



# City of Ypsilanti, Michigan Zoning Ordinance Chapter 122

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Private Frontage, Thoroughfare Commercial)  
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Updated April 16, 2024 (Strengthen Locational Buffers for Marihuana Microbusinesses, Marihuana Retailers, & Provisioning Centers)  
Updated November 8, 2024 (Recreational Vehicles (RVs) & Electronic Messaging Boards (EMBs))  
Updated November 20, 2025 (Dark-Sky Compliance)



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## Article I: Purpose and How To Use

### Sec. 122-100. Purpose.

This Zoning Ordinance is based on the provisions, goals, and values as adopted in the City of Ypsilanti Master Plan, amendments to those plans, and similar adopted plans addressing future development patterns and goals. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings, and structures to promote the public health, safety, and welfare. 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;
- meet the needs of the City's residents for food, fiber, energy, and other natural resources;
- guide the location of places of residence, recreation, industry, trade, service, and other uses of land;
- ensure that uses of the land shall be situated in appropriate locations and relationships;
- limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
- 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.

This Ordinance is further intended to enable, encourage, and qualify the implementation of the following policies regarding:

(a) The Districts

- (1) That neighborhoods should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- (2) That the District descriptions in Article IV shall constitute the intent of this Code with regard to the general character of each of these environments.

(b) The block and the building

- (1) That buildings and landscaping should contribute to the physical definition of streets as civic places.
- (2) That development should create complete streets that adequately accommodate vehicles and bicycles while respecting the pedestrian and the spatial form of public areas.
- (3) That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- (4) That architecture and landscape design should grow from local climate, topography, history, and building practice.
- (5) That buildings should provide the community with a clear sense of geography and climate through energy efficient methods.
- (6) That Institutional Buildings and public gathering places should be distinctive in appearance, conveying their role in community identity.
- (7) That Institutional Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City.
- (8) That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
- (9) That the harmonious and orderly evolution of urban areas should be secured through codes that regulate both building type and land use.

**Sec. 122-101. Steps for Use of Regulations.**

The table below illustrates the key steps an applicant would generally follow for development projects in the City. This is illustrative only and is not intended to set forth the administration and procedures, which are set in Article III.

Instructions	Section	Title
Find the district for your parcel.	Zoning Map	Zoning Map
Confirm the proposed use(s) is allowed in this zoning district.	Article IV	Districts
Determine if your site is within the Historic District.	Chapter 55	Historic District
Determine if your site is within the floodplain or the floodway.	Article VII, Division 3	Flood Damage Prevention
Determine the dimensional requirements for your building: <ul style="list-style-type: none"> <li>• 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 design regulations;</li> <li>• If in another district, refer to the Non-Use and Dimensional Regulations table in each district section.</li> </ul>	Article IV	Districts
Review the site design standards unique to the proposed use, as applicable.	Article V	Use Regulations
Review the site design standards general to all districts	Article VI	Site Regulations
Apply for zoning compliance	Article III, Division 2	Permits

## **Article II: 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 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.
- (i) 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 §122-348(a)(5) or §122-349(e).

**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, or 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 principal 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 are classified as types of adult regulated uses.

- (1) **Adult book or supply store** means an establishment having 20 percent or more of its stock in trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.
- (2) **Adult mini-motion picture theater** means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (3) **Adult motel/hotel** means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests where the room charge is made by the hour, and/or in which books, magazines

and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, may be sold or rented, or where motion pictures or video tapes with an emphasis on specified sexual activities or specified anatomical areas are available for viewing on an in-room viewing screen or television monitor.

- (4) **Adult motion picture theater or adult live stage performing theater** means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (5) **Cabaret** means an establishment which features any of the following: topless dancers and/or bottomless dancers, strippers, or topless and/or bottomless waitpersons or employees or any other form of nude or partially nude service or entertainment.
- (6) **Feature** means to give prominence to a certain activity, person, or persons on a recurring, ongoing basis.
- (7) **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.
- (8) **Nude** means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. For purposes of this chapter, a "fully opaque covering" must be non-flesh colored, shall not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex), and shall not simulate the appearance of the anatomical area that it covers.
- (9) **Partially nude** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
- (10) **Specified anatomical areas** means portions of the human body defined as follows:
  - (i) 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
  - (ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (11) **Specified sexual activities** means the explicit display of one or more of the following:
  - (i) Human genitals in a state of sexual stimulation or arousal.
  - (ii) Acts of human masturbation, sexual intercourse, or sodomy.
  - (iii) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- (12) **Used for presenting** means utilized for showing the described material or performances on a recurring, ongoing basis.

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

**Alternative energy** means photovoltaic energy, solar thermal energy, geothermal energy, and wind energy production.

**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.

**Ambient Lighting** means general indoor lighting intended to provide uniform illumination.

**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 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.

**Autonomous vehicle rideshare** is defined as self-driving vehicles that require no human driver. Instead, vehicles rely on Artificial Intelligence technology to streamline ride-sharing capabilities.

**Awning** means a structure generally constructed so as to shade a window or door opening on a building, which is made of rigid or 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.** See *Story, basement*.

**Bed and breakfast lodging** means a structure which was constructed for and is used for single-family residential purposes, 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.

**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, 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 primary 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.

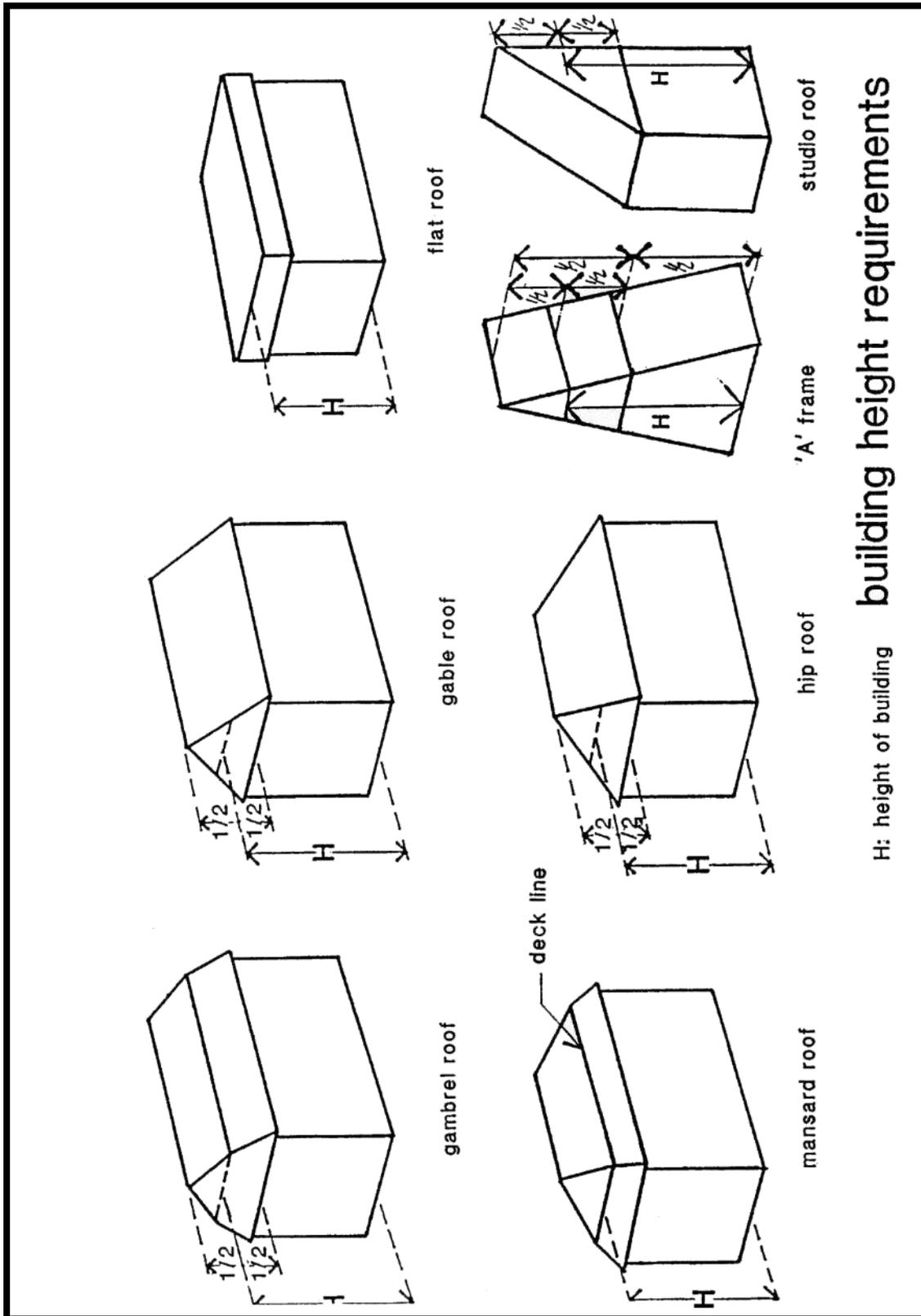
**Brewer/distiller/wine maker** means a facility in which beer, wine or other alcoholic beverages are brewed, fermented, or distilled and then packaged and stored for distribution and, if allowed by licenses and zoning, consumption; and for possesses the appropriate license(s) from the State of Michigan 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.

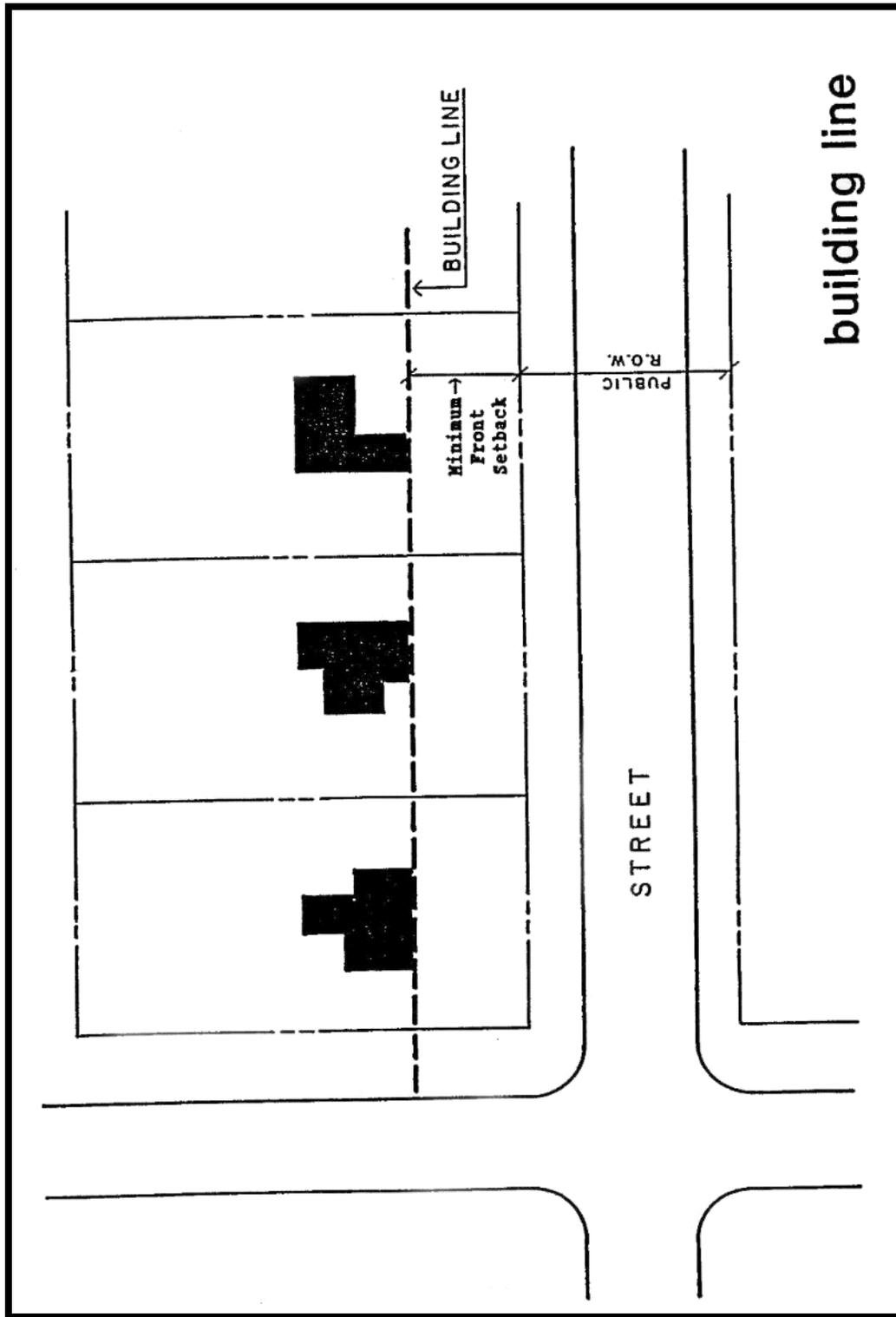
**Building code** means chapter 18 of this Code.

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

**Building height** means the vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof; to the deck line of mansard roof; to the mean height level between the eaves and ridge for a hip, gambrel or gabled roof; and 75 percent of the height of "A" frame. 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. For the purposes of this chapter, a minimum building line is the same as a required front yard setback line.



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

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

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

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

## 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 two sides, which is mainly used for storage of automobiles.

**Change of Use** constitutes the conversion of an existing structure from one class or type of use to another. Such a change may or may not include exterior building alterations.

**Child care** means the following:

- (1) **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.
- (2) **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.
- (3) **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. 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.

**Color Temperature** refers to the color appearance of light, measured in Kelvins (K).

**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.

**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 that portion of a 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.

**Condominium structure or building envelope** means the principal 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.

**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.

**Designated consumption establishment.** A facility licensed and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

**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. *See also "Dwelling, one-family or single-family."*

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

**Dwelling, multiple** 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.

**Excess marihuana grower.** A facility holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

## F

### **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:
  - (i) No more than two domestic workers employed by the household; OR
  - (ii) No more than three 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 five, unless otherwise provided for in this chapter. Room areas shall comply with the following standards:
  - (i) Living room area shall contain not less than 120 square feet.
  - (ii) Dining room area shall contain not less than 80 square feet.
  - (iii) Sleeping room area shall contain not less than 70 square feet for one person, plus at least 50 square feet for every additional person in that sleeping room.
- (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.

**Firearms sales establishment** means a place of business of a firearms dealer. A firearms dealer is any person engaged in the wholesale or retail sale of firearms, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. A firearms sales establishment shall be defined as only those establishments principally engaged in the display or sale of firearms or ammunition. A firearms sales establishment is not a store of a generally recognized retail nature, which may include firearms or ammunition as an incidental and accessory use, nor a range where less than half of the public area is devoted to sales. This does not include home occupations.

**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.

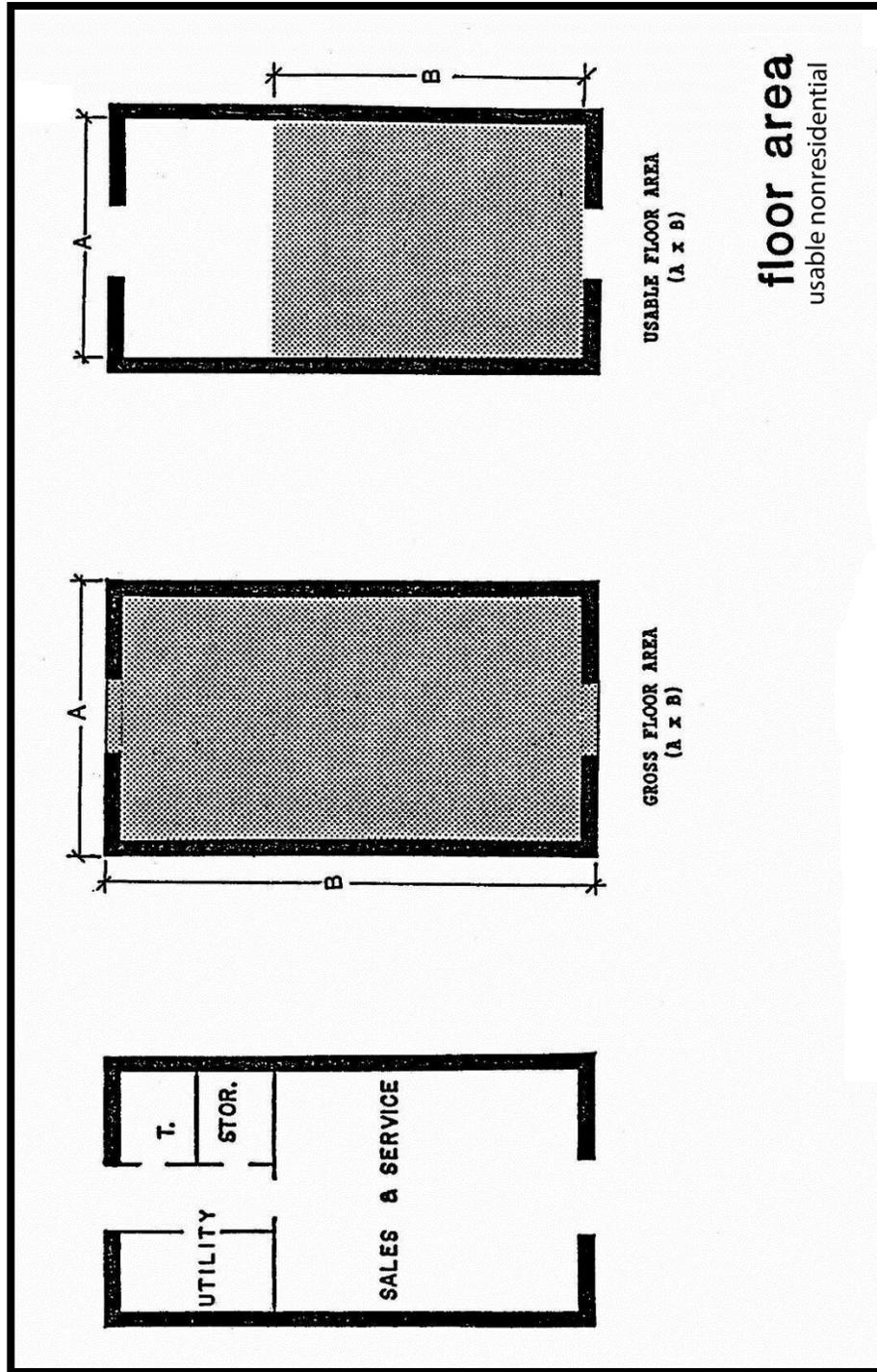
**Floor area, gross** means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, not including any uncovered or unenclosed porches, patios, or decks.

