 122-807. 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.

Comment [BW64]: More of an accessory structure thing?

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 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 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. 122-644. 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 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 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.

DRAFT 07-15-10

Subdivision I:
SIGNS

Sec. 122-861. Purpose.

(a) 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.

(b) It is further the intent of this article to:

- Maintain and enhance the aesthetic value of the City;
- 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;
- Enhance pedestrian and vehicular traffic safety;
- Minimize the adverse effects of signs on nearby public and private property;
- Minimize driver distraction;
- Protect and enhance economic vitality by assuring aesthetic appeal for residents and visitors;
- Preserve property values;
- Enhance the effectiveness of permitted signs and directional and warning signs;
- 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) **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).

(c) **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

2 Overhead banners

3 Sidewalk signs

4 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. 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.

122-xxx Construction requirements.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

DRAFT 07-15-16

(e) 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.

(f) 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.

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) 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.

(h) 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.

(i) 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.

(j) 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.

(k) Signage Plan. All uses in HHS, HC, NC, GC, C, PMD, and P districts, and non-residential uses in R1, CN-SF, CN-Mid, CN, and MD districts shall submit a signage plan as part of their sign permit application. The signage plan shall identify size, location, and lighting of all existing and proposed signs on the building.

Comment [BW65]: Do we want to keep this?

(l) 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.

Appeals from the decision of the Planning Commission shall be heard by the zoning board of appeals.

DRAFT 07-15-16

~~Sec. 122-864. Sign permit requirements.~~

~~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~~	~~---~~
~~Building Mounted Signs~~		~~122-866 (b)~~
~~Address Number/Nameplate~~	~~N~~	~~---~~
~~Awning, Canopy~~	~~Y~~	~~122-866(b)(6)~~
~~Projecting~~	~~Y~~	~~122-866(b)(7)~~
~~Wall~~	~~Y~~	~~122-866(b)(5)~~
~~Window~~	~~N~~	~~122-866(b)(10)~~
~~Flags~~	~~N~~	~~---~~
~~Ground (pole and monument)~~	~~Y~~	~~122-865(a)~~
~~Billboards~~	~~Y~~	~~122-866d)(2)~~
~~Portable (except sidewalk signs)~~	~~Prohibited~~	~~---~~
~~Roof~~	~~Prohibited~~	~~---~~
~~Temporary Signs~~		~~122-866(c)~~
~~Banner~~	~~Y~~	~~122-866(c)(3)~~
~~Overhead Banner~~	~~Y~~	~~122-866(c)(4)~~
~~Inflatables~~	~~Y~~	~~122-866(c)(3)~~
~~Sidewalk~~	~~Y~~	~~122-866(d)(3)~~

(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).

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.

DRAFT 9.15.16

Calculation 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.

Comment [BW66]: Move to "how to calculate" section of signs

Sec. 122-865. ~~Unsafe and~~ Prohibited signs

The following signs are prohibited in all zoning districts:

(a) Unsafe signs. ~~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.

Animated signs.

Portable signs, not including sidewalk signs.

Signs mounted upon a roof. ~~Roof signs.~~

Signs containing obscene material. ~~Obscene Material. Display of obscene material upon any sign is prohibited.~~

Signs containing symbols that area or purports to be an imitation of or resembles, or which may be mistaken for a traffic control device or that attempts to direct the movement of traffic.

Mechanical Signs.

Electronically illuminated message 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.~~

Signs not specifically permitted under the sections of this chapter.

Signs with less than six feet horizontal clearance or 12 feet vertical clearance from overhead electrical conductors which are energized in excess of 250 volts.

DRAFT 07-15-16

Sec. 122-866. Sign Design Standards.

(a) STANDALONE SIGNS

~~**(1) Number of Signs**. If permitted in a district, one standalone sign shall be allowed per lot or parcel. Lots that have more than 100 feet of frontage on each of two or more public streets shall be permitted one ground sign for each street frontage. A second ground sign shall have a maximum area of 50% of that otherwise permitted for a ground sign in the district .~~

~~**(2) Height requirement.** No standalone 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.

