

**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1183A**

**Food Text Amendments
Modify Text as follows:**

**Definitions
122-2**

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.

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, or mulch.

Structural features such as fountains, pools, statues, raised garden beds, and benches may also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted towards meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

ZONING DISTRICTS: COMMUNITY GARDENS/GARDENS

R1 - Single-family residential

122-252 permitted use:

(4): Gardens/community gardens, exempt from area regulations in section 122-255, but subject to the requirements in section 122-816.

122-258 Development standards

(a) Site plan review. In R1 single family residential districts site plan review and approval are required for all uses except detached single-family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R2 - One- and Two-Family residential

122-272 permitted use:

(5): Gardens/community gardens, exempt from area regulations in section 122-275 but subject to the requirements in section 122-816.

122-278 Development standards

(a) Site plan review. Site plan review and approval is required for all uses in the R2 one- and two-family residential district except detached single- and two- family residential uses and garden/community garden uses in accordance with article IV of this chapter.

R3 – Multiple-Family medium density residential district

122-293 Permitted Accessory uses

(8) gardens/community gardens

R4 – Multiple family high density residential district
122-313 permitted accessory uses
(9) gardens/community gardens

RO – Residential Office District
122-333 Permitted accessory uses
(9) gardens/community gardens

B4 General Business District
122-413 (special use)
(11) Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

WS Workshop Studio
122-432. permitted uses.
(17) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with article XI, division 2 of this chapter

PL- Public Land
122-492. permitted use:
(7): Community gardens.

CI Commercial-Industrial
122-518 (special use)
(20): Outdoor retail sales of plant materials ~~not grown on the site~~, lawn furniture, playground equipment, and home garden supplies, subject to the specific provisions in section 122-800.

122-800: Outdoor retail sales of plant materials, lawn furniture, playground equipment, garden supplies, etc.

Outdoor retail sales of plant materials ~~not grown on the site~~, 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.

Specific Use Standards
122-816 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 and R2 districts as long as the use provides minimal impacts to residential character, and minimal increase in traffic in and around related parcels.

Furthermore, the City of Ypsilanti is an urban environment, and while these provisions are intended to support the local food system, it is not the intent of these standards to create agricultural districts within the City. Additionally, if any gardening or related use invokes the State Right-to-Farm Act, then this section and related sections in this division are to become null and void.

- (1) All principal use gardens/community gardens in R1 and R2 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 rights-of-way.
- (2) Sale of goods grown in a garden/community garden is prohibited on garden sites in residential districts. Sales of goods from greenhouse in business or other districts are subject to underlying district requirements.
- (3) The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances
- (4) The property shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
- (5) Motorized equipment within a residential zoning district or residential planned unit development district shall be restricted to hours beginning at 8:00 p.m. and ending at 8:00 a.m.
- (6) Compost piles may only be used for waste generated on site, and are subject to _____ setbacks....
- (7) Gardens shall utilize integrated pest management techniques and best practices in accordance with Ch. 110, Act II of this ordinance

Modify:

		Type	Existing Use	Proposed Use
B1	122-353 (3)	Special Uses	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises	Catering services and the manufacture of food products including brewing and distilling
B2	122-373 (4)	Special uses	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises	Catering services and the manufacture of food products including brewing and distilling
B4	122-412 (10)	Permitted	Catering Services	Catering services and the manufacture of food products including brewing and distilling
RC	122-512 (10)	Special Use	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises, and the	Catering services and the manufacture of food products including brewing and distilling

			gross floor area or the Catering Service shall not exceed 1,500 square feet.	
CI	122-517 (8)	Permitted	Catering services where more than fifty (50) percent of the food produced on the premises is consumed off the premises.	Catering services and the manufacture of food products including brewing and distilling
CI	122-517 (28)	Permitted		Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.
CI	122-517 (29)	Permitted		Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery
CI	122-518 (11)	Special Use	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
CI	122-518 (12)	Special Use	Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rust proofing shops; welding shops; enameling, painting and lacquering; japanning;; spinning and weaving, and powder production and cooperage.	
WS	122-432 (8)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and	

			ceramic products, cosmetics and toiletries, , jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
WS	122-432 (16)	Permitted		Catering services and the manufacture of food products including brewing and distilling
M1	122-452 (23)	Permitted		Catering services and the manufacture of food products including brewing and distilling
M1	122-452 (12)	Permitted	Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: bakery goods, candy, beverages, coffee, tea, spices, and other food products; cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.	
M1	122-452 (13)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, draperies, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
M1	122-452 (23)	Permitted		Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.
M1	122-472 (33)	Permitted		Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and

				woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering; japanning; spinning and weaving, and powder production and cooperage.
M1	122-453 (10)	Special use		Slaughtering*, sugar refining and other similar processes.
M2	122-453 (33)	Permitted		Catering services and the manufacture of food products including brewing and distilling
M2	122-472 (11)	Permitted	Machine shops; metal galvanizing, buffing, plating and polishing shops; metal and plastic molding and extrusion shops; carpentry and woodworking shops; millwork and planing mills; tool and die shops; painting and sheet metal shops; undercoating and rustproofing shops; welding shops; enameling, painting and lacquering; japanning; spinning and weaving, and powder production and cooperage.	
M2	122-472 (12)	Permitted	Manufacture and processing of food products not elsewhere classified but not including slaughtering, sugar refining, and similar processes.	
M2	122-472 (14)	Permitted	Manufacture, compounding, processing, washing and cleaning, packaging, or treatment of such products as, but not limited to: cosmetics, powders, toiletries, and pharmaceutical products; household chemicals and cleaning products; and hardware and cutlery.	
M2	122-472 (20)	Permitted	Manufacture of handicraft products, statuary and art goods, pottery and ceramic products, cosmetics and toiletries, jewelry, clothing and garments, perfumes, electrical appliances and fixtures, novelty articles, advertising display, notions, smoking tobacco products, gauges, jigs, optical goods, luggage and	

			leather products, toys and household supplies, personal accessories, paper, wood, plastic, or rubber molded products.	
M2	122-473 (12)	Special Use	Slaughtering, sugar refining, and other similar processes.	

Modify:

		Type	Existing Use	Proposed Use
B1	122-352 (13) (a)	Permitted	Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as: (a) Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.	(a) Food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, and similar food products, excluding the sale of alcohol. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream is permitted provided that a minimum of fifty (50) percent of the products are sold at retail from the same building, and that all activities and storage occur within a completely enclosed building.
B2	122-372 (27) (a)	Permitted	Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
B3	122-392 (25)	Permitted	a. Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products,	

			such as baked goods or ice cream, is permitted provided that that fifty (50) percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
B4	122-412 (32)	Permitted	Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided no slaughtering is allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.	
RC	122-511 (26)	Permitted	Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.	
CI	122-517 (13)	Permitted	Grocery and food markets	Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. Retail sale of poultry, fish and game (provided no slaughtering is allowed). The manufacture of food products, such as baked goods or ice cream, is permitted provided that fifty (50) percent or more of the products are

				<p>sold at retail from the same building, and all activities and storage occur within a completely enclosed building. The sale of alcoholic beverages for consumption on the premises is prohibited.</p>
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MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th DAY OF March, 2013.

 Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1183A was published in the Ypsilanti Courier on the 28th day of March, 2013.

 Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of March, 2013.

 Frances McMullan, City Clerk

Notice Published: November 22, 2012

First Reading: December 4, 2012 and February 19, 2013

Second Reading: March 19, 2013

Published: March 28, 2013

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