**Footcandle** means a unit of light intensity; one lumen per square foot.

**Fully Shielded:** A light fixture that is enclosed in such a manner that all light is directed downward.

**Full Cutoff Fixture:** A lighting fixture that emits no light above the horizontal plane of the fixture.

**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.

**Frontage, Private** refers to the side of the building that faces the primary street, and includes the area between the building façade and the lot line.

**Frontage, Public** means between the face of the curb and the back of the sidewalk. It includes the sidewalk, street trees, street lighting, and any landscaped planting strips that there may be. The public frontage is the crucial area where pedestrians circulate and access property and buildings. It serves as the walkable urban districts' primary source of public open spaces, where people often mingle, converse, play, and eat. The public frontage is both an important part of the transportation system and of the social and economic fabric.

## 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.

**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 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.

**Glare** means direct or reflective light emitted by a lamp, luminous tube lighting, or other light source.

**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 boarding houses, roominghouses 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

**Holiday Lighting.** See “*Seasonal lighting.*”

**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; and 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.

**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 is 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.

## 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 firearms range** means an indoor facility operated for the purpose of shooting with firearms, whether publicly or privately owned and whether or not operated for profit.

**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.

## **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.

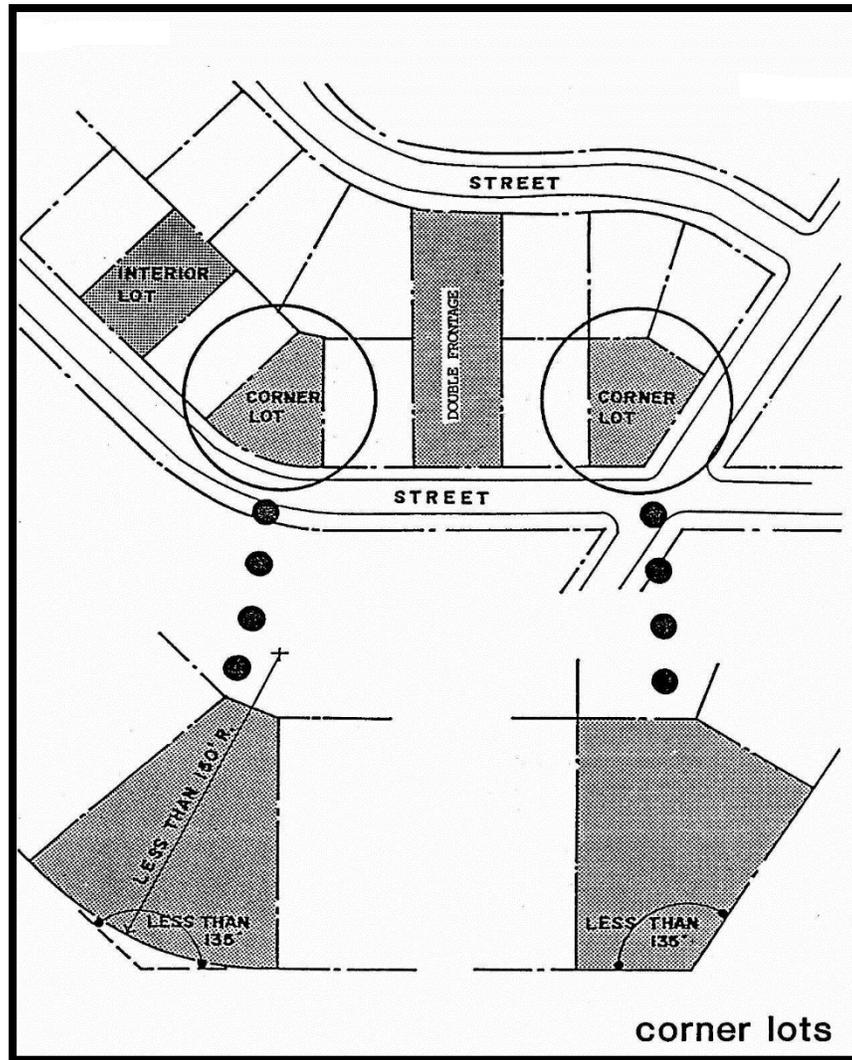
**Lot, abutting** means lots which share a common interior lot line and which are not separated by a public or private right-of-way or easement.

**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.

**Lot, double frontage** means a lot other than a corner lot having frontage on two more or less parallel streets. Also called a through lot. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on the street where buildings presently front.



**Lot, interior** means a lot other than a corner lot.

**Lot area** means the total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake, except that any lot which abuts an alley, may include the area of half the width of such alley where it abuts the lot in determining the total area of that lot.

**Lot coverage** means the part or percent of the lot that is occupied by buildings or structures.

**Lot depth** means the horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

**Lot line** means any line separating a parcel of land from another. Lot lines are further defined as follows:

- (1) **Front lot line** means, in the case of an interior lot abutting on one public or private street, the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- (2) **Rear lot line** means the lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed in the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.

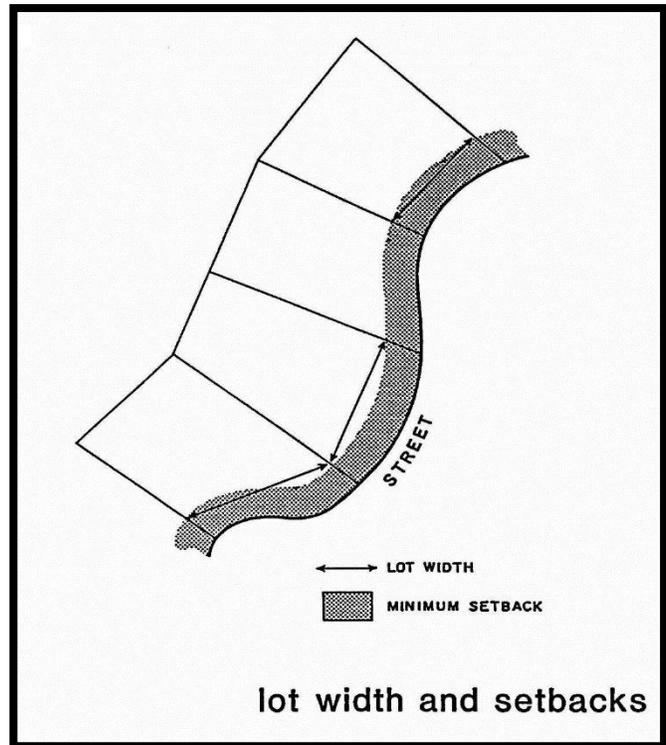
- (3) **Side lot line** means any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (4) **Interior lot line** means any lot line which does not separate a lot from a street right-of-way. A lot line which separates a lot from an alley right-of-way shall be considered an interior lot line.

**Lot of record** means a lot or parcel of land, the deed of which has been recorded in the office of the registrar of deeds of the county.

**Lot split or consolidation** means the dividing or uniting of lots by virtue of changes in the deeds in the office of the county registrar of deeds and/or the City treasurer.

**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.



**Lumens:** A measure of total light output from a source.

## M

**Maker space** is a creative, do-it-yourself space where people can gather to create, invent, and learn through the vehicles of technology, electronics, hardware supplies, and tools. Maker spaces are designed to challenge individuals to create and learn through hands-on, personal experiences throughout their life.

**Major thoroughfare.** See “Street.”

**Marihuana growing and/or processing facility** means a facility for the cultivation and/or processing of medical or recreational marihuana into a usable form. Also a “grower” or “processor” as defined by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended, or a “marihuana grower” or “marihuana processor” as defined by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018.

**Marihuana microbusiness.** A facility licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

**Marihuana retailer.** A facility that sells, supplies, or provides recreational marihuana to individuals directly; and as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018

**Marihuana safety compliance facilities.** A facility to test marihuana, including certification for potency and the presence of contaminant as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

**Marihuana secure transporter.** A facility licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishment as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

**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 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 marijuana facility.** A “marihuana facility” as defined by the Michigan Medical Marijuana Facilities Licensing Act.

**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.** See *Story, mezzanine.*

**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.

**Micro-electromechanical systems (MEMs)** is a process technology used to create tiny integrated devices or systems that combine mechanical and electrical components.

**Mobility** is defined as the ability to freely move or be moved and the capability to get from one place to another using one or more modes of transport to meet daily needs. Transport mobility provides increased opportunities for individuals to undertake fundamental tasks beyond the home environment, such as going to work and purchasing essential goods.

**Motel.** See "Hotel or motel."

**Motion-Activated Light:** A light fixture that automatically turns on when it detects movement.

**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; considered ornamentation.

## 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.

**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.

**Ornamental Lighting:** Decorative lighting used to accent features of buildings or landscapes, not primarily for illumination.

**Ornamental Uplighting:** Lighting used to illuminate architectural or landscape features from below.

**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.

**Parking space** means an area, enclosed or unenclosed, of definite length and width as designated in this chapter, to store one automobile or other vehicle which is fully accessible by a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile. The term "parking space" is exclusive of the access drives and aisles thereto.

**Party wall** means a wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

**Passive solar 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.

**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.

**Planned unit development (PUD)** means an area 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."

**Provisioning center, or dispensary,** means a facility that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended.

**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.

**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, religious 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 and Development** means a facility where research and development and/or laboratory testing, is conducted in industries that include, but are not limited to, applied biology or chemistry, biotechnology, pharmaceuticals, communication, information technology, alternative energy, micro-electromechanical systems, electronics, maker spaces/fabrication labs, autonomous vehicles, robotics, instrumentation, or computer hardware and software. Accessory production or assembly of products is allowed in conjunction with the research and development uses.

**Residentially Zoned** means any zoning district, outside of a Center or Corridor District, where single family dwellings or two-family dwellings are a permitted use.

**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 typically not present.
- (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 typically not present.
- (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:
  - (i) The delivery of prepared food by servers (waitpersons) to customers seated at tables within a completely enclosed building; or
  - (ii) 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**, 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.

## 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.

**School.** School is defined as any building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

**Screen or screening** means a wall, non-wire fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier

**Seasonal Lighting,** also known as holiday lighting, refers to temporary lighting displays associated with holidays or cultural events, not exceeding 90 consecutive days per calendar year.

**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 enclosed or covered porches) 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.

## SIGNS

**Sign** means any visual or graphic device designed 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.

**Sign, abandoned** means a sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or which is otherwise dilapidated, unsightly, or unkempt; and for which the business or property owner has not accepted maintenance responsibility or intentionally altered for a period of no less than 365 days, where such acts evidence an intent to abandon.

**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, 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, billboard** means any freestanding permanent sign that is more than ten feet tall and has an area of more than 300 sf, and as defined in 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, electronic message** means a sign with a message displayed on a surface with an electronically illuminated changeable copy area, often composed of LEDs.

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

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

**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 sign that is intended to be expanded by air or other gas for its proper display or support; considered a temporary sign.

**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, 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, permanent** means a sign that is securely anchored and affixed to the ground or a building in a manner such that it can remain in place without maintenance for an indefinite period of time, often one year or more.

**Sign, projecting** means a sign which is attached directly to the building wall or suspended under an awning, canopy, or marquee, and which extends more than 18 inches from the face of the wall; considered a building-mounted sign.

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

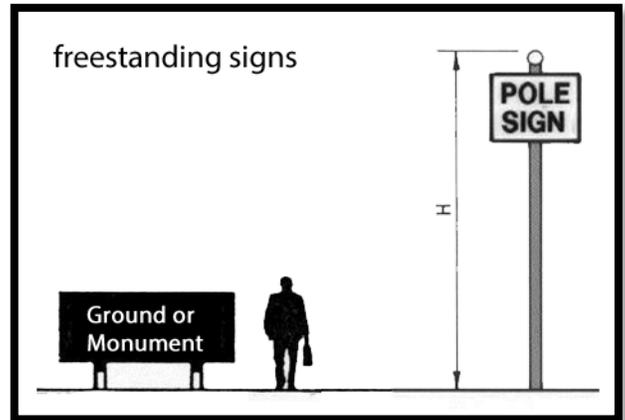
**Sign, roof** means a sign which is constructed and maintained upon or above the roof of a building, marquee, or parapet wall and which is wholly or partially supported by such building; considered a type of building-mounted sign.

**Sign, sidewalk** means a temporary sign placed within the pedestrian right-of-way. These types of signs include "A" Frame and "T" Frame styles.

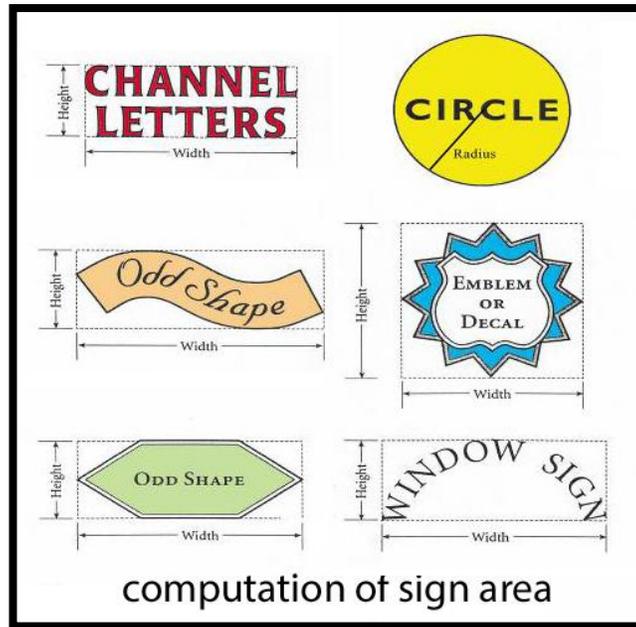
**Sign, temporary** means signs not permanently affixed to the ground or to a building, often constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame.

**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.

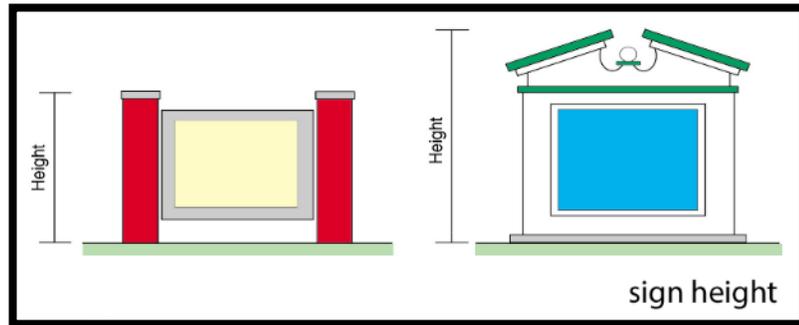
**Sign, window** means any sign within a building placed within 12 inches of a window or upon a window pane and that is visible from the exterior of the building, not including merchandise located in a window.



**Sign area** means the gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy, or the surface of any internally-illuminated sign. Such perimeter does 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 or more faces, the sign area shall equal the total area of all sign faces, except where two faces are placed back to back and are at no point more than three feet apart, in which case the sign area is considered to be the area of the larger face.



**Sign height** means the vertical distance measured from the average grade at the sign location to the highest point of the sign.



**Sign structure** means anything constructed or erected for the exclusive purpose of supporting a sign.

**Site plan** means a detailed plan showing all features of a proposed development so that the proposal may be evaluated to determine whether it meets the provisions of this chapter.

**Sky Glow:** The brightening of the night sky over populated areas caused by outdoor lighting and reflection.

**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.

**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. Formerly called conditional use.

**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. Mezzanines and basements shall be deemed full stories as specified within their definitions.

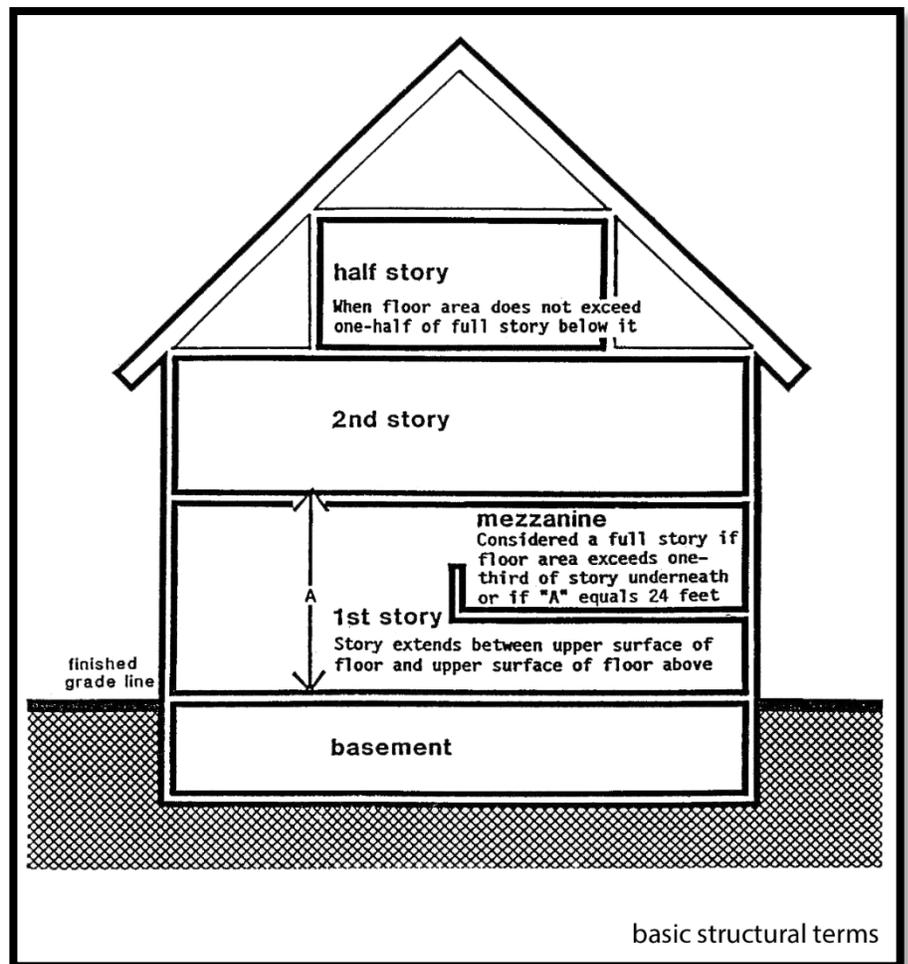
(1) A *mezzanine* shall be deemed a full story when it covers more than one-third of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.

(2) A *basement* shall be considered a story above grade where the finished surface of the floor above the basement is:

- (i) More than six feet above grade plane;
- (ii) More than six feet above the finished ground level for more than 50 percent of the total building perimeter; or
- (iii) More than 12 feet above the finished ground level at any point.