~~**Landscaping**. Low level landscaping shall be provided around the base of the ground sign, but shall not obscure any part of the sign message.~~

~~Directional Signs. Shall not exceed 2 square feet of sign area.~~

~~**(5) 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.~~

~~Residential entry signs shall be subject to the following standards;~~

~~Maximum of one (1) sign on each side of the entrance from a major street.~~

~~May not exceed the maximum area permitted for a ground sign in the applicable district.~~

(b) BUILDING MOUNTED SIGNS.

(1) Location. Building mounted signs may be located on any façade that faces a street, parking area, alley, or on a façade where a public entrance is located.

~~(i) Upper story tenants may only have window signs, except as allowed for in subpart d.~~

(ii) 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.

~~(iii) 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 customer entrance is located. For the purposes of calculating sign area in 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. 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, inclusive of sign structures and support devices.

(4) Materials.

(i) Building mounted signs shall incorporate exterior materials, finishes and colors that are the same, similar, or complementary to those used on the principal building.

(ii) 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.

(iii) External illumination of signs shall be limited to fully-shielded light fixtures with a maximum of 1000 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.

(iv) 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. No surface of a wall sign may project beyond or overhang any wall or permanent architectural feature by more than eighteen inches.

~~**(6) Awning Signs.**~~

~~(i) Sign lettering or logos may comprise up to 35% of the total exterior surface of an awning.~~

DRAFT 07-15-16

~~(ii) A minimum vertical clearance of 8 feet shall be provided between the lowest point of the awning and the sidewalk.~~

~~(iii) 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.

(i) Projecting signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.

(ii) Projecting signs are limited to 24 square feet of sign area per sign face.

(iii) A minimum vertical clearance of eight feet shall be provided between the lowest point of the sign and the sidewalk.

(8) Window Signs. May not occupy more than twenty-five percent (25 %) of the total ~~transparent~~ area of any individual window.

(9) Temporary Signs.

Schedule of regulations for temporary signs:

~~Temporary Signs~~	~~Maximum Size (Square Feet)~~	~~Maximum Duration~~
~~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~~

(i) 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.~~

The permit shall specify the time period for which the temporary sign is authorized.

~~Sizes of temporary signs shall conform to specifications in the Schedule (c) (1) above.~~

~~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.~~

Banners. Banner requirements shall be as follows:

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.~~

The building department shall be permitted to inspect the banner or a sample of material prior to it being erected.

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.

If a banner becomes partially unsecured, it shall be immediately reattached or removed by the entity which erected it.

If a banner begins to shred, it shall be immediately repaired or removed by the entity which erected it.

If the entity which erected the banner fails to comply with is the standards of section(c) 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.

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.

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 applicant per year.

~~Banners or inflatables shall be attached to the premises to which the message contained thereon pertains.~~

~~Banners or inflatables may not be strung overhead across roads, streets or highways.~~

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.

~~Banners or inflatables may not exceed 32 square feet.~~

DRAFT 07-16

Overhead banners. Requirements for overhead banners shall be as follows:
An overhead banner shall be permitted for city approved events or other city or governmental sponsored messages
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.
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.
An overhead banner shall:
Not exceed 2.5 feet in height.
Contain a snap top to permit a one-fourth-inch cable to run across the top.
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.
All overhead banners permits shall have a maximum duration of 30 days.
~~Election signs shall be subject to the following requirements;~~
~~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).~~
~~Such signs shall not be located on any city right-of-way except as permitted in subsection (5) of this section.~~
Other Signs.
Billboards. Outdoor advertising billboards may be erected ~~in PMD zoning district~~ adjacent to and visible from I-94, subject to the following regulations:
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).
Billboards must be located and oriented in such a fashion as to be visible from I-94.
New billboard permits will be issued only in the following cases:
For non-digital billboards, when one non-conforming billboard is removed
For digital billboards, when two non-conforming billboards are removed.
Digital billboards.
The message displayed on digital billboards may change a maximum of once every 6 seconds.
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.
Billboard structures which have two or more panels stacked, one above the other, are not permitted.
Double-faced billboard structures (two panels mounted on the same structure back-to-back) are permitted.
Spacing between billboards shall be 1,000 feet as provided in the Highway Advertising Act of 1972, as amended.
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~~.
All billboard structures shall be of steel. No wood or other combustible material shall be permitted to support such signs.
Billboards supported or maintained on the roof of a building are prohibited.
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.).

Sidewalk Signs.
Sidewalk Signs may have a maximum area of 6 square feet per side.
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.
Sidewalk signs may not be permanently affixed to any object, structure, or the ground.
Sidewalk signs may only be displayed during business hours and shall be removed when the business to which the sign is accessory is closed.
Each business may have a maximum of one sidewalk sign.
Sidewalk signs shall be made of durable materials with a finished appearance.
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.

DRAFT 07-15-16

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:

Expansion or relocation prohibited. Nonconforming signs shall not be expanded or relocated.

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.

Alterations. Alterations or changes to the sign structure of a nonconforming sign shall be subject to the following conditions:

The sign shall be brought into compliance with the requirements for all signs specified above.

The sign shall be brought into compliance with all applicable sign height and sign area standards for the type of sign, as specified above.

Nonconformities caused by inadequate standalone sign setback at its 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.

Approval of appropriate permits by the Building Official.

Signs of local historical significance. Non-conforming signs located in the Historic District may be repaired, reconstructed, or relocated. 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.

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.

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.

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~~	~~PMD~~	~~—~~	~~35 ft~~
~~Building Mounted~~		~~3sf/1lf of building frontage~~	
~~Awning / Canopy~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~35% of canopy/awning area~~	~~8 ft. min clearance~~
~~Address Number/ Nameplate~~	~~All~~	~~2 sf~~	~~—~~
~~Building Directory~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~5% of building mounted sign area~~	~~—~~
~~Menu~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~3 sf~~	~~—~~
~~Projecting~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~24 sf per sign face~~	~~8 ft. min clearance~~
~~Wall – residential~~	~~Residential~~	~~.5 sf/lf of building frontage or12 sf~~	~~—~~
~~Wall – non-residential~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~1 sf/lf or 100 sf~~	~~—~~
~~Window~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~25% of individual window area~~	~~—~~
~~Changeable Copy~~	~~HHS, HC, NC, GC, C, P, PMD~~	~~part of sign area~~	~~—~~
~~Directional~~	~~All~~	~~2~~	~~4~~
~~Election~~	~~All~~	~~Maximum size allowed~~	

~~Type of Sign~~	~~Zoning Districts~~	~~Area~~	~~Height~~
		~~in district by sign type~~	
~~Flags~~	~~All~~	~~--~~	~~--~~
~~Ground~~			
	~~R1, CN-SF~~	~~16 sf~~	~~6 ft~~
	~~CN-Mid, CN~~	~~16 sf~~	~~8 ft~~
	~~MD, HHS~~	~~32 sf~~	~~8 ft~~
	~~HC, NC~~	~~40 sf~~	~~10 ft~~
	~~GC~~	~~100 sf~~	~~10 ft~~
	~~C~~	~~Not Permitted~~	~~—~~
	~~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~~
	~~CN-Mid, CN~~	~~16 sf~~	~~8 ft~~
	~~MD, HHS~~	~~32 sf~~	~~8 ft~~
~~Roof~~	~~Prohibited~~	~~—~~	~~—~~
~~Temporary Sign~~	~~All~~	~~122-866(c)(1)~~	
~~Traffic Control~~	~~All~~	~~--~~	~~--~~

DRAFT 07-15-16

Sec. 122-273. Circulation Standards.

Circulation Standards will apply to redevelopment and new development of parcels within the CN, CN-SF, CN-Mid, C, HC, NC, GC, HHS 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. 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.

Comment [BW67]: New construction?

(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.* 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:

1. 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.

2. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive;

3. 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~~

Comment [BW68]: duplicates

Comment [BW69]: duplicates

Comment [BW70]: an alley?