(3) Story, first means the lowest story of the ground story of any building that is not a basement, except that any basement or cellar used for residential purposes shall be deemed the first story.

(4) 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).

**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.

**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.

**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.

**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.

## 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.

## 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 main use of land and/or 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 this Chapter, 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.

**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 technological services** deals with the production of control mechanisms, operating software, charging mechanisms/devices, and controls. Also may involve services regarding vehicle logic programming, data retrieval, and control adjustments.

**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 and/or has a recreational license plate. 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

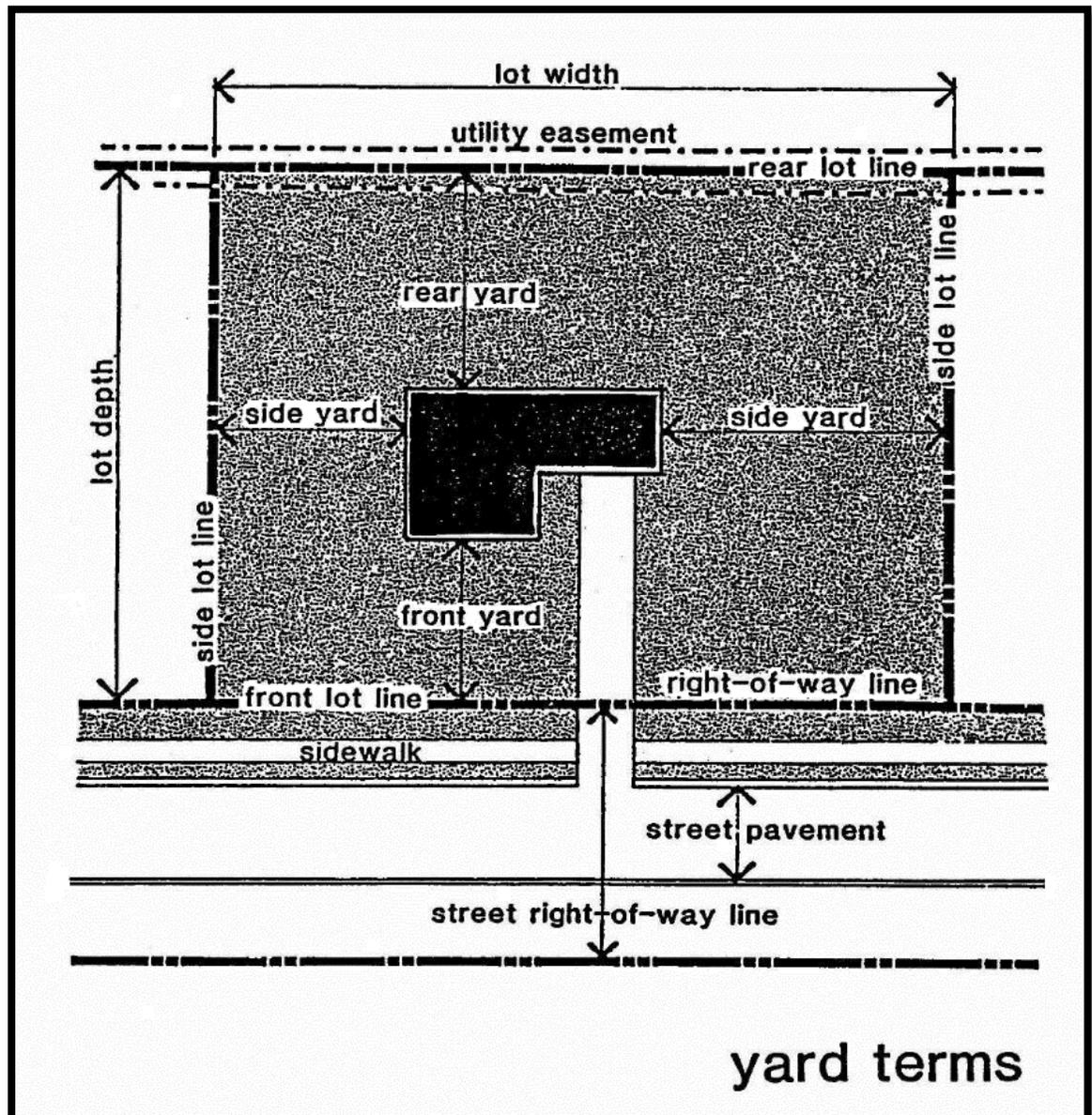
**Warehouse** means an enclosed building used for the storage of commercial goods or wares which are intended for sale, transfer or processing.

**Window Outline Lighting:** Continuous or segmented lighting (e.g., LED strips) placed around window perimeters, visible from outside.

## 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.

- (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.



**Z**

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

**Secs. 122-204 – 299. Reserved.**

## **Article III: Development Procedures and Administration**

### **Division 1: Generally.**

#### **Sec. 122-300. 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 III "Development Procedures and Administration," Division 4 "Amendments."
  - (2) A variance under Article III "Development Procedures and Administration," Division 5 "Variances and Appeals."
  - (3) Site plan review or amendment to an approved site plan under Article III "Development Procedures and Administration," Division 2 "Permits," Subdivision I, "Zoning Compliance."
  - (4) A special use permit or to amend a special land use under Article III "Development Procedures and Administration," Division 2 "Permits," Subdivision II, "Special Land Uses."
  - (5) A planned unit development under Article VII, Division 1 "Planned Unit Development."
  - (6) A site condominium subdivision project under Article VII, Division 2 "Site Condominium Subdivisions."
  - (7) An application for occupation, construction or substantial improvement in a floodplain under Article VII, Division 3 "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. 122-301. Administrative liability.**

No officer, agent, employee, or member of the City Council, Planning Commission, or Zoning Board of Appeals shall render themselves 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 their duties and responsibilities pursuant to this chapter.

#### **Sec. 122-302. Vested right.**

It is hereby expressly declared that nothing in this chapter shall be interpreted or construed to give or grant to any person, firm or corporation any vested right, license, or privilege in the continuation of any particular use, zoning classification or any permissible activities therein. Such provisions are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

#### **Sec. 122-303. Fees.**

Fees for the review of applications and inspections, where required by this Chapter, shall be established and may be amended by resolution of City Council. Such fees are nonrefundable unless noted otherwise.

#### **Sec. 122-304. Reserved.**



## **Division 2: Permits.**

### **Subdivision I: Zoning Compliance.**

#### **Sec. 122-305. Purpose.**

- (a) The purposes of 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 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. 122-306. 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.
- (b) The City Planner shall review all application materials. If such materials are incomplete, they shall be returned to the applicant.

**Sec. 122-307. Levels of Review.**

- (a) Review is required for the activities or uses as listed in the table below. Applications submitted for 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 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.

<b>(c) Levels of Review Table</b>				
<b>Activities or uses</b>	<b>Type of plan required</b>	<b>City Planner</b>	<b>Planning Commission</b>	<b>City Council</b>
<b>(1) New Construction</b>				
Single or two-family dwelling on individual lot	Sketch	X		
Accessory dwelling unit or accessory building to single or two-family use	Sketch	X		
Essential services, electrical substations, private utilities and similar uses	Site	X		
Non-residential	Site	Review & recommend to PC	X	
Special Land Use or Limited Building Type	Site or Limited Site, at Planner discretion	Review & recommend to PC	X	
Subdivisions (both site condominiums & plats)	Site	Review & recommend to PC	Review & Recommend to City Council	X
Rezoning, 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
<b>(2) Expansion/Modification to Existing Buildings</b>				
Single or two family dwelling on individual lot	Sketch	X		
Accessory dwelling unit	Sketch	X		

<b>(c) Levels of Review Table</b>				
<b>Activities or uses</b>	<b>Type of plan required</b>	<b>City Planner</b>	<b>Planning Commission</b>	<b>City Council</b>
Where no requests for exceptions as allowed by this Chapter are made, and the proposed expansion/modification 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		
Where a building encroaches into the required setback from a planned easement; or area of expansion exceeds the threshold permitted for administrative review; or when waivers are requested.	Site	Review & recommend to PC	X	
Expansion or intensification of a Special Land Use	Site	Review & recommend to PC	X	
<b>(3) Change in Use</b>				
Temporary uses, buildings & structures	Sketch	X		
Change in use to a new Special Land Use with <i>no</i> requests for waivers as provided in this chapter and no proposed changes to the site or building footprint	Limited Site	Review & recommend to PC	X	
Change to an equally or less intense use, as determined by the City Planner, that does not involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site	Sketch	X		
Change 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	Site	Review & recommend to PC	X	

<b>(c) Levels of Review Table</b>				
<b>Activities or uses</b>	<b>Type of plan required</b>	<b>City Planner</b>	<b>Planning Commission</b>	<b>City Council</b>
<b>(4) Accessory Structures &amp; Site Improvements</b>				
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 waivers 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 waivers allowed in this Chapter	Site	X		
New parking lot and/or garage, or expand/modify existing parking lot, with requests for waivers allowed in this Chapter	Site	Review & recommend to PC	X	
<b>(5) Other uses or site improvements</b>				
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 waivers 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		

### **Sec. 122-308. 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:

- (a) Address of project, scale, north arrow, date of original drawing, and date of any revisions.
- (b) Name, address and phone number of the site owner, developer, and/or plan designer.
- (c) The area of the site in square feet or acres, excluding all existing and proposed rights-of-way.
- (d) 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.
- (e) Parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and barrier-free access ramps, and type of surfacing.
- (f) Landscape plan showing type, size, and location of all plant material. Existing vegetation which is to be retained on the site shall be illustrated.
- (g) 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.
- (h) Location of all outdoor storage areas for materials and the manner in which materials shall be screened and/or covered.
- (i) 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.
- (j) All of the provisions of this Chapter regarding violations, amendments, expirations, and approvals that apply to site plans shall have the same effect upon sketch plans.

### **Sec. 122-309. 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 VI, Division 3 "Landscaping and Screening," which indicates type and size of all plant material, including all areas to be sod or seeded for grass. Existing vegetation which is to be retained on the site shall be illustrated.
- (k) Location of all proposed accessory structures, including fences or walls; outdoor lighting fixtures, including photometric study to demonstrate compliance with §122-609, 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.
- (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 of one acre or more, 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 §122-672.
- (r) Other data which the Planning Commission, City Planner, or consulting engineer may deem reasonably necessary for adequate review.
- (s) 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.
- (t) In cases when a Special Use permit is being applied for, the City Planner may grant waivers of the standard site plan data requirements when specific data is deemed unnecessary in determining compliance of a site plan with the regulations or standards of this chapter. In no case shall less information be required for this Limited Site Plan than for a Sketch Plan. The submitted drawings shall be referred to as a Limited Site Plan.

**Sec. 122-310. 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, 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 §122-311 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 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 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. 122-311. 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 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. 122-312. 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. 122-313. Amendment of approved site plan.**

- (a) A site plan may be amended upon application and in accordance with the procedures and requirements provided in §122-306.
- (b) Minor changes to a site plan may be made without following the procedures of §122-306 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 §122-308 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. 122-314. 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. 122-315. 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 §122-317.

**Sec. 122-316. Phasing of development.**

- (a) The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size, and character of each phase. However, complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.
- (b) Each phase of a project shall stand on its own. No phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping, or any other element required by this chapter.

**Sec. 122-317. 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 up to 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. 122-318. 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.

**Sec. 122-319. Reserved.**



## **Subdivision II: Special Land Uses.**

### **Sec. 122-320. 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. 122-321. 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 §122-431(c).

### **Sec. 122-322. 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 §122-309. For special land uses to occupy an existing building with no building additions, the City Planner may allow a limited site plan drawn in accordance with §122-309(t).
- (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. 122-323. Public hearing.**

- (a) Notification requirements. A notice of a public hearing shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of the public hearing. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- (b) Contents of notification. The notice shall include the following:
  - (1) Description of the nature of the special use request.
  - (2) A legal description or address of the property which is the subject of the special use request.
  - (3) Statement of when and where the public hearing will be held.
  - (4) Statement of when and where comments will be received concerning the request.

**Sec. 122-324. 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 or sketch plan review standards, as applicable, 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. 122-325. 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. 122-326. 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 is considered a violation of this chapter and grounds for Special Use Permit revocation. Conditions of approval must remain unchanged except upon mutual consent of the City Planning Commission and the landowner. Any such changes must be recorded in the minutes of the City Planning Commission meeting at which the action occurred.

**Sec. 122-327. Duration of special use approval.**

Once a special use is established, Special Use Permits run with the land, and cannot be issued for specified periods. Special Use Permits may be revoked by the Planning Commission in accordance with §122-329.

**Sec. 122-328. 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 is subject to the same procedures followed for an original approval of special land use.

**Sec. 122-329. 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. 122-330. 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. 122-331. Reapplication.**

No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**Secs. 122-332--122-334. Reserved.**



### **Subdivision III: Temporary Use Permits.**

#### **Sec. 122-335. Requirements.**

The Building Department, unless otherwise indicated, may issue temporary use permits for the uses listed below in any district, unless otherwise indicated, after determining that such uses will meet the standards under subsection (h) 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 use permit may only be authorized by the Planning Commission, following the noticing procedures outlined in §122-323. 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 VI, Division 5, as well as district-specific regulations.
- (d) **Seasonal uses.** Seasonal temporary uses or unusual, nonrecurrent temporary uses, and associated signs may be authorized for up to 30 days. All signs shall meet the provisions under Article VI, Division 5, as well as district-specific regulations.
- (e) **Temporary mobile food establishments.** The City Planner may authorize a temporary special permit to temporary mobile food establishments for no more than 200 consecutive days in one calendar year, with the following standards:
  - (1) Permits expire on December 31<sup>st</sup> 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. This requirement does not apply in Center or in Historic Corridor zoning districts.
  - (4) Evidence of approval or exemption 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 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 comply with Section 122-609.
  - (9) The temporary mobile food establishment and all accessory materials shall be located on a paved surface, or evidence submitted that placement on an unpaved surface will not increase stormwater runoff or pose an accessibility challenge for patrons who may use a mobility assistance device, such as a wheelchair or walker.
  - (10) 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.
  - (11) The standards in subsection (h) of this section also apply to temporary mobile food establishments.
- (f) **Parking areas.** Temporary special permits may be issued for the use of unimproved areas for parking for a period of up to 30 days.
- (g) **Sales office for subdivision.** Temporary special permits may be issued 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.
- (h) **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, unless otherwise indicated.
- (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 approving body may request a sketch 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 approving body. 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.
- (i) **Temporary mobile healthcare establishments.** The City Planner may authorize a temporary special permit to temporary mobile healthcare establishments for no more than 365 consecutive days in one calendar year, with the following standards:
  - (1) Permits expire on December 31st of each year.
  - (2) Temporary mobile healthcare establishments are only permitted in Center, Parks, General Corridor, Neighborhood Corridor, Production Manufacturing Distribution, and Health and Human Services zoning districts.
  - (3) The area occupied by temporary mobile healthcare 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. This requirement does not apply in Center or in Historic Corridor zoning districts.
  - (4) Sanitary facilities shall be 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 healthcare establishment.
  - (5) 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.
  - (6) No outdoor amplified music, sound, or noise shall be permitted. Outdoor generators shall be identified on the sketch plan; no outdoor generators shall be permitted within 200 feet of a property line that is not zoned Center, Parks, General Corridor, Neighborhood Corridor, Production Manufacturing Distribution, or Health and Human Services zoning district.
  - (7) All outdoor lighting shall comply with Section 122-609.
  - (8) The temporary mobile healthcare establishment and all accessory materials shall be located on a paved surface, or evidence submitted that placement on an unpaved surface will not increase stormwater runoff or pose an accessibility challenge for patrons who may use a mobility assistance device, such as a wheelchair or walker.
  - (9) A sketch plan of the proposed location shall be provided if and when requested; location of any seating, waste containers, fuel storage, sanitary facilities, lighting, generators, or other accessory materials shall be shown.
  - (10) The standards in subsection (h) of this section also apply to temporary mobile healthcare establishments.

**Secs. 122-336--122-339. Reserved.**

## **Subdivision IV: Building Permits.**

### **Sec. 122-340 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, where applicable, when required under Article III, Division 2 “Permits,” Subdivision 1 “Zoning Compliance.”
- (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.

### **Sec. 122-341. 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.

### **Secs. 122-342--122-344. Reserved.**



## **Division 3: Nonconformities.**

### **Sec. 122-345. Purpose.**

- (a) 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.
- (b) 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.
- (c) 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. 122-346. 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. 122-347. 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. 122-348. 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 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. 122-349. 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 §122-323. 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.**
  - (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. Single-family and two-family homes on individual lots that are considered a non-conforming use in the PMD, Production, Manufacturing, and Distribution 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 their 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. 122-350. 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.
  - (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 §122-323. 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. 122-351. 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, CN-SF, 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 §122-349(d) or the use abandoned as described in §122-349(e).
- (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:
- (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 §122-349(e). 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 shall 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. 122-352. Nonconforming structures.**

- (a) A nonconforming building or structure is a structure, including a sign, 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 results 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 may 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 may be declared by the Building Department to be unsafe or unlawful by reason of physical condition. Such structure may 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 §122-349, 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.
  - (2) All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and are implemented in the restoration project.
- (e) Signs of Local Historic Significance. The City Council may approve and/or amend a list of existing nonconforming 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 and approval by the Building Official.

### **Sec. 122-353. 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. 122-354. 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. 122-355. 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.

**Secs. 122-356—122-359. Reserved.**

## **Division 4: Amendments.**

### **Sec. 122-360. 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 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. 122-361. 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:
    - (i) 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.
    - (ii) Contain a legal description of the land to which it pertains.
    - (iii) Contain a statement acknowledging that the "Statement of Conditions" runs with the land and is binding upon successor owners of the land.
    - (iv) 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.
    - (v) 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.
    - (vi) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the "Statement of Conditions".
  - (5) If the application is for an amendment to this chapter text, a description of the proposed change, with a detailed explanation as to why the proposed amendment is needed.
  - (6) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed

amendment.