Comment [BW71]: >1ac only?

Comment [BW72]: New dev >1 ac only?

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 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. 122-645. 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. 122-647. 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. 122-642. 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:

(a) Direct driveway ingress and egress is provided from the site directly to a major thoroughfare.

(b) Access to the site from a major thoroughfare does not traverse through or abut any land zoned R1, MD, CN-SF, CN-Mid, and CN.

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 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.)

DRAFT 07-15-16

DIVISION 6:
OFF-STREET PARKING AND LOADING REQUIREMENTS*

Sec. 122-831. Description and purpose.

The purpose of this article is to recognize that motor vehicles, while 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 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 applies to all zoning districts. In all zoning districts, off-street parking facilities shall be provided for the storage and parking of motor vehicles and 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, 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 Center or Historic Corridor zoning districts, except those spaces required for upper-story dwellings. A fee in lieu of providing off-street parking for upper-story units in the Center or Historic Corridor is permitted in accordance with section 122-843.

Comment [BW73]: Parts of this fit better in "use" or even districts

Sec. 122-834. Off-street parking layout and construction 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. Driveways may have no less than 9 feet of clear width.

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 front yard, or in the 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.

Sec. 122-835. Off-street Parking layout and construction for all other uses

Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements.

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. 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 the quantity requirement. Parking spaces may be located within buildings or structures consistent with the Building Code.

1. 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 100 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.

2. 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 Services.

(3) Setback from street. Parking lot setbacks are required by the setbacks and building types of the zoning district in which they are located. An allowed exception 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) Setback from adjacent lot. Parking areas are required to be 10' from any adjacent lot. Planning Commission may waive this requirement with a finding that the lot shares a common access and common parking with the adjoining lot.

~~(4) Designated parking areas. Any area once designated as required off-street parking may not be changed to any other use, unless or until equal facilities are provided elsewhere.~~

~~(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.~~

(1) Review and approval requirements. Except for off-street parking accessory to single-or two-family dwelling units, 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. A truck turning plan must be submitted for any parking lot with more than five spaces, or any vehicle circulation area that has a loading zone; drive-in or drive-through service, including gas stations; or a dumpster enclosure.

b. Upon completion of construction, a parking lot must be inspected and approved 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 122-134.

(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.

DRAFT 9-15-16

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 CN-Mid, CN, HC, NC, GC, C, HHS, PMD shall not cross land zoned for 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 located no closer than 20 feet to the intersection of any two streets, upon finding that no other access points in compliance with City Ordinances is possible due to the size of the parcel.
(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 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 City's consulting engineer, the soils are of a type which will allow for efficient drainage, the use of drywells, infiltration trenches, swales, bio-retention or other best management practices for controlling urban runoff quality 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 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, w~~heel 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.
(11) Screening and 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.
(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

DRAFT 07-11-16

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, Loading Zones, and Access Drives. Separate landscape areas shall be provided at the perimeter of off-street parking areas in accordance with the following requirements. This landscaping cannot be counted toward any other landscaping requirement except for the "site landscaping" minimum percentage.

1. Off-street parking areas in the side and rear yard which abut a R-1, MD, CN, CN-Mid, CN-SF zoning district must be screened in accordance with Section 122-703.

2. All off-street parking areas that are visible from a public road shall be screened from view with a 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.

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.

Comment [BW74]: Asked frank about prop maintenance code tie-in

(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 lots.

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.

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.

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."

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."

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	18	13	36	53
54 to 74	9	18	16	38	59
75 to 90	9	18	22	42	62

DRAFT 07-13-16

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. 122-839. 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.

DRAFT 07-15-16

DIVISION 2
PARKING TYPES AND QUANTITIES

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 in a usable condition off-street parking spaces as follows:

(f) Repair prohibited. No repairs or service to vehicles shall be permitted on areas designated as required off-street parking.

(g) 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 are 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.

(h) Use of loading space. Loading spaces, as required under section 122-841, shall not be counted or used for required parking.

(i) 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 122-3 shall apply.