(b) **Public hearing.**

- (1) At least one public hearing on a proposed amendment shall be held by the Planning Commission. Notice of such public hearing shall be published at least once in a newspaper of general circulation in the City, not less than 15 days prior to the date set for the public hearing. The contents of the notice shall include the following.
- (2) Time and place of the public hearing.
- (3) A description of the proposed amendment.
- (4) The street address and legal description of any property for which a zoning change is requested, the present zoning of that property, and the proposed new zoning designation. If 11 or more adjacent properties are proposed for rezoning, individual addresses and legal descriptions are not required.
- (5) Not less than 15 days' notice of the public hearing shall be given by mail to each public utility company and railroad company owning or operating any public utility or railroad within the zoning district affected by the proposed amendment that registers its name and address with the City for the purpose of receiving such notice.
- (6) If an individual property or up to 10 adjacent properties are proposed for rezoning, written notice of the public hearing shall be given the owner of the property in question, and to all owners of real property and occupants of structures within 300 feet of the property in question. The notice shall be mailed or delivered not less than 15 days before the public hearing.
- (7) Any notices served by mail require an affidavit of mailing to be filed with the Planning Commission prior to the public hearing.

(c) **Planning Commission recommendation.** Following the public hearing, the Planning Commission shall prepare a report of its recommendations regarding the proposed amendment, and transmit such report to the City Council. The Planning Commission may recommend changes in the amendment in order to reflect objections raised at the hearing or to correct typographical or grammatical errors. The Planning Commission may reduce the area of land to be rezoned as described in the public hearing notice, but may not enlarge the area of land to be rezoned.

(d) **City Council action.** After the Planning Commission has held a public hearing and has made a written report to the City Council indicating their recommendation on the proposed amendment, the City Council may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole or part with or without additional changes. The City Council may also hold a public hearing on the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearings. Upon the presentation of a protest petition meeting the requirements of section-4 403 of Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.) an amendment to this chapter or Zoning Map which is the object of such petition shall be passed by an affirmative vote of not less than two-thirds members of the City Council.

(e) **Publication.** Following adoption of an amendment to this chapter by the City Council, a notice of adoption shall be published in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:

- (1) Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- (2) The effective date of the amendment.
- (3) The place and time where a copy of the amendment may be purchased or inspected.

**Sec. 122-362. Standards for Amendments.**

(a) **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following standards:

- (1) The proposed amendment is consistent with the guiding values of the Master Plan; and
- (2) The rezoning is consistent with description and purpose of the proposed district, and.
- (3) The proposed amendment is consistent with the intent of this Zoning Ordinance; and
- (4) The proposed amendment will enhance the functionality, transportation network or character of the future development in the City; and
- (5) The proposed amendment will preserve the historic nature of the surrounding area and of the City; and
- (6) The proposed amendment will enhance the natural features and environmental sustainability of the City; and
- (7) The proposed amendment will protect the health, safety, and general welfare of the public; or
- (8) The proposed amendment is needed to correct an error or omission in the original text; or
- (9) The proposed amendment will address a community need in physical or economic conditions or development practices; and

- (10) The proposed amendment will not result in the creation of significant nonconformities in the City.
- (b) **Zoning Map Amendment.** For a change in the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning meets the following standards:
- (1) The rezoning is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since the current Master Plan was adopted, the consistency with recent development trends in the area.
  - (2) The rezoning sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
  - (3) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district.
  - (4) All the potential uses and building types allowed in the proposed zoning district are compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
  - (5) The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City.
  - (6) The rezoning will not be detrimental to the financial stability and economic welfare of the City.
  - (7) The rezoning not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
  - (8) The rezoning is consistent with the trend of development in the neighborhood or surrounding area.
  - (9) The property in question was improperly zoned or classified when this Chapter was adopted or amended.
  - (10) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.
- (c) **Conditional Zoning Map Amendment.** For a change in the Zoning Map with voluntary conditions, the Planning Commission shall consider and the City Council may consider, whether the proposed rezoning and voluntary conditions meet the following conditions:
- (1) The voluntary conditions are first offered and heard at a public meeting.
  - (2) 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.
  - (3) The rezoning and voluntary conditions are consistent with the description and purpose of the district of the property.
  - (4) 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.
  - (5) The property proposed to be re-zoned can accommodate the requirements of the proposed zoning district and voluntary conditions.
  - (6) 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.
  - (7) 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.
  - (8) The rezoning and voluntary conditions will not be detrimental to the financial stability and economic welfare of the City.
  - (8) The rezoning and voluntary conditions will not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
  - (9) The rezoning and voluntary conditions are consistent with the trend of development in the neighborhood or surrounding area.
  - (10) The voluntary conditions bear a reasonable and rational relationship to the property for which rezoning is requested.
  - (11) The voluntary conditions shall run with the land, and may only be removed or changed through another act of rezoning.
- (d) **Building Type Designation on Zoning Map.** For a change in building type designation on the Zoning Map, the Planning Commission shall consider and the City Council may consider, whether the proposed amendment meets the following conditions:
- (1) The building type change is consistent with the policies, guiding values and City Framework (Future Land Use Map) of the Master Plan, including any subarea or corridor studies. If conditions have changed since

the current Master Plan was adopted, the building type change is consistent with recent development trends in the area.

- (2) The building type sustains the site's physical, geological, hydrological and other environmental features with the potential uses allowed on the proposed property and surrounding property.
- (3) The building type change is consistent with the size, scale and character desired within the zoning district.
- (4) The property can accommodate the requirements of the proposed building type change.
- (5) The building type change is compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values.
- (6) The capacity of City infrastructure and services sufficient to accommodate the building type change on the property in question without compromising the health, safety, sustainability and welfare of the City.
- (7) The building type change will not be detrimental to the financial stability and economic welfare of the City.
- (8) The building type change will not would negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
- (9) The building type change is consistent with the trend of development in the neighborhood or surrounding area.
- (10) The building type change on the property in question is consistent with the description and purpose of the district of the property.
- (11) In cases where requested building type is designed to accommodate commercial uses on the first floor in the Core Neighborhood, Core Neighborhood-Mid, or Core Neighborhood Single Family districts, the parcel must be located on a corner of two or more streets.

#### **Sec. 122-363. 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. 122-364. 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. 122-365. Resubmitted amendments.**

No petition for an amendment which has been disapproved by the City Council shall be resubmitted for a period of

one year from the date of disapproval, except as may be permitted by the Planning Commission after new and significant facts or conditions have been offered which might result in favorable action upon resubmission.

**Secs. 122-366 – 369. Reserved.**



## Division 5: Variances and Appeals.

### Sec. 122-370. 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.
  - (4) Other reasonable information deemed necessary by the Zoning Board of Appeals in order to make a proper decision.
- (b) **Standards for variances.** A variance from the literal enforcement of this chapter may be granted by the Zoning Board of Appeals only if all of the following standards are met:
- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.
  - (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
  - (3) The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.
  - (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.
  - (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure.
- (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.

### Sec. 122-371. 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 by the decision of any officer, department, board, agency, or bureau of the City, county, state, or federal governments by filing a notice of appeal with the City Planner's office. The notice of appeal shall be signed, shall specify the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of appeal; such fee shall be nonrefundable. Appeals shall be filed within 60 days of the decision in question.

- (c) **Stay of action.** An appeal stays all proceedings in the furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by circuit court, following written request, notice to the officer or body from whom the appeal is taken, and due cause shown.
- (d) **Power to subpoena.** The Zoning Board of Appeals shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files, and other evidence pertinent to the matters before it.
- (e) **Decisions regarding appeals.** The Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination from which an appeal is sought. To that end, the Zoning Board of Appeals shall have the powers of the public official or body from whom the appeal is taken.

**Secs. 122-372 – 374. Reserved.**

## **Division 6: Violations and Penalties.**

### **Sec. 122-375. 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) **Blight Violation.** A person who violates any provision of this chapter is responsible for a blight violation, subject to payment of a civil fine and costs as set forth in section 71-73. Repeat offenses under this chapter shall be subject to increased fines and costs as set forth in section 71-73. A person who violates this chapter is also subject to enforcement by the procedures, costs, and penalties set forth in Section 1-15 of the Ypsilanti City Code for blight violations.
- (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.

**Secs. 122-376 – 122-379. Reserved.**



## **Division 7: Authorities.**

### **Sec. 122-380. 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. 122-381. 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:

- (a) The Building Inspector, or such person or persons as the City Manager may delegate, shall have the power to:
  - (1) Make inspections of buildings and premises necessary to carry out the duties of enforcement of this chapter.
  - (2) Issue building permits.
  - (3) Issue certificates of occupancy.
  - (4c) Conduct surveillance and issue notices of violation pursuant to this chapter.
- (b) 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.
- (c) 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.
- (d) Advice may be provided to the City Council, Planning Commission or Zoning Board of Appeals on petitions and applications that come before these bodies.
- (e) It shall be unlawful for the City Manager or their 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.
- (f) Under no circumstances shall the City Manager or their 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.
- (g) The City Manager or their 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.

**Secs. 122-382 – 122-384. Reserved.**



## **Subdivision I: Planning Commission.**

### **Sec. 122-385. 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. 122-386. 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. 122-387. 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. 122-388. 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 correspond to that member's term as a Planning Commission member.

### **Sec. 122-389. 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. 122-390. 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. 122-391. 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 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. 122-392. 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.

**Secs. 122-393 – 122-394. Reserved.**

## **Subdivision II: Zoning Board of Appeals.**

### **Sec. 122-395. 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 they have 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. When a member dies or resigns, the chairperson shall promptly notify the mayor that a vacancy exists.

### **Sec. 122-396. 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 §122-370.
  - (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 §122-371.
  - (5) Hear and decide on any other matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under the terms of this chapter.
- (b) The Zoning Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this chapter, and shall not take any action which would, as a result, make legislative changes in or negate any provisions of this chapter.

- (c) The Zoning Board of Appeals shall not have authority to hear appeals on decisions made by the Planning Commission or City Council regarding planned unit developments.
- (d) The Zoning Board of Appeals shall not have the authority to grant a use variance.

**Sec. 122-397. 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.
- (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 their 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 §122-326 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 §122-317.
- (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. 122-398. Decisions final.**

All decisions of the Zoning Board of Appeals are final. However, a person having an interest aggrieved by a decision may appeal to the circuit courts, as provided in Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended. Such an appeal must be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

**Sec. 122-399. 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 their appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.





## 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.

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-SF, Core Neighborhood Single Family
- CN-Mid, Core Neighborhood Mid
- CN, Core Neighborhood
- C, Center
- HC, Historic Corridor
- NC, Neighborhood Corridor
- GC, General Corridor
- HHS, Health and Human Services

#### Sec. 122-401. 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 is 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 contains notations on property where building types noted in §122-465 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.

#### Sec. 122-402. 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 governed by Article III, Division 3 "Nonconformities," and generally governed by this chapter.

#### Sec. 122-403. 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 (a) 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. 122-404. 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. 122-405. 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 III, Division 2 “Permits,” Subdivision II “Special Land Uses,” regarding procedure and requirements for special uses, applies to these uses.

**Sec. 122-406. 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. 122-407. Zoning of annexed land.**

Property duly annexed to the City will be zoned R1, single-family residential, upon annexation. However, the City Council may, in the annexation ordinance, designate an appropriate zoning designation upon annexation, based upon existing use of the property, the City's adopted master plan, or the use of surrounding properties.

**Secs. 122-408 – 409. Reserved.**

## **Division 2: Use Based Districts**

### **Sec. 122-410. Purpose.**

Outlying neighborhoods (outlying residential and multiple-family) and special districts (parks and production, manufacturing, and distribution) are areas where regulation by use and intensity is appropriate. These districts were primarily constructed after the Second World War, were developed with the automobile in mind as much as the individual, and generally were developed well after the advent of zoning regulations. These neighborhoods tend to be less dense and have stronger separation between commercial, residential, and industrial uses than do areas developed prior to the 1940s. The regulations set forth herein continue the separation of uses where prudent, enable the continuing integration of the automobile into daily life while maintaining transportation choices, reinforce connections between these and other neighborhoods, and respect the history of the neighborhoods.

### **Secs. 122-411 – 414. Reserved.**



## Subdivision I: Park District (P)

### Sec. 122-415. Purpose.

The Park (P) district is designed to preserve green space for recreation and for preservation of natural resources. Temporary uses may be allowed to encourage use and vitality of these areas.

### Sec. 122-416. Permissible Uses.

In the Parks district, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES		NOTES	SPECIFIC REGULATIONS
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>			
Park	P		
Outdoor and indoor education areas	P		
Outdoor recreation areas such as swimming pools, tennis courts, and performance venues	P		
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.	
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Solar Farms	S		Section 122-513
Alternative Energy	A		Section 122-513
Parking Garage	S		Section 122-518
<b>SERVICES</b>			
Cemetery	P		
Crematory	S		All principal buildings must be set back at least 75 feet from all property lines.
<b>TEMPORARY USES</b>			
Mobile food establishments	P		Section 122-335
<b>URBAN AGRICULTURE</b>			
Community Gardens	P		Section 122-529
Passive solar building	P		

**Sec. 122-417. Non-Use and Dimensional Regulations.**

<b>(a) Minimum Lot Width</b>			
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.			
<b>(b) Minimum Lot Size</b>			
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.			
<b>(c) Minimum Setbacks for Principal Structures and Attached Accessory Structures</b>			
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		
<b>(d) Height</b>			
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.	Subject to §122-613.	
<b>(e) Parking Setbacks</b>			
Front & street side yard	10 feet		
Side & rear yards	10 feet		
<b>(f) Fences</b>			
Front Yard	No more than 4' in height and 50% opacity	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>	
Side, Street Side, and Rear Yards	No more than 6' in height, no opacity restriction		
<b>(g) Signs</b>			
Freestanding Signs (temporary)	Maximum area	10 sf	Permit not required.
	Maximum height	3 feet	
	All setbacks:	0 feet Subject to §122-675	
Freestanding Signs (permanent)	Maximum area	100 sf	Permit required.
	Maximum height	35 feet	
	Front setback	3 feet Subject to §122-675	
	Side, street side, and rear setback	10 feet Subject to §122-675	
	Maximum # signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 8sf.	

Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Billboards	Location	adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	Permit required.
	Maximum Area	672 sf	
	Maximum Height	65'	
	Other restrictions	Subject to §122-675	
Electronic Message Board Signs		Not Permitted	
<b>(h) Other Accessory Structures</b>			
Subject to Article VI, Division 4, "Accessory Structures, Porches, and Decks"			

**Secs. 122-418 – 419. Reserved.**



**Subdivision II. Single-Family Residential District (R1)**

**Sec. 122-420. Purpose.**

The Single-Family Residential (R1) district is designed to provide an environment of predominantly low-density, single-family detached dwellings, along with related facilities such as schools and religious institutions.

**Sec. 122-421. Permissible Uses.**

In the Single-Family Residential (R1) district, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	R1	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>			
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.	
Single-Family Attached Dwellings	P	Permitted on corner lots only, otherwise prohibited.	Corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A		
Two-Family Dwelling	P	Permitted on corner lots only, otherwise prohibited.	Corner lot must contain at least 30' of frontage on two or more street sides.
Home Occupation	A		Section 122-531
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	Up to 12 children	Section 122-521
Adult foster care family homes	A	1-6 adults, excludes facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>			
Park	P		
Primary & Secondary Schools (public & private), less than 15,000 square foot footprint	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private), less than 15,000 square foot footprint	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution, less than 15,000 square foot footprint	S		Section 122-550
Municipal, county, regional & state service uses	S		Section 122-542
<b>SERVICES</b>			
Bed & Breakfast or Inn	S		Section 122-520

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
<b>USES</b>	<b>R1</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Farmers' Market	A		When accessory to a nonresidential use. Temporary use only.
Garage Sales	A		Section 122-528
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122-513
<b>GARDENS/COMMUNITY GARDENS</b>			
Community Gardens	P		Exempt from area regulations in §122-422. Subject to §122-529
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 §122-422, 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.

**Sec. 122-422. Non-Use and Dimensional Regulations.**

<b>(a) OVERALL SITE REGULATIONS</b>	
<b>(1) Maximum Lot Coverage</b>	
Residential Uses	35%
Non-residential Uses	50%
<b>(2) Parking Setbacks</b> <i>(non-residential uses only; residential uses covered by §122-682)</i>	
Front & side street yard	Not allowed
Side and rear yards	10 feet
<b>(3) Minimum Lot Width</b>	
Lot width	30 ft.
<b>(4) Outdoor Lighting</b>	
See §122-609	

<b>(b) PRINCIPAL AND ATTACHED ACCESSORY STRUCTURES</b>		
<i>Also subject to Article VI, Division 4</i>		
<b>(1) Height</b>		
Maximum height	30 feet or 2.5 stories, whichever is shorter	See exceptions in §122-613. Highest point of accessory dwelling unit may match, but shall not exceed highest point of principal structure.
<b>(2) Residential Uses</b>		
Lot size, minimum	3,000 square feet	
Front yard setback, minimum	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 be within the range so established.
Side yard setback, minimum	4 feet	
Side yards (combined) setback, minimum	12 feet	
Street Side yard setback, minimum	8 feet	
Rear yard setback, minimum	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.
Usable floor area, minimum	500 sf	

**(b) PRINCIPAL AND ATTACHED ACCESSORY STRUCTURES***Also subject to Article VI, Division 4***(3) Non-residential uses**

Front yard minimum	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 be within the range so established.
Side yard minimum	8 feet	
Side yards (combined) minimum	Equal to the height of the structure or the setbacks required for residential uses, whichever is greater.	
Street side yard minimum	8 feet	
Rear yard minimum	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.

<b>(c) DETACHED ACCESSORY STRUCTURES</b>		
<i>Also subject to Article VI, Division 4</i>		
<b>(1) Height</b>		
Maximum height	15 feet	Highest point of accessory dwelling unit may match, but shall not exceed highest point of principal structure.
<b>(2) Size of Accessory Buildings</b>		
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, nor cause lot coverage regulations for all buildings and paved surfaces on-site to be exceeded.	
<b>(3) Fences</b>		
Front Yard	No more than 4' height and 50% opacity	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	
<b>(4) Buildings Accessory to Residential Uses</b>		
Front yard	Not allowed	
Side yard minimum	3 feet	1 foot if lot line abuts an alley
Street Side yard	Not allowed	
Rear yard minimum	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure, minimum	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 buildings 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.
<b>(5) Buildings Accessory to Non-residential uses</b>		
Front yard	Not allowed	
Side yard minimum	3 feet	1 foot if lot line abuts an alley
Street Side yard minimum	8 feet	
Rear yard minimum	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure minimum	5 feet or minimum to comply with fire regulations and building code, whichever greater.	

<b>(d) SIGNS</b>			
<i>Also subject to Article VI, Div 5</i>			
<b>(1) Signs – Residential Uses</b>			
(i) Freestanding Signs (temporary)	Maximum Area	10 sf total	Permit not required.
	Maximum height	3 feet	
	All setbacks	0 feet Subject to §122-675	
(ii) Freestanding signs (permanent)	Not permitted		
(iii) Building-mounted signs (temporary)	Maximum area	0.5 square feet for each linear foot of building frontage or 12 square feet, whichever less	Permit not required.
(iv) Building-mounted signs (permanent)	Maximum area	1 sq ft	Permit not required.
(v) Billboards	Not permitted		
(vi) Electronic Message Board Signs	Not permitted		
<b>(2) Signs – Non-residential Uses</b>			
(i) Freestanding Signs (temporary)	Maximum Area	10 sf total	Permit not required.
	Maximum height	3 feet	
	All setbacks	0 feet Subject to §122-675	
(ii) Freestanding signs (permanent)	Maximum Area	16 sf	Permit required.
	Maximum Height	6 feet	
	Front Setback	3 feet Subject to §122-675	
	Side, street side, and rear setback	10 feet Subject to §122-675	
	Maximum number of signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 8sf.	
(iii) Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever less	Permit required.
(iv) Building-mounted signs (permanent)	Maximum Area	0.5 square feet for each linear foot of building frontage, or 12 square feet, whichever less	Permit required.
(v) Billboards	Not permitted		
(vi) Electronic Message Board Signs	Not permitted		

**Secs. 122-423 – 424. Reserved.**

### Subdivision III: Multiple Dwelling Residential District (MD)

#### Sec. 122-425. Purpose.

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. It is designed to allow a multiple-family residential development, rental or owner-occupied, designed specifically for apartments, townhouses, and/or other housing types. It is further 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, service, and retail uses are permissible as special land uses to allow residents to access everyday needs by foot, if they are not already within a quarter-mile walking distance.

#### Sec. 122-426. Permissible Uses.

In the Multiple Dwelling (MD) district, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	MD	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>			
Group Residences	S		Single-family building type only.
Townhomes/rowhomes	P		
Two-Family Dwelling	P		
Multiple Family Dwellings, maximum of 6 units per building	P		Responsible party for management must be on file with the City.
Multiple Family Dwellings, more than 6 units per building	S		Responsible party for management must be on file with the City.
Home Occupation	A		Section 122-531
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	Up to 12 children	Section 122-521
Group living with support staff, not licensed by State of Michigan	S		
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.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Adult foster care small & group homes, adult congregate facilities	S	7 or more adults, licensed by State of Michigan	Section 122-511
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S		
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>			
Park	P		
Indoor recreation	A		Section 122-533

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

<b>USES</b>	<b>MD</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
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 122-553
Post-secondary educational institutions (public & private)	S	Public schools are subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S		Section 122-550
Municipal, county, regional & state service uses	S		Section 122-542
<b>SERVICES</b>			
Bed & Breakfast or Inn	S		Section 122-520
Child care centers and day care centers	S		Section 122-521
Nursing homes	S		Section 122-543
Medical or Dental Clinics, less than 5,000 square feet	S		
Financial services, including banks	S		Drive through facilities are not allowed in MD
Personal service establishments	A		
<b>COMMERCIAL</b>			
Food stores, excluding sale of alcohol, less than 15,000 square feet	S		
Farmers' Market	A		
Garage Sales	A		Section 122-528
<b>RESTAURANTS</b>			
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
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122-513
Automobile Share Parking	A		
<b>GARDENS/COMMUNITY GARDENS</b>			
Community Gardens	P		Exempt from area regulations in §122-427, subject to §122-529
Toolhouses, sheds and other similar buildings for the storage of domestic supplies	A		<ul style="list-style-type: none"> <li>• Must meet accessory structure regulations for lot coverage and maximum floor area.</li> <li>• Rear or side yard only.</li> </ul>

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
<b>USES</b>	<b>MD</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Passive solar building	A		<ul style="list-style-type: none"> <li>• Must meet accessory structure regulations for lot coverage and maximum floor area.</li> <li>• Rear or side yard only.</li> <li>• Maximum square footage is 800 square feet.</li> </ul>

**Sec. 122-427. Non-Use and Dimensional Regulations.**

<b>(a) OVERALL SITE REGULATIONS</b>	
<i>Also subject to Article VI</i>	
<b>(1) Maximum Impervious Surface Lot Coverage</b>	
Residential Uses	45%
Non-residential Uses	50%
<b>(2) Parking Location and Setbacks</b>	
Front & side street yard	Not permitted.
Side and rear yards	10 feet
<b>(3) Minimum Lot Width</b>	
Lot width for all buildings	45 ft.
<b>(4) Outdoor Lighting</b>	
See Section 122-609	

<b>(b) PRINCIPAL AND ATTACHED ACCESSORY STRUCTURES</b>		
<i>Also subject to Article VI, Division 4</i>		
<b>(1) Height</b>		
Maximum height	65 feet or 6 stories	See exceptions in §122-613.
<b>(2) Residential and Multifamily Uses</b>		
Minimum Lot Area	Two-family dwelling	6,000 sq. ft.
	Group living	6,000 sq. ft.
	Multiple-family	8,000 sq. ft.
	Ratio of Lot Size to Number of Rooms	The total number of rooms in a multiple dwelling structure may not be more than the area of the parcel in square feet divided by 1,400 square feet, exclusive of right-of-way.
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.	
Front yard setback	25 feet	
Side yard setback	4 feet	For buildings with more than 6 units, 6 feet.
Side yard setback when abutting an R1 district	25 feet	
Side yard setback (combined)	12 feet	For buildings with more than 6 units, 14 feet
Street Side yard setback	8 feet	For buildings with more than 6 units, 15 feet
Rear yard setback	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.

**(b) PRINCIPAL AND ATTACHED ACCESSORY STRUCTURES***Also subject to Article VI, Division 4*

	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.
Usable floor area, minimum	1 Bedroom	600 sf
	2 Bedroom	800 sf
	3+ Bedroom	1,000 sf
<b>(3) All Other Uses</b>		
Front yard setback	25 feet	
Side yard setback	6 feet	
Side yard setback (combined)	14 feet	
Street side yard setback	15 feet	
Rear yard setback	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.

**(c) DETACHED ACCESSORY STRUCTURES***Also subject to Article VI, Division 4***(1) Height**

Maximum height	15 feet
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**(2) Size of Accessory Buildings**

Maximum Floor Area	No limitations other than maximum impervious surface lot coverage.
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**(3) Fences**

Front Yard	No more than 4' height and 50% opacity	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	

**(4) Buildings Accessory to Residential Uses**

Front yard	Not allowed	
Side yard	3 feet minimum	1 foot if lot line abuts an alley
Street Side yard	8 feet minimum	
Rear yard	3 feet minimum	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	7 feet minimum	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.

**(5) Buildings Accessory to Non-Residential Uses**

Front yard	Not allowed	
Side yard	3 feet minimum	1 foot if lot line abuts an alley
Street Side yard	8 feet minimum	
Rear yard	3 feet minimum	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	5 feet, or minimum to comply with fire regulations and building code, whichever greater.	

<b>(d) SIGNS</b>			
<i>Also subject to Article VI, Division 5</i>			
<b>Signs</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf total	Permit not required.
	Maximum Height	3 feet	
	All setbacks	0 feet minimum Subject to §122-675	
Freestanding Signs (permanent)	Maximum Area	16 sf	Permit required.
	Maximum Height	6 feet	
	Front Setback	3 feet minimum Subject to §122-675	
	Side, street side, and rear setback	10 feet minimum Subject to §122-675	
	Maximum number of signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 8sf.	
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever less	Permit required.
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or up to 32 sf each face of the building façade that faces a street, parking area, or on a façade where a public entrance is located	Permit required.
Billboards	Not permitted		
Electronic Message Board Signs	Not permitted		

**Secs. 122-428 – 429. Reserved.**



## Subdivision IV: Production, Manufacturing And Distribution District (PMD)

### Sec. 122-430. 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. 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. 122-431. Permissible Uses and 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.

<i>P=Principal; A=Accessory; S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise permitted; S=Special Land Use</i>			
USES	PMD	NOTES	SPECIFIC REGULATIONS
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Communication Devices	A		Article V, 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	P		Article V, Division 3
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.	P		
Railroad yards not including manufacture and repair	S/Res		
Energy, electricity and heat generation plants	S	Includes solar farms and geothermal plants	Section 122-513
Landfill	S	May include anaerobic digester.	
Water or sewage treatment plant	S		
Biofiltration Facility	P		
Alternative Energy	A		Section 122-513

*P=Principal; A=Accessory;  
S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise  
permitted;  
S=Special Land Use*

USES	PMD	NOTES	SPECIFIC REGULATIONS
<b>SERVICES</b>			
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 122-535
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 122-549
Construction and Landscape Contractors, contractor's yards, equipment and materials storage	P		
Recycling centers	S		
Adult Regulated Uses (1): Adult book or supply stores; Adult hotels or motels; Adult motion picture theatres/adult live stage performing theaters; Adult mini-motion picture theaters; Cabarets	P		Section 122-512
Adult Regulated Uses (2) or (3): Massage parlors/massage establishments; Pawnshops	S		Section 122-512
Firearms Sales Establishments	S/Res		Section 122-527
Firearms Range	S		Section 122-526
<b>AUTO-ORIENTED</b>			
Automobile Wash & Detailing	P		
Automobile Share Parking	A		
Truck Wash	S		
Automobile Repair	P		Section 122-515
Automobile rental (parking, storage, wash & repair)	P		
Vehicle &/or 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.
Junkyards; Vehicle Wrecking, Salvage, Storage of Inoperable Vehicles	S		Section 122-534
<b>RESEARCH</b>			
Laboratories	S/Res		
Development & Research	S/Res		
Marihuana safety compliance facility	S		Section 122-539
<b>PRODUCTION, MANUFACTURING &amp; DISTRIBUTION</b>			
Manufacture or processing of food products including brewing & distilling	P		

<i>P=Principal; A=Accessory; S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise permitted; S=Special Land Use</i>			
<b>USES</b>	<b>PMD</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Craft manufacturing	P		
Storage, warehousing, and wholesale distribution	S/Res	Outdoor storage is a special land use subject to section 122-544	
Central dry cleaning plants	S		
Clothing production	P		
Software, film, music, television and radio, and video game development & physical production	S/Res		
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	Does not include aquaculture and aquaponics.	All activities must take place inside a fully enclosed building.
Ethanol, petroleum and fuel production, refining and storage	S		
Passive solar building	P		
Hydroponics, aquaculture, aquaponics, and similar raising of food	P		All activities must take place inside a fully enclosed building.
Excess marihuana grower	S		Section 122-525

*P=Principal; A=Accessory;  
S/Res= Special Land Use when adjacent to R-1, CN, CN-Mid, CN-SF, or MD zoning, otherwise  
permitted;  
S=Special Land Use*

<b>USES</b>	<b>PMD</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Marihuana growing and/or processing facility	S		Section 122-536
Marihuana microbusiness	S		Section 122-537
Marihuana secure transporter	S		Section 122-540
<b>STORAGE</b>			
Outdoor storage	S/Res		Section 122-546
Storage of liquid and solid fuels	S		Section 122-652

**Sec. 122-432. Non-use and Dimensional Regulations.**

<b>(a) OVERALL SITE REGULATIONS</b>		
<i>Also subject to Article VI</i>		
<b>(1) Maximum Lot Coverage</b>		
All impervious surfaces	90%	
<b>(2) Parking Location and Setbacks</b>		
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	
<b>(3) Minimum Lot Width</b>		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
<b>(4) Minimum Lot Area</b>		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
<b>(5) Outdoor Lighting</b>		
See Section 122-609		
<b>(6) Landscaping</b>		
See section Article VI, Division 3 for additional guidelines regarding landscaping.		
Conflicting Land Use Screening	From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS districts	Section 122-634. 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	<ul style="list-style-type: none"> <li>• Must be provided along the front yard and any street side yard.</li> <li>• Must be landscaped with a minimum of one (1) tree for every thirty (30) feet of frontage. No evergreens.</li> <li>• No less than 10' deep</li> <li>• Remainder must be landscaped in grass, ground cover, shrubs and other natural landscape materials.</li> <li>• 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.</li> </ul>	

**(b) PRINCIPAL STRUCTURES AND ATTACHED ACCESSORY STRUCTURES***Also subject to Article VI***Height**

Maximum height	60 feet	See exceptions in §122-613.
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**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	15 feet	
Rear yard	20 feet	
From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS	25 feet	

**(c) DETACHED ACCESSORY STRUCTURES***Also subject to Article VI, Division 4***(1) Height**

Maximum height	60 feet	Subject to §122-613
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**(2) Size of Accessory Buildings**

Maximum Floor Area	No limitations other than maximum lot coverage.
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**(3) Fences**

Front Yard	No more than 6' height and 50% opacity	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>
Side, Street Side, and Rear Yards	10' height max, no opacity restriction	

**(4) 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	15 feet	
Rear yard	20 feet	
From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS	25 feet	

(d) SIGNS			
			<i>Also subject to Article VI, Division 5</i>
(1) Signs – Residential Uses			
Freestanding Signs (temporary)	Maximum Area	10 sf	Permit not required.
	Maximum height	3 feet	
	All Setbacks:	0 feet; Subject to §122-675	
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	Permit not required.
Building-mounted signs (permanent)	Maximum Area	1 sf	Permit not required.
Billboards	Location	adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	Permit required.
	Maximum Area	672 sf	
	Maximum Height	65'	
	Other restrictions	Subject to §122-675	
Electronic Message Board Signs		Not permitted	
(2) Signs – Non-residential Uses & Group Living			
Freestanding Signs (temporary)	Maximum Area	10 sf per sign	Permit required.
	Maximum height	8 feet	
	All setbacks:	0 feet; Subject to §122-675	
	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	Permit required.
	Maximum Height	6 feet	
	Front Setback	3 feet; Subject to §122-675	
	Side, street side, and rear setback	10 feet; Subject to §122-675	
	Maximum # signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 8sf.	
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Billboards	Location	Must be adjacent to and visible from I-94, as defined by the Highway Advertising Act of 1972.	Permit required.
	Maximum Area	672 sf	
	Maximum Height	65'	
	Other restrictions	Subject to §122-675	
Electronic Message Board Signs		Not permitted	

**Secs. 122-433 – 434. Reserved.**

## **Division 3: Walkable Urban Districts**

### **Sec. 122-435. Purpose.**

Core neighborhoods, corridors, and centers are classified as walkable urban places, where the regulations 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. These districts were primarily developed prior to the 1940s, and around the concept that individuals would not be driving in the course of daily business. These districts are still places where a person can walk, bike, or ride transit to work and to fulfill most shopping and recreation needs; they allow for the use of automobiles and freight vehicles, but do not require them. They are largely supported through a network of interconnected, tree-lined streets, diverse housing choices, a mix of commercial and residential uses, and public transit. The regulations set forth herein are meant to encourage a sensible mix of compatible uses, to enable residents to live without a personal vehicle, and to respect the history of the neighborhoods.

### **Secs. 122-436 – 439. Reserved.**



**Subdivision I: Core Neighborhoods (CN-Sf, CN-Mid, CN)**

**Sec. 122-440. Purpose.**

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:

- (a) 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) 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.
- (c) Core Neighborhoods (CN). These neighborhoods directly border center districts and have a variety of housing types, ranging from cottages to apartment buildings. This district affords opportunities for accessibly-placed walkable, neighborhood businesses.

**Sec. 122-441. Permissible Uses. (272)**

In the Core Neighborhood districts, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	CN-SF	CN-MID	CN	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>					
Single-Family Detached Dwelling	P	P	P		
Single-Family Attached Dwellings	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In "townhome" building type only. In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Accessory Dwelling Unit	A	A	A		
Two-family dwelling units	P	P	P	In CN-SF: only permitted on corner lots, otherwise prohibited.	In the case of CN-SF corner lots, the corner lot must contain at least 30' of frontage on two or more street sides.
Multiple Family Dwellings, maximum of 4 units per building	--	S	P		
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 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	S	S	S	Up to 12 children	Section 122-521

Adult foster care family homes	A	A	A	1-6 adults, day care and 24 hour care	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group residence and Roominghouses	--	--	S		Section 122-530
Group living with support staff, not licensed by State of Michigan	--	--	S		Section 122-556
Adult foster care small & group homes, adult congregate facilities	--	S	S	7 or more adults. Licensed by State of Michigan.	Section 122-511
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	--	--	S		
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>					
Park	P	P	P		
Indoor recreation	--	--	A		Section 122-533
Primary & Secondary Schools (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private)	S	S	S	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S	S	S		Section 122-550
Private assembly, including banquet hall	--	--	S		
Municipal, county, regional, & state service uses	S	S	S		Section 122-542
Public Art	A	A	A		
<b>SERVICES</b>					
Bed & Breakfast or Inn	S	S	S		Section 122-520
Child Care Center	S	S	S		Section 122-521
Funeral Homes	--	S	S		
Nursing Homes	--	S	S		Section 122-543
Medical or Dental Offices, less than 5,000 square feet	--	S	S		
<b>COMMERCIAL</b>					
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 122-528
<b>RESTAURANTS</b>					

Carry-out and/or delivery restaurant	--	--	S		
Café or coffee shop	--	--	S		
<b>AUTO-ORIENTED</b>					
Automobile Filling Station - no repair	S	S	S		Section 122-515
Automobile Share Parking	--	--	A		
<b>INFRASTRUCTURE</b>					
Essential Services	P	P	P		Section 122-524
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513
<b>GARDENS/COMMUNITY GARDENS</b>					
Community gardens	P	P	P		Section 122-529
Passive solar building	A	A	A		<ul style="list-style-type: none"> <li>• Must meet accessory building regulations for building type.</li> <li>• Maximum square footage is 800 square feet.</li> </ul>
Toolhouses, sheds, and other similar buildings for the storage of domestic supplies	A	A	A		Must meet accessory building regulations for building type.