(j) 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.

(k) 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 City Planner considers similar in type.

(d) Nonoverlapping operating hours. In the instance of land uses requiring off-street parking spaces where operating hours of the uses do not overlap, the City Planner may grant exception to the individual parking requirements of section 122-836.

(e) 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.

Sec. 122-836. Minimum and maximum number of parking spaces.

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. The maximum number of off-street parking spaces must not exceed one hundred and twenty percent of the required parking spaces. The Planning Commission may grant exceptions as noted in 837.

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Single-family detached dwellings and two-family dwellings	1 space per unit
Multiple-family dwellings, including townhouses	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.
Group living with support staff, not licensed by State of Michigan	1 for each 3 beds, plus 1 per employee on an average employment shift.
Group residence & roominghouse	1 for each bedroom or sleeping room, plus 1 for each employee or the largest employment shift.

DRAFT 07-15-16

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
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
Family Child Care Home	Minimum of 1 and a maximum of 3 child-care drop off spaces.
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES	
Religious institutions; private assembly (such as catering or clubs); performance venues & theaters; libraries, museums, and cultural or community centers; or similar facilities	1 for each 400 square feet of usable floor area, excluding area devoted to storage.
~~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~~
~~Private assembly~~	~~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.~~
~~Performance venues/Theaters~~	~~1 for each 5 seats or 10 linear feet of bench space, plus 1 for each 2 employees on an average employment shift.~~
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 an average employment shift.
~~Libraries, museums, cultural centers, community centers or similar facilities~~	~~1 for each 400 square feet of usable floor area, excluding area devoted to storage including stacks.~~
Primary and secondary schools, public and private	1 for each teacher, employee or administrator, plus 1 for each 10 students
~~Primary Schools (public and private)~~	~~1 for each teacher, employee or administrator, plus 1 for each 10 students.~~
~~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.~~
Post-secondary educational institutions (public & private)	1 for each ~~teacher, employee or administrator~~ and 1 for each 5 students.
Municipal, county, regional & state service uses	1 for each 1,000 square feet of usable floor area.
Child care centers	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.
Outdoor recreation and fields	1 for each 1,000 square feet of recreation space.
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.

Comment [BW75]: Consider removing. Zoning has no jurisdiction over schools, public universities, or other municipalities, county, or state uses.

Comment [BW76]: Consider changing to align with use classes, call parks, dog parks, and other outdoor rec- do per acre, none if less than half-acre?

DRAFT 07-15-16

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
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 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 and professional offices and services	1 per 300 square feet of usable floor area.
Funeral homes	1 per 50 square feet of assembly room, parlor and slumber room.
Laundromats	1 per 3 washing machines.
Financial service, including banks	1 per 300 square feet of usable floor area, plus 2 stacking spaces for each drive-through transaction station.
Nursing Homes	1 per 3 beds.
Hospitals	1 for each 4 patient beds, plus 1 for every 200 square feet of out-patient service area
Medical or dental offices or clinics, substance abuse treatment facilities	1 for each 300 square feet of usable floor area in waiting rooms, plus 1 for each examining room, dental chair, or similar use area.
Personal service establishments	2 spaces for each of the first 2 beauty or barber chairs, and 1½ 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.
All other service uses not elsewhere specified	1 for each 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 or clustered commercial centers over 100,000 square feet in gross floor area	1 for each 300 square feet of gross floor area.
Arts & crafts studios	1 per 1,000 square feet plus 1 per classroom.
All other retail uses not elsewhere specified	1 for each 250 square feet of gross floor area.
RESTAURANTS	

DRAFT 07-15-16

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
Café, coffee shop, restaurants, 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, 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.
AUTO-ORIENTED	
Automobile filling stations	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.
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 stall shall be provided as required by section 122-840.
Automobile or truck wash (automatic and self-serve) and detailing	1 for each employee in the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the wash facility must be provided as required by section 122-840.
Motor vehicle sales and service establishments, trailer sales and rental, and boat showrooms	1 for each 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)	
Vehicle, Recreational Vehicle, Storage and Towing	1 for 300 square feet of office space, plus 1 space per employee on the largest employment shift.
RESEARCH	
Laboratories or research establishments	5 plus 1 for every 1.5 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 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 in addition to the above.
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.
URBAN AGRICULTURE	
Community garden	None

DRAFT 7-15-16

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
Hydroponics, aquaculture and aquaponics and similar raising of food	5 plus 1 for every 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

Sec. 122-837. Exceptions to 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 waive 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. The Planning Commission may choose to waive more than 20% of the required number of spaces up to 50%, with a finding 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.