**Sec. 122-442. Non-use and dimensional requirements for site improvements not regulated by building type.**

<i>For most non-use and dimensional requirements, see Subdivision V of this Division.</i>			
<i>Also subject to Article VI</i>			
<b>(a) Outdoor Lighting</b>			
See Section 122-609			
<b>(b) Fences</b>			
Front Yard	No more than 4' height and 50% opacity	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>	
Side, Street Side, and Rear Yards	6' height max, no opacity restriction		
<b>(c) Detached Accessory Buildings</b>			
No more than two detached accessory buildings are permitted per parcel.			
<b>(d) SIGNS</b>			
<b>(1) Residential Uses</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf	Permit not required.
	Maximum height	3 feet	
	All setbacks:	0 feet; Subject to §122-675	

*For most non-use and dimensional requirements, see Subdivision V of this Division.*

*Also subject to Article VI*

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	Permit not required.
Building-mounted signs (permanent)	Maximum area	1 sf	Permit not required.
Billboards	Not Permitted		n/a
Electronic Message Board Signs		Not permitted	
<b>(2) Non-residential Uses &amp; Group Living</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf total	Permit not required.
	Maximum height	3 feet	
	All setbacks:	0 feet; Subject to §122-675	
Freestanding Signs (permanent)	Maximum Area	36 sf	Permit required.
	Maximum Height	6 ft	
	Front Setback	3 feet; Subject to §122-675	
	Side, street side, and rear setback	10 feet; Subject to §122-675	
	Maximum # signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 8sf.	
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Building-mounted signs (permanent)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	Permit required.
Billboards	Not Permitted		n/a
Electronic Message Board Signs	Must comply with all requirements for Electronic Message Board Signs in Section 122-665		Permit required.

**Secs. 122-443 – 444. Reserved.**

## Subdivision II: Center (C)

### Sec. 122-445. Purpose.

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.

### Sec. 122-446. Permissible Uses.

In the Center district, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	C	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>			
Single-family attached dwellings	P		In "Townhome" building type only
Multiple Family Dwellings	P		In "Apartment Building" building type only
Apartments located above ground floor of permitted nonresidential uses	P		
Home Occupation	A		Section 122-531
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>			
Museums & libraries	P		
Parks	P		
Public Art	A		
Indoor recreation	P		
Performance venues/theaters	P		
Municipal, county, regional & state service uses	P	Only subject to State regulations regarding location and construction.	Section 122-542
Post-secondary educational institutions (public & private)	P	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122-513
Public & Private Transportation Passenger Terminals	S		Section 122-548
<b>SERVICES</b>			
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		

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

<b>USES</b>	<b>C</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	S		
Hotels & motels	P		
Child Care Centers	P		Section 122-521
Laundromats and dry cleaners	P		No dry cleaning on premises.
Medical or dental clinics	P		
Catering services	A		
Self-storage	S		Section 122-554
<b>COMMERCIAL</b>			
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 122-514
Designated consumption establishment	S		Section 122-522
Marihuana retailers and/or provisioning centers	P		Section 122-538
<b>RESTAURANTS</b>			
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 122-547
Fast Food	P		No drive through or drive-in facilities are permitted in C.
<b>RESEARCH</b>			
Limited research and development	S		Section 122-552
<b>AUTO-ORIENTED</b>			
Parking lot	S	Permitted as an accessory use without special use permit.	Section 122-519
Parking Garage	S		Section 122-518
Automobile Share Parking	A		
Autonomous vehicle rideshare	A		

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	C	NOTES	SPECIFIC REGULATIONS
Electric mobility charging stations	A		
Indoor vehicle storage	A		
Vehicle technological service	A		
PRODUCTION, MANUFACTURING & DISTRIBUTION			
Microbrewer/ small distiller /small wine maker	P		Carry-out sales allowed with proper licenses.
Marihuana microbusiness	S		Section 122-537
TEMPORARY USES			
Mobile Food Establishments	P		Section 122-335
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, not otherwise specified above.	S		

**Sec. 122-447. Non-use and dimensional requirements for site improvements not regulated by building type.**

<i>For most non-use and dimensional requirements, see Subdivision V of this Division. Also subject to Article VI</i>			
<b>(a) Outdoor Lighting</b>			
See Section 122-609			
<b>(b) Fences</b>			
Front Yard & Street Side Yard	Not permitted, except for off-street parking screening or otherwise permitted by Planning Commission	<ul style="list-style-type: none"> <li>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.</li> <li>Subject to §122-635</li> <li>Subject to §122-675</li> </ul>	
Side & Rear Yards	6' height max, no opacity restriction		
<b>(c) Detached Accessory Buildings</b>			
No more than two detached accessory buildings are permitted per parcel.			
<b>(d) SIGNS</b>			
<b>(1) Residential Uses</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf	Permit not required
	Maximum height	3 feet	
	All setbacks	0 feet Subject to §122-675	
Freestanding signs (permanent)	not permitted		N/A

*For most non-use and dimensional requirements, see Subdivision V of this Division.*

*Also subject to Article VI*

Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	Permit not required
Building-mounted signs (permanent)	Maximum Area	1 sf	Permit not required
Billboards	not permitted		n/a
Electronic Message Board Signs		Not Permitted	
<b>(2) Non-residential Uses &amp; Group Living</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf total	Permit required
	Maximum height	3 feet	
	All setbacks	0 feet Subject to §122-675	
Sidewalk Signs (freestanding temporary signs in the public ROW)	Max size of 6sf per face, maximum 2 faces, max height of 4 feet.		Permit required
	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.		
	Subject to §122-675		
	Maximum number of signs	one per business	
Freestanding Signs (permanent)	Not Permitted		
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required
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.		Permit required
	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.		
	When located spanning a State trunkline, must conform to PA 200 of 1969 and obtain a permit from MDOT.		
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required
Billboards	not permitted		
Electronic Message Board Signs	Must comply with all requirements for Electronic Message Board Signs in Section 122-665		Permit Required

*For most non-use and dimensional requirements, see Subdivision V of this Division.  
Also subject to Article VI*

	Building-mounted only.	
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**Secs. 122-448 – 449. Reserved.**



**Subdivision III: Corridors (HC, NC, GC)**

**Sec. 122-450. Purpose.**

Corridors are mixed-use and commercial areas located along the arteries of the City, such as Washtenaw, Huron, Hamilton, Michigan, Harriet, and River.

- (a) Historic Corridor (HC). Historic corridors are located primarily 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.
- (b) 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.
- (c) 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.

**Sec. 122-451. Permissible Uses.**

In the Corridor districts, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>					
Single-Family Detached Dwelling	P	--	--		
Single-Family Attached Dwelling	--	P	P		In "Townhome" building type only
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 122-541
Apartments located above ground floor of permitted nonresidential uses	P	P	P		
Apartments located below the ground floor of permitted nonresidential uses	P	P	P		
Home Occupation	A	A	A		Section 122-531
Family Child Care Home	A	A	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	A	A	A	Up to 12 children	Section 122-521
Adult foster care family homes	A	A	A	1-6 adults	Must be licensed by the state and must comply with the minimum state standards for such facilities.

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

USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>					
Parks	P	P	P		
Outdoor recreation	--	S	P		Section 122-533
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	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Post-secondary educational institutions (public & private)	S	S	--	Public schools are only subject to State regulations regarding location and construction.	Section 122-553
Religious institution	S	S	--		Section 122-550
Private assembly, including banquet halls	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 122-542
Public Art	A	A	A		
<b>SERVICES</b>					
Business and professional offices, less than 15,000 square feet	P	P	P		
Business and professional offices, 15,000 square feet or more	--	S	P		
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 122-532
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 122-544

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
<b>USES</b>	<b>HC</b>	<b>NC</b>	<b>GC</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Printing services, including but not limited to: publishing, engraving, photo development, lithographing, silk screening and three-dimensional printing	--	S	S		Section 122-549
Bed & Breakfast or Inn	P	S	--		Section 122-520
Hotels & motels	--	--	P		
Child Care Centers	S	P	P		Section 122-521
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 122-543
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 122-557
Kennels, commercial	--	--	S		Section 122-535
Substance abuse treatment facilities	--	--	S		Section 122-554
Catering services, less than 15,000 square feet	P	P	P		
Catering services, 15,000 square feet or more	--	--	P		
Self-storage	--	--	P		Section 122-554
<b>COMMERCIAL</b>					
Retail stores, less than 15,000 square feet	S	P	P		
Retail stores, greater than 15,000 square feet	--	--	P		
Resale stores	--	P	P		
Arts & crafts studios	P	P	P		
Food stores, excluding sale of 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		

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

USES	HC	NC	GC	NOTES	SPECIFIC REGULATIONS
Outdoor retail sales	--	S	S		Section 122-545
Firearms Sales Establishments	--	--	S		Section 122-527
Designated consumption establishment	--	--	S		Section 122-522
Marihuana retailers and/or provisioning centers	--	--	S		Section 122-538
Marihuana retailers and/or provisioning centers, less than 5,000 square feet gross floor area	--	S	S		Section 122-538
<b>RESTAURANTS</b>					
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 122-523
Outdoor cafes	A	A	A		Section 122-547
<b>AUTO-ORIENTED</b>					
Parking lot	--	--	S	Permitted as an accessory use without special use permit.	Section 122-519
Parking Garage	--	--	S		Section 122-518
Automobile Sales	--	--	S		
Automobile Filling Station - no repair	--	S	S		Section 122-516
Automobile Filling Station with repair	--	--	S		Sections 122-516 and 122-515
Automobile Wash & Detailing	--	--	S		
Automobile Repair	--	--	S		Section 122-515
Automobile repair, less than 5,000 square feet	--	P	P		All repair and storage must be within a fully enclosed building. Business hours are limited to 7:00am to 10:00pm.
Automobile Share Parking	A	A	A		
Automobile rental or share organization (parking, storage, wash & repair)	--	--	S		

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
<b>USES</b>	<b>HC</b>	<b>NC</b>	<b>GC</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Vehicle, Recreational Vehicle, Storage and Towing	--	--	S		
<b>RESEARCH</b>					
Laboratories	--	--	S		
Research & Development	--	--	S		
<b>PRODUCTION, MANUFACTURING &amp; DISTRIBUTION</b>					
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		
Marihuana growing and/or processing facility	--	--	S		Section 122-536
Marihuana microbusiness	--	--	S		Section 122-537
Marihuana secure transporter	--	--	S		Section 122-540
<b>TEMPORARY USES</b>					
Mobile Food Establishments	--	P	P		Section 122-335
<b>INFRASTRUCTURE</b>					
Essential Services	P	P	P		Section 122-524
Communication Devices	A	A	A		Article V, Division 3
Alternative Energy	A	A	A		Section 122-513
<b>GARDENS/COMMUNITY GARDENS</b>					
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 122-529

<i>P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted</i>					
<b>USES</b>	<b>HC</b>	<b>NC</b>	<b>GC</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
<b>PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE</b>					
Operation between 2 a.m. and 6 a.m. during any 24-hour period	--	S	S		
Drive through facilities	--	S	S		Section 122-523
Ongoing outdoor retail sales or display	--	S	S		Section 122-545
Outdoor storage	--	S	S		Section 122-546

**Sec. 122-452. Non-use and dimensional requirements for site improvements not regulated by building type.**

<i>For most non-use and dimensional requirements, see Subdivision V of this Division.</i>			
<i>Also subject to Article VI</i>			
<b>(a) Outdoor Lighting</b>			
See Section 122-609			
<b>(b) Fences</b>			
Front Yard and Street Side Yard	No more than 6' height and 50% opacity	<ul style="list-style-type: none"> <li>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.</li> <li>Subject to §122-635</li> <li>Subject to §122-675</li> </ul>	
Side and Rear Yards	10' height max		
<b>(c) Detached Accessory Buildings</b>			
No more than two detached accessory buildings are permitted per parcel.			
<b>(d) SIGNS</b>			
<b>(1) Residential Uses</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf	Permit not required.
	Maximum height	3 feet	
	All setbacks	10 feet Subject to §122-675	
Freestanding signs (permanent)	Not permitted		
Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	Permit not required.
Building-mounted signs (permanent)	Maximum area	1 sf	Permit not required.
Billboards	Not permitted		
Electronic Message Board Signs	Not permitted		
<b>(2) Non-residential Uses &amp; Group Living</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf per sign	Permit required.
	Maximum height	8 feet	
	All setbacks	10 feet Subject to §122-675	
	Maximum # of signs	No more than 1 per 20' of lot frontage on primary lot frontage and 1 per 50' on secondary lot frontage	
Sidewalk Signs (freestanding temporary signs in the public ROW)	Not permitted in NC or GC.		Permit required.
	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.		

*For most non-use and dimensional requirements, see Subdivision V of this Division.*

*Also subject to Article VI*

	Sidewalk signs must be constructed of durable wood, metal, or plastic. Any fabric shall be affixed in place on all sides.		
	Subject to §122-675		
	max # signs	1 per business	
Freestanding Signs (permanent)	Maximum Area	<b>HC &amp; NC:</b> 20 sf; <b>GC:</b> 100 sf	Permit required.
	Maximum Height	10 feet	
	Front Setback	3 feet from lot line or 10 ft from back of curb, whichever greater distance from roadway. Subject to §122-675	
	Side, street side, and rear setback	10 feet Subject to §122-675	
	Maximum # signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 50% of the area of the sign on the primary face.	
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Overhead banners (building-mounted signs that span a public right-of-way)	Not permitted in NC or GC.		Permit required.
	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.		
	When located spanning a State trunkline, must conform to PA 200 of 1969 and obtain a permit from MDOT.		
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Billboards	not permitted		
Electronic Message Board Signs	Must comply with all requirements for Electronic Message Board Signs in Section 122-665		Permit required.

**Secs. 122-453 – 459. Reserved.**





**Subdivision IV: Health And Human Services (HHS)**

**Sec. 122-460. Purpose.**

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 require a more urban form through redevelopment of parking lots and reconnecting the street grid and circulation system.

**Sec. 122-461. Permissible Uses.**

In the Health and Human Services district, no uses shall be permitted except the following.

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	HHS	NOTES	SPECIFIC REGULATIONS
<b>RESIDENTIAL</b>			
Single-Family Attached Dwelling	P		In "Townhome" building type only
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 122-541
Apartments located above ground floor of permitted nonresidential uses	P		
Home Occupation	A		Section 122-531
Group living with support staff, not licensed by State of Michigan	P		Section 122-555
Family Child Care Home	A	1-6 children	Must be licensed by the state and must comply with the minimum state standards for such facilities.
Group Child Care Home	A	Up to 12 children	Section 122-521
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.	Must be licensed by the state and must comply with the minimum state standards for such facilities.
<b>GROUP LIVING</b>			
Group residence, maximum of 6 residents	P		Section 122-530
Group residence with 7 or more residents	S		Section 122-530
Adult foster care small & group homes, adult congregate facilities	P	7 or more adults, licensed by State of Michigan	Section 122-511
Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.	S		
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>			
Parks	P		
Public Art	A		
Indoor recreation	P		

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

<b>USES</b>	<b>HHS</b>	<b>NOTES</b>	<b>SPECIFIC REGULATIONS</b>
Municipal, county, regional & state service uses	P		Section 122-542
Post-secondary educational institutions (public & private)	S		Section 122-553
Outdoor recreation	A		Section 122-533
<b>INFRASTRUCTURE</b>			
Essential Services	P		Section 122-524
Communication Devices	A		Article V, Division 3
Alternative Energy	A		Section 122-513
<b>SERVICES</b>			
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 122-510
Homeless Shelter	P		Section 122-532
Personal service establishments	P		
Child Care Centers	P		Section 122-521
Funeral homes	S		
Nursing Homes	P		Section 122-543
Medical or dental clinics	P		
Hospitals	P		
Substance abuse treatment facilities	S		Section 122-555
Catering services	P		
<b>COMMERCIAL</b>			
Retail stores less than 15,000 square feet	P		
Food stores, excluding sale of alcohol	P		
Farmers' market and other organized markets	P		
<b>RESTAURANTS</b>			
Carry-out and/or delivery restaurant	P		
Café or coffee shop	P		
Cafeteria	A		
<b>AUTO-ORIENTED</b>			
Parking Garage	S		Section 122-518
Automobile Share Parking	A		
<b>RESEARCH</b>			
Laboratories	P		
Marihuana safety compliance facility	S		Section 122-539
<b>TEMPORARY USES</b>			
Food concession sales	P		Section 122-335

<i>P=Principal, A=Accessory, S=Special Land Use</i>			
USES	HHS	NOTES	SPECIFIC REGULATIONS
<b>URBAN AGRICULTURE</b>			
Community gardens	A		Exempt from area regulations in §122-462, subject to §122-529
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.
<b>PERFORMANCE OR STRUCTURES REQUIRING SPECIAL LAND USE</b>			
Operation between 2 a.m. and 6 a.m. during any 24-hour period	S		

**Sec. 122-462. Non-use and dimensional requirements for site improvements not regulated by building type.**

<i>For most non-use and dimensional requirements, see Subdivision V of this Division. Also subject to Article VI</i>			
<b>(a) Fences</b>			
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. <ul style="list-style-type: none"> <li>• Subject to §122-635</li> <li>• Subject to §122-675</li> </ul>	
Side, and rear yards	10' height max, no opacity restriction		
<b>(b) Outdoor Lighting</b>			
See Section 122-609			
<b>(c) Detached Accessory Buildings</b>			
No more than two detached accessory buildings are permitted per parcel.			
<b>(d) SIGNS</b>			
<b>(1) Residential Uses</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf	Permit not required.
	Maximum height	3 feet	
	All setbacks	10 feet Subject to §122-675	
Freestanding signs (permanent)	not permitted		
Building-mounted signs (temporary)	Maximum Area	1/2 sf per foot of building frontage or 12 sf, whichever is less	Permit not required.
Building-mounted signs (permanent)	Maximum area	1 sf	Permit not required.
Billboards	not permitted		

*For most non-use and dimensional requirements, see Subdivision V of this Division.*

*Also subject to Article VI*

Electronic Message Board Signs	Not permitted		
<b>(2) Non-Residential Uses &amp; Group Living</b>			
Freestanding Signs (temporary)	Maximum Area	10 sf per sign	Permit required.
	Maximum height	8 feet	
	All setbacks	10 feet Subject to §122-675	
	Maximum # of signs	No more than 1 per 20' of lot frontage on primary frontage and 1 per 50' on secondary frontage	
Sidewalk Signs (freestanding temporary signs in the public ROW)	Not permitted		
Freestanding Signs (permanent)	Maximum Area	20 sf	Permit required.
	Maximum Height	10 feet	
	Front Setback	3 feet from lot line or 10 ft from back of curb, whichever greater distance from roadway; Subject to §122-675	
	Side, street side, and rear setback	10 feet; Subject to §122-675	
	max # signs	1, unless a lot has more than 100' on two frontages; then allowed a second sign on the secondary frontage at 50% of the area of the sign on the primary face.	
Building-mounted signs (temporary)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Overhead banners (building-mounted signs that span a public right-of-way)	Not permitted		
Building-mounted signs (permanent)	Maximum Area	1 sf per foot of building frontage or 100 sf, whichever is less	Permit required.
Billboards	Not permitted		
Electronic Message Board Signs	Not permitted		

**Secs. 122-463 – 464. Reserved.**



**Subdivision V: Building Types**

**Sec. 122-465. Building Types.**

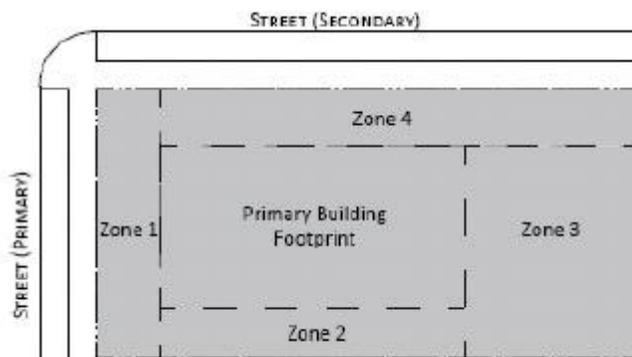
Building types are specific sets of height, bulk, and setback regulations, dictated by district and lot size and dimension. Building Types only apply in Walkable Urban Districts, and apply to any new construction or expansion in those districts. The building types are consistent with the size, scale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

- (a) **Building Types by Neighborhoods, Centers, Corridors and Health and Human Services District.** The following building types are allowed in Neighborhoods, Centers, Corridors and Health and Human Services districts as shown in the table below. “P” stands for permitted building types, “L” stands for building types allowed in special locations shown on the Zoning Map.

BUILDING TYPE		CN-SF	CN-MID	CN	C	HC	NC	GC	HHS
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	--	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

- (b) **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:
- (1) **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.
  - (2) **Lot Size determines Building Type.** 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.
  - (3) **Lot requirements.** Lists the minimum and maximum lot width, lot depth, and lot size; also the maximum lot coverage.
  - (4) **Building envelope.** Lists the minimum and maximum setbacks for street, side, and rear setbacks, as well as the required frontage buildout.
  - (5) **Accessory Structure Envelope.** Lists the setbacks and maximum building footprint permitted for accessory structures.
  - (6) **Building height.** Lists permitted heights in stories.

- (i) First or Ground Story. 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.
  - (ii) Subsequent stories. 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.
  - (iii) Basements. There are no required maximum or minimum heights for basements outside of that required under Building Code.
  - (iv) Exceptions to Height Requirements. See exceptions in §122-613.
- (7) **Parking zones.** The amount of parking is determined by Article VI, Division 8 “Parking Types and Quantities,” 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.



- (8) **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.
  - (9) **Exceptions to Setbacks.** The following exceptions apply to setbacks for all building types:
    - (i) **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.
    - (ii) **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.
  - (10) **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.
- (c) **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 for their building type, but is on a lot deeper than the maximum, 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. There is no requirement to plat or divide land to create lots on the existing parcel site. 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 townhouses can be built on a single parcel, without changes or splits of the lot, as long as the width of each unit meets the lot requirements and the distance between the two buildings meets 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.

# MA MANSION

Mansions are generally very large buildings originally built as residences, located on very large lots that distinguish the building from others nearby with expansive yards. They generally have a single primary entrance.

This building type is only permitted as a Limited building type.

LOT REQUIREMENTS		
A	Lot size (sf)	14,440 --
B	Lot width (ft)	120 --
C	Lot depth (ft)	120 --
D	Lot coverage (%)	-- 30

BUILDING ENVELOPE		
E	Street setback (front or side) (ft)	30 <sup>(1)</sup> --
F	Side setback (interior lot line) (ft)	25 --
G	Rear setback (ft)	40 --
H	Frontage buildout (%)	-- --

ACCESSORY BUILDING ENVELOPE		
I	Street setback (ft)	30 --
J	Side setback (ft)	5 --
K	Rear setback (ft)	5 --
L	Building footprint (sf)	-- 1,200

Note: there is a maximum of two accessory buildings.

BUILDING HEIGHT		
M	Principal building (stories)	1 3
N	Accessory structure(s) (ft)	-- 25 <sup>(2)</sup>

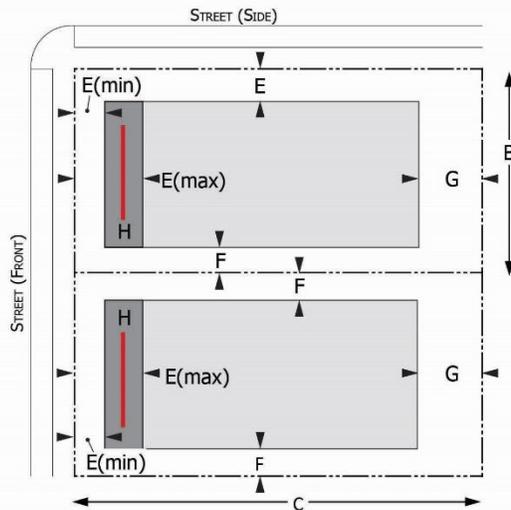
PARKING LOCATION		
Permitted in the front, side, street-side, and rear yards.		

- (1) 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 be within the range so established.
- (2) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

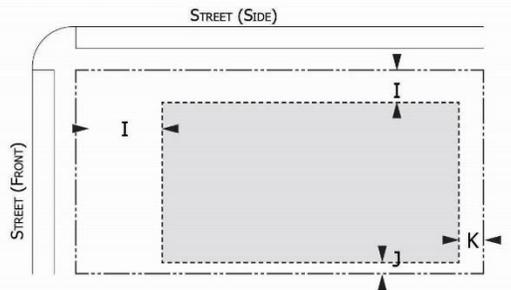


EXAMPLE

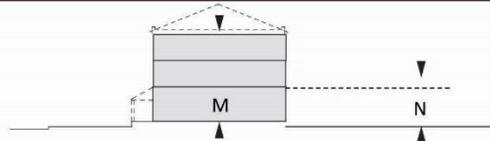
## LOT REQUIREMENTS AND BUILDING ENVELOPE



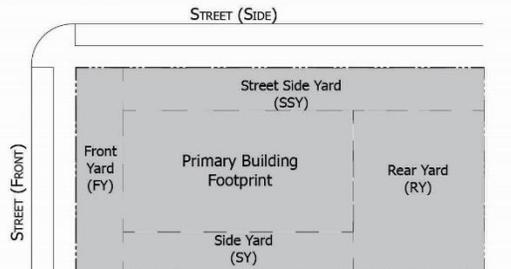
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# ES ESTATE

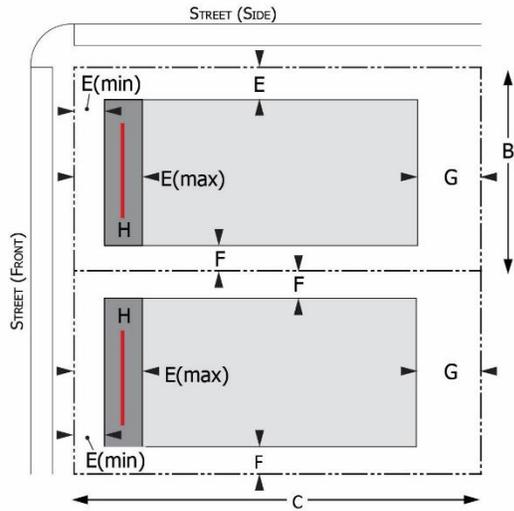
Large buildings, built as residences, located on large lots that accommodate large yards. They generally have distinguishing architectural features and one primary entrance.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	9,600	21,780
B	Lot width (ft)	80	120
C	Lot depth (ft)	120	--
D	Lot coverage (%)	--	30
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	20 <sup>(1)</sup>	--
F	Side setback (interior lot line) (ft)	10	--
G	Rear setback (ft)	25	--
H	Frontage buildout (%)	--	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 <sup>(2)</sup>	--
K	Rear setback (ft)	3 <sup>(2)</sup>	--
L	Building footprint (sf)	--	950
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	25 <sup>(3)</sup>
PARKING LOCATION		Permitted in the side, street-side, and rear yards.	
PRIVATE FRONTAGES		Porch or Stoop required.	

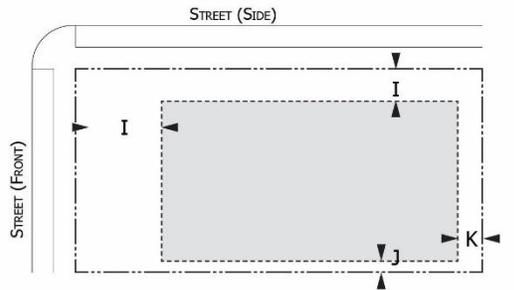
- (1) Where an existing front yard setback line has been established by existing residential dwellings occupying 50 percent or more of the frontage within the same block on the same side of the street, the depth of the front yard must be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.



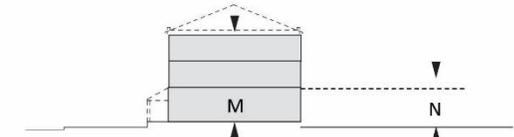
## LOT REQUIREMENTS AND BUILDING ENVELOPE



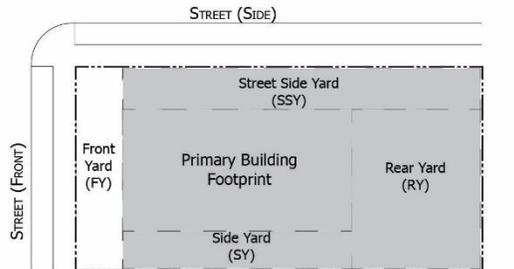
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# HS HOUSE

Houses are detached, generally single-family dwelling units. They are located on lots that accommodate a primary building with small side yards and relatively large rear or front yards. They generally have one primary entrance.

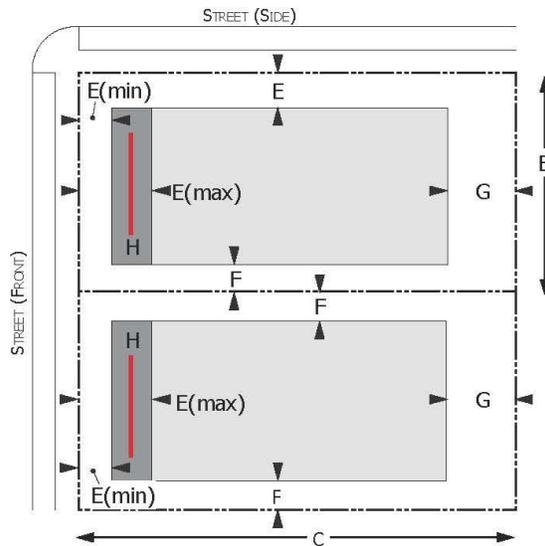
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	3,000	12,000
B	Lot width (ft)	30	80
C	Lot depth (ft)	100	--
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	15 <sup>(1)</sup>	25
F	Side setback (interior lot line) (ft)	5	--
G	Rear setback (ft)	20	--
H	Frontage buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 <sup>(2)</sup>	--
K	Rear setback (ft)	3 <sup>(2)</sup>	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	25 <sup>(3)</sup>
PARKING LOCATION			
Permitted in the side, street-side, and rear yards.			
PRIVATE FRONTAGES			
Porch or Stoop required.			

- (1) 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 be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

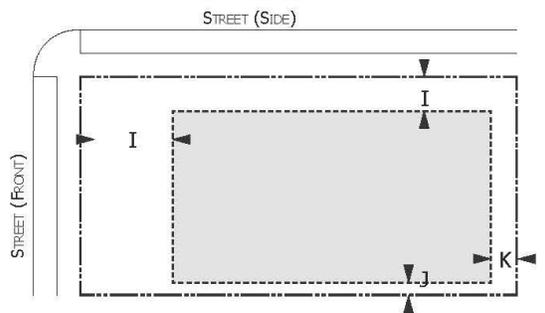


EXAMPLE

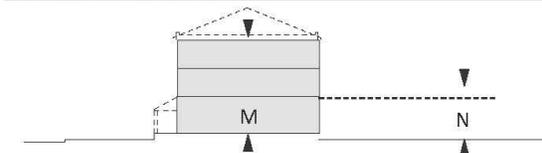
## LOT REQUIREMENTS AND BUILDING ENVELOPE



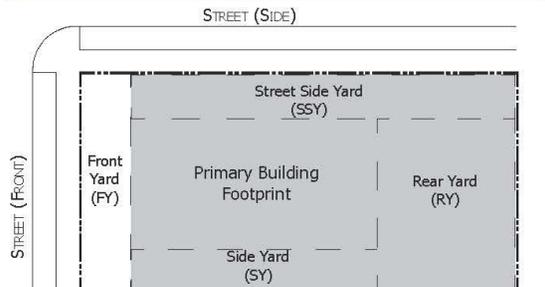
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



## CO COTTAGE

Cottages are generally small residential buildings, sized for a single dwelling, located on lots that accommodate a detached primary building with small yards. They are generally a single-story building or bungalow with a single primary entrance.

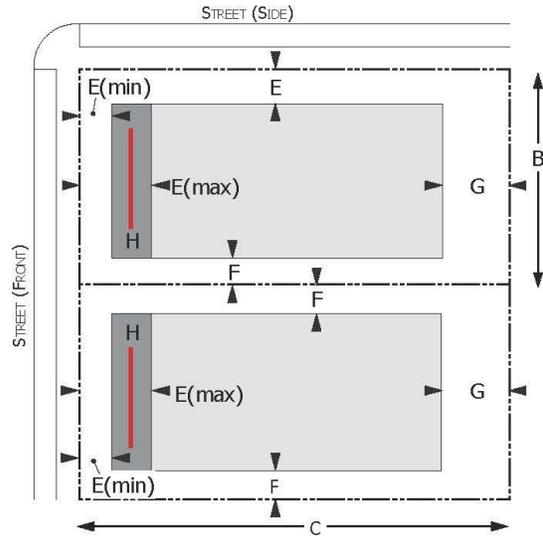
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	2,000	6,300
B	Lot width (ft)	25	35
C	Lot depth (ft)	50	150
D	Lot coverage (%)	--	70
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 <sup>(1)</sup>	20
F	Side setback (interior lot line) (ft)	3	--
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	70	90
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 <sup>(2)</sup>	--
K	Rear setback (ft)	3 <sup>(2)</sup>	--
L	Building footprint (sf)	--	500
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	2
N	Accessory structure(s) (ft)	--	25 <sup>(3)</sup>
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Porch or Stoop required.	

- (1) 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 be within the range so established.
- (2) 1 foot if lot line abuts an alley.
- (3) The lesser of 25' or such that the highest point of the accessory structure is equal to or lesser than the height of the primary structure.

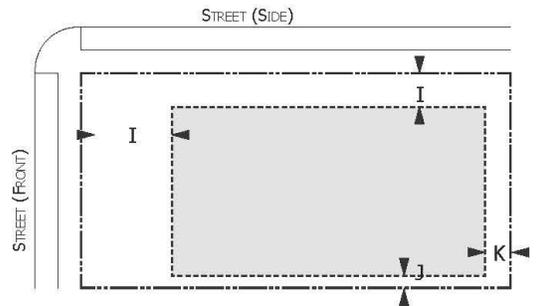


EXAMPLE

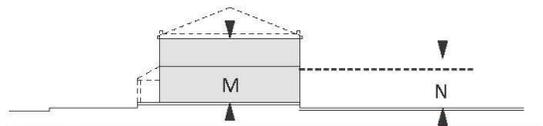
### LOT REQUIREMENTS AND BUILDING ENVELOPE



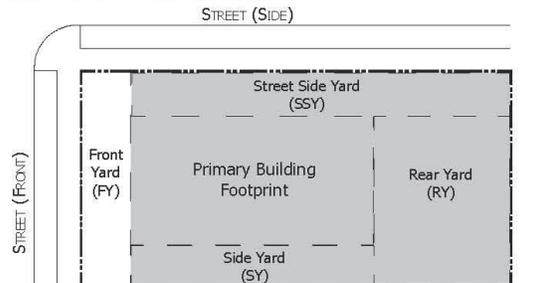
### ACCESSORY BUILDING ENVELOPE



### BUILDING HEIGHT



### PARKING LOCATION



# TH TOWNHOUSE

Townhouses consist of rows of attached residential buildings. They are located on lots which accommodate a building with more than one dwelling unit, party walls, and a private back yard. Each dwelling has its own entrance to the street.

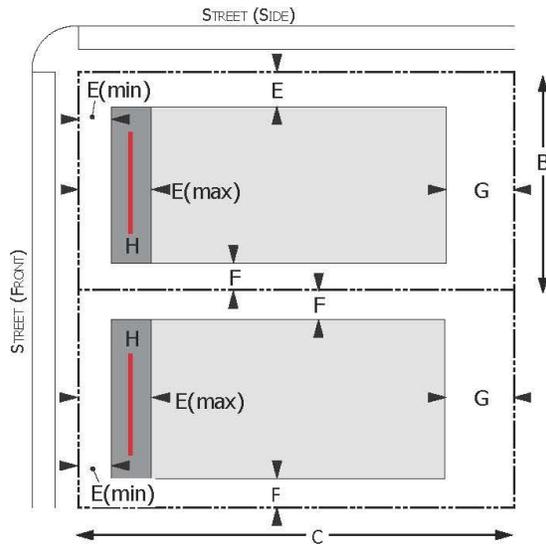
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	1,200	3,000
B	Lot width (ft)	15	25 <sup>(2)</sup>
C	Lot depth (ft)	80	120
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 <sup>(1)</sup>	20 <sup>(2)</sup>
F	Side setback (interior lot line) (ft)	0 <sup>(2)</sup>	--
G	Rear setback (ft)	15	--
H	Frontage buildout (%)	90	100
Note: A maximum of six units may be provided in a row.			
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3 <sup>(3)</sup>	--
K	Rear setback (ft)	3 <sup>(3)</sup>	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	15 <sup>(4)</sup>
PARKING LOCATION		Permitted in the rear yard.	
PRIVATE FRONTAGES		Porch or Stoop required.	

- 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 be within the range so established.
- End unit lot may be up to ten feet larger.
- 1 foot if lot line abuts an alley.
- In the case of an accessory dwelling unit, the highest point may match, but shall not exceed the highest point of principal structure.