Comment [BW77]: New- to clarify and cap. Beyond 50% will be a variance.

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. 122-840. 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 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. 122-841. Off-street loading space requirements.

With the exception of uses located within the Center district, there shall be provided and maintained on the same

DRAFT 01-15-16

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.

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--99,9999	--	--
	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, plus 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 R1, MD, CN-SF, CN-Mid, CN or HHS district, unless located within a completely enclosed building or enclosed on all sides facing the 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.

(6) A truck turning plan shall be provided.

Sec. 122-842. 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. 122-843. 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 C-Center 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

DRAFT 07-15-16

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 C-Center 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.

DRAFT 07-15-16

Article VII:
Supplementary Regulations

Division 1
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 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, 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 are permitted 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.

DRAFT 07-15-16

Underlying Zoning District	Permitted Uses under Planned Unit Development
R1, CN-Mid, CN-SF, P	Planned unit developments are not permitted in these districts, except as provided for under 122-574.
CN, MD	Any combination of uses permitted in the CN and MD zoning districts. Limited commercial, service, and office uses may be permitted if in combination with and related to residential uses.
HHS, HC, NC, C	Any combination of uses permitted in the HHS, HC, NC, or C zoning districts.
GC	All commercial, service, and office uses or any combination of such uses may be permitted. Limited light industrial uses may be permitted if in combination with such commercial or office uses.
PMD	All industrial and office uses and any combination of such uses. Limited commercial and service uses may be permitted if in combination with industrial uses. Residential uses are not 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 MD multiple dwelling residential district.

b. Commercial and office uses must comply with the regulations applicable in the C - Center district.

c. Manufacturing uses must comply with the regulations applicable in the PMD - Production, Manufacturing, and Distribution 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

DRAFT 10/15-16

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:

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.

Minimum size. Notwithstanding Sec. 122-573(2), no minimum size is required for a planned adaptive reuse project.

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 122-126. 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 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

DRAFT 07-15-16

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 122-134. 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 122-128 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:

DRAFT 07-15-16

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 122-576. 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.

DRAFT 07-15-16

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.

DRAFT 07-15-16

Division 2.
SITE CONDOMINIUM SUBDIVISIONS

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. 122-603. 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 shall 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 serves 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 does not serve as the authorization of land uses on individual lots within the subdivision. All uses are 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 122-126 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.

DRAFT 07-15-16

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.

DRAFT 07-15-16

Division 3
FLOOD DAMAGE PREVENTION*

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,

DRAFT 07-15-16

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 f1oodway, 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.

DRAFT 07-15-16

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 122-915.

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

DRAFT 7-15-16

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.

DRAFT 07-15-16

Non-Motorized Committee

Ypsilanti Non-Motorized Advisory Committee Meeting Minutes
Thursday, June 2, 2016

1. Call to order - The meeting was called to order at 7:05pm, June 2, 2016 at the Ypsilanti District Library, 229 West Michigan Avenue. Committee members attending were Tony Bedogne, Martha Cleary, Bob Krzewinski, Lena Reeves and Sarah Walsh.
2. Introductions
    a. Audience participation/public input - None
3. General business
    a. Agenda approval – A motion was made by Sarah, seconded by Martha, to approve the agenda, passing unanimously.
    b. Approval of May meeting minutes – A motion was made by Sarah, seconded by Tony, to accept the minutes, passing unanimously.
    c. Officer reports – Bob reported that Washtenaw County Parks & Recreation Commission staff are looking at doing a second printing of the County bike map.
    d. New Committee members – Ben Harrington, a Downtown Development Authority (DDA) member, agreed to be a liaison to the DDA (but not a Committee member at this time).
4. Old business
    a. 2016 Committee priorities
        - Sidewalks – MDOT Ferris/Hamilton improvements, Washtenaw EMU HAWK – There has been no action by MDOT yet on curb cuts on Ferris/Hamilton and if no action is taken by August Bob will contact MDOT again. The work on the Washtenaw Avenue MDOT HAWK (High intensity Activated crosswalk) signal should start in June.
        - Bike lane additions – Forest Avenue bike lane Planning Commission meeting – The Forest Avenue bike lane (Prospect to River) is expected to be on the Planning Commission July 20th agenda.
        - Border To Border (B2B) Trail completion progress – Water Street Michigan Avenue HAWK, Frog Island, Park Street route, Grove Road – The Michigan Avenue HAWK B2B signal will be going out for bid in early June. The City, with a donation from the Friends of the B2B Trail recently installed a missing curb cut where the new Water Street B2B Trail meets Grove Road. With the imminent closing of Park Street at the railroad crossing, a motion was made by Tony, seconded by Martha, to recommend to the City of Ypsilanti that the B2B Trail on-road routing be moved to a route of (north to south) Cross Street south to River Street to east on North Street to south on Park Street to Michigan Avenue. The motion passed unanimously with the understanding that a permanent off-road routing of the B2B should be completed as soon as possible from Frog Island Park south to Grove Road using Riverside Park and the Water Street area.
        - Walk Friendly & Bike Friendly Community applications – Work is continuing on both applications with Sarah putting the Walk Friendly application into a Google document. Bob also reported on the visit to Ypsilanti by a League of American Bicyclists staff member to give suggestions on the Bike Friendly application.

- Pedestrian safety signage – MDOT letter request status - There has been no action by MDOT yet on this issue and if no action is taken by August Bob will contact MDOT again.
- Committee event participation & education – Bob gave a report on Bike-Bus-Walk Week activities and reported that the Committee has table space at the Parkridge Festival (8/27) and will need help staffing from noon to 2:30pm, especially with free bike helmet giveaways donated by the Ann Arbor Bicycle Touring Society.
- Bike Friendly Business program – No update.
- Traffic calming – Depot Town, Congress Street – No update.

b. I-94/Huron – Huron/Hamilton non-motorized improvements – No update.

c. Non-motorized plan – Bob has been meeting on a regular basis with Bonnie Wessler of the Planning Department with a completed draft plan expected to go to the Planning Commission for approval at its July 20th meeting and then to City Council for its approval in August.

d. Capitol Improvements Plan (CIP) inclusion of non-motorized projects – Tony will obtain and forward to the Committee a copy of the latest CIP plan. The Committee discussed making sure that the CIP had critical curb cuts and sidewalk improvements in the plan.

e. Other – Sarah reported that Eastern Michigan University IESS Department is conducting a bike sharing program survey (https://www.surveymonkey.com/r/W9BT9BW). Lena and Martha discussed additional videos showing problems pedestrians/wheelchair users have in the City as certain crossings (Huron at Pearl and Cross at Washington were suggested). Bob will follow up with Ben about DDA reinstalling in a safer location the Depot Town bike racks that were apparently knocked down by cars.

5. New Business

a. Planning Department update – Bob called Bonnie Wessler earlier in the week with items discussed incorporated into the Committee meeting conversations.

b. 2017 City budget non-motorized project recommendations – Bob will check with City Council member Pete Murdock on non-motorized funds available for 2017 and when a priority list of non-motorized projects would be needed by. Lena will work on a “top-10” list of sidewalk/curb cut improvements needed.

6. Other Items – Announcements – None.

7. Adjournment - A motion was made by Sarah, seconded by Lena, to adjourn the meeting, passing unanimously. The meeting was adjourned at 8:18pm with the next meeting being held Thursday, July 7th, 7pm at the downtown Library.