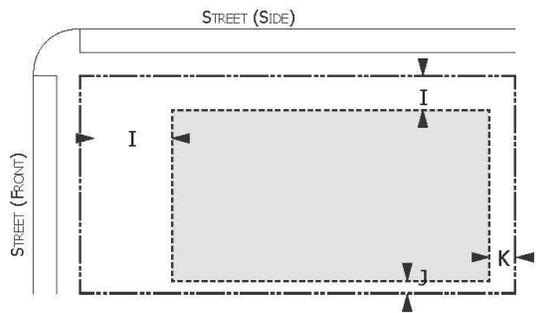


EXAMPLE

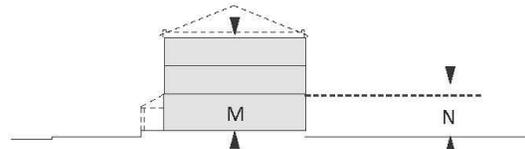
## LOT REQUIREMENTS AND BUILDING ENVELOPE



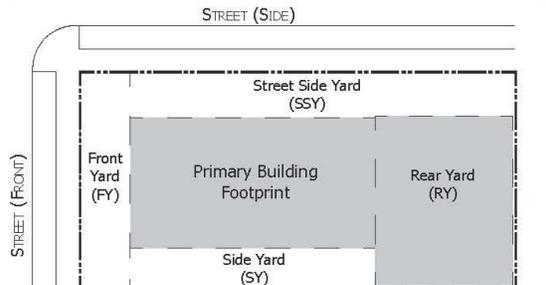
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



**Sec. 122-471. AH Apartment House**

**AH APARTMENT HOUSE**

Apartment Houses may be buildings converted from single-family detached buildings or built to resemble them that contain two or more dwelling units, with lots that accommodate the parking and outdoor living areas for several dwellings.

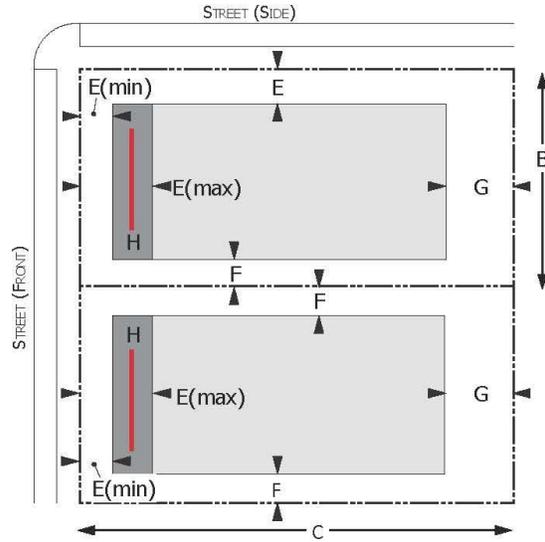
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	4,000	18,000
B	Lot width (ft)	40	120
C	Lot depth (ft)	100	150
D	Lot coverage (%)	--	50
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	15 <sup>(1)(2)</sup>	25
F	Side setback (interior lot line) (ft)	5	--
G	Rear setback (ft)	20	--
H	Frontage buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30 <sup>(3)</sup>	--
J	Side setback (ft)	3 <sup>(3)</sup>	--
K	Rear setback (ft)	3 <sup>(3)</sup>	--
L	Building footprint (sf)	--	800
Note: there is a maximum of two accessory buildings.			
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	3
N	Accessory structure(s) (ft)	--	15 <sup>(4)</sup>
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Porch or Stoop required.	

- (1) 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 be within the range so established.
- (2) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (3) 1 foot if lot line abuts an alley.
- (4) In the case of an accessory dwelling unit, the highest point may match, but shall not exceed the highest point of principal structure.

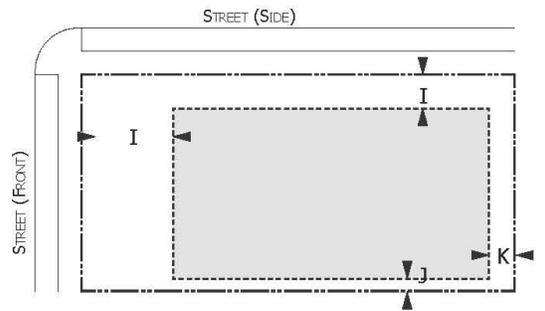


EXAMPLE

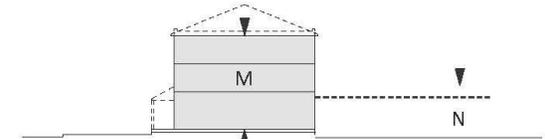
**LOT REQUIREMENTS AND BUILDING ENVELOPE**



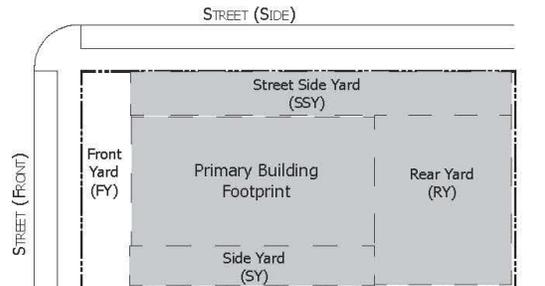
**ACCESSORY BUILDING ENVELOPE**



**BUILDING HEIGHT**



**PARKING LOCATION**



# CA COURTYARD APARTMENT

A Courtyard Apartment is generally a grouping of apartment buildings arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

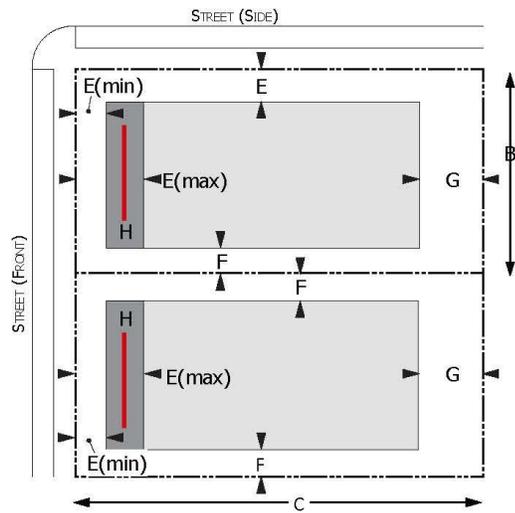
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	6,400	20,000
B	Lot width (ft)	80	200
C	Lot depth (ft)	80	180
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 <sup>(1)</sup>	20
F	Side setback (interior lot line) (ft)	0	10
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	50	75
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	5	--
K	Rear setback (ft)	5	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	4
N	Accessory structure(s) (ft)	--	15 <sup>(2)</sup>
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Forecourt required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) In the case of an accessory dwelling unit, the highest point may match, but shall not exceed the highest point of principal structure.

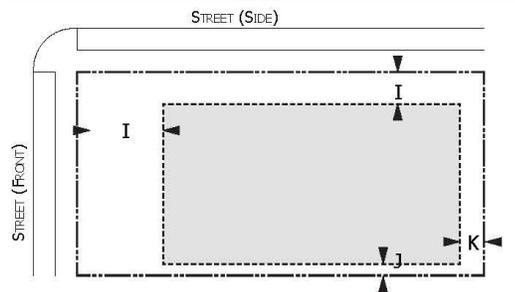


EXAMPLE

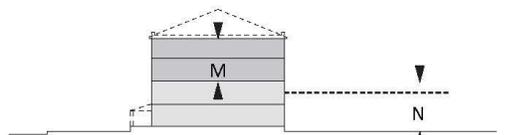
## LOT REQUIREMENTS AND BUILDING ENVELOPE



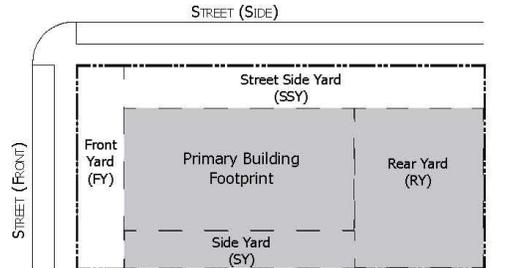
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



Sec. 122-473. AB Apartment Building

# AB APARTMENT BUILDING

Apartment Buildings are generally multiple-story multifamily residential buildings, located on lots that may be as large as a city block and can accommodate two or more buildings and accessory parking, waste disposal, and outdoor living areas.

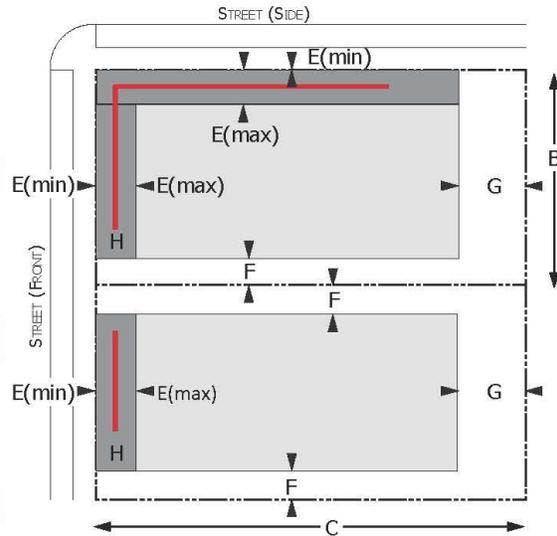
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	4,000	90,000
B	Lot width (ft)	30	300
C	Lot depth (ft)	100	300
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10 <sup>(1)</sup>	25 <sup>(2)</sup>
F	Side setback (interior lot line) (ft)	5	--
G	Rear setback (ft)	15 <sup>(2)</sup>	--
H	Frontage buildout (%)	60	80
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	6
N	Accessory structure(s) (ft)	--	15 <sup>(3)</sup>
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Porch, Stoop, or Forecourt required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.
- (3) In the case of an accessory dwelling unit, the highest point may match, but shall not exceed the highest point of principal structure.

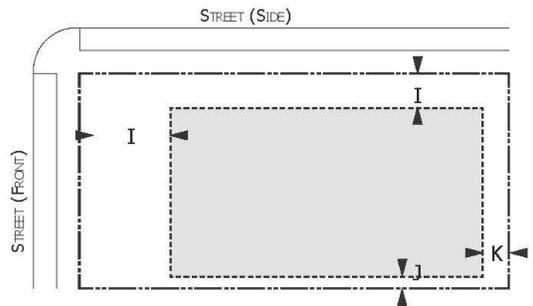


EXAMPLE

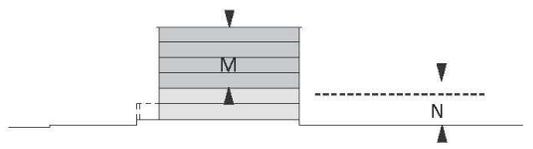
## LOT REQUIREMENTS AND BUILDING ENVELOPE



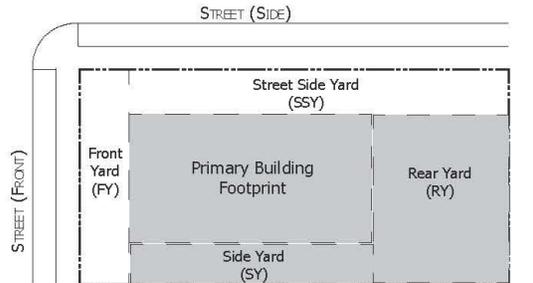
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# CS COMMERCIAL/ MIXED-USE - SMALL

These are generally small multiple-story buildings designed for commercial uses on the ground floor and dwellings or offices above, located on lots that can accommodate a building that is less than 20% of that block's width.

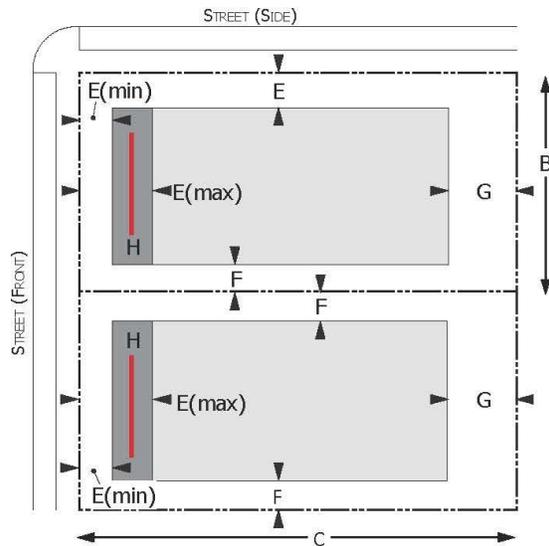
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	1,800	7,200
B	Lot width (ft)	15	60
C	Lot depth (ft)	80	120
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	0 <sup>(1)</sup>	15 <sup>(2)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	5	--
H	Frontage buildout (%)	80	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	3	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	5
N	Accessory structure(s) (ft)	--	15 <sup>(2)</sup>
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) In the case of an accessory dwelling unit, the highest point may match, but shall not exceed the highest point of principal structure.

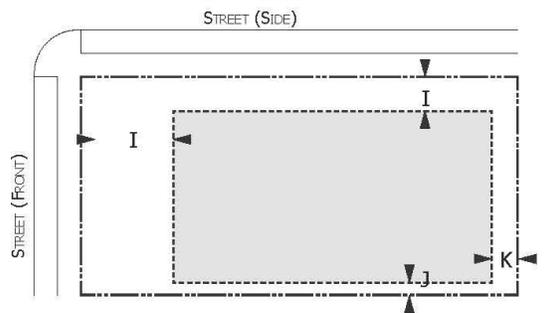


EXAMPLE

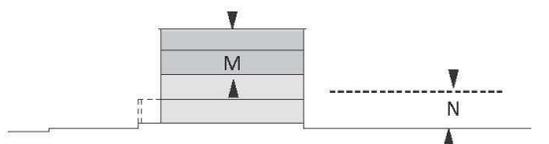
## LOT REQUIREMENTS AND BUILDING ENVELOPE



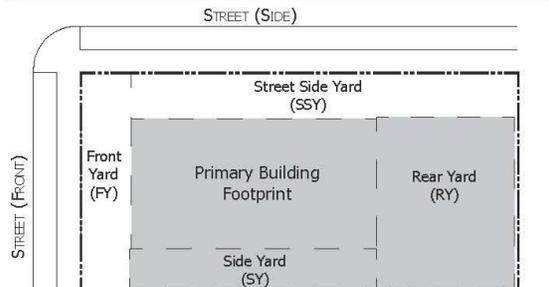
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# CM COMMERCIAL/ MIXED-USE - MEDIUM

These are generally moderately-sized multiple-story buildings designed for commercial uses on the ground floor and dwellings or offices above, located on lots that can accommodate a building that spans 20-40% of that block's width.

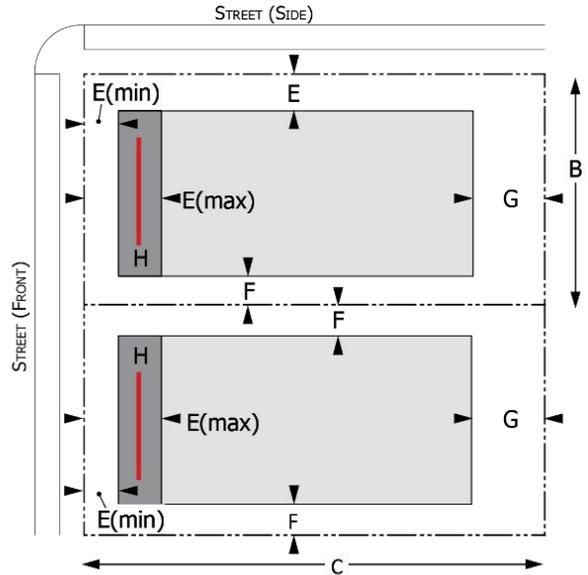
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	--	60,000
B	Lot width (ft)	60	120
C	Lot depth (ft)	--	500
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	0 <sup>(1)</sup>	15 <sup>(1)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 <sup>(2)</sup>	--
H	Frontage buildout (%)	90	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	5
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

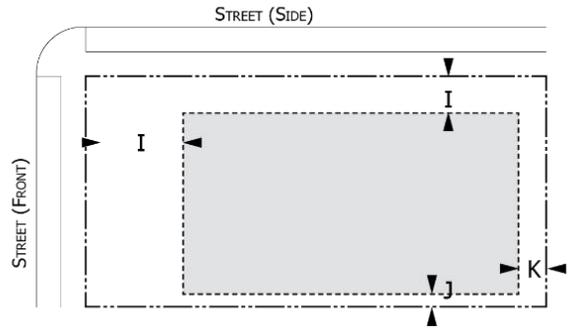


EXAMPLE

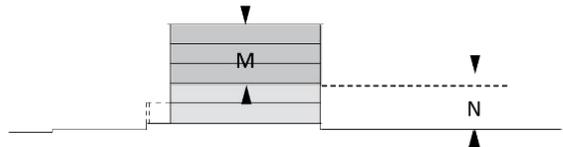
## LOT REQUIREMENTS AND BUILDING ENVELOPE



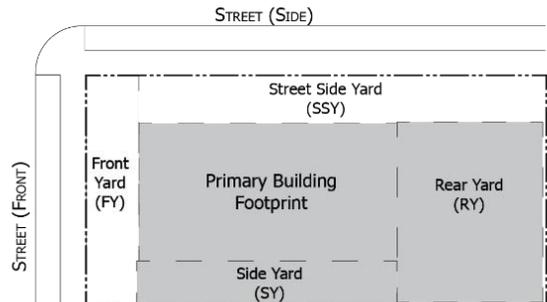
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# CL COMMERCIAL/ MIXED-USE - LARGE

These are generally large multiple-story buildings designed for commercial uses on the ground floor and dwellings or offices above, located on lots that can accommodate a building that spans up to an entire block's width.

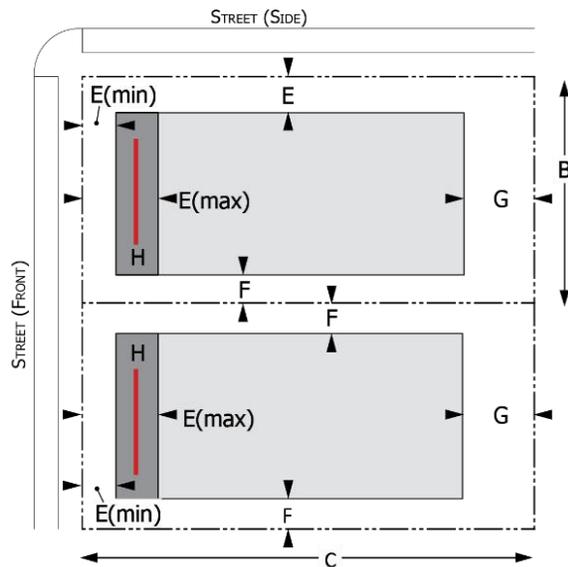
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	--	150,000
B	Lot width (ft)	120	300
C	Lot depth (ft)	--	500
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	0 <sup>(1)</sup>	15 <sup>(1)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 <sup>(2)</sup>	--
H	Frontage buildout (%)	90	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	8
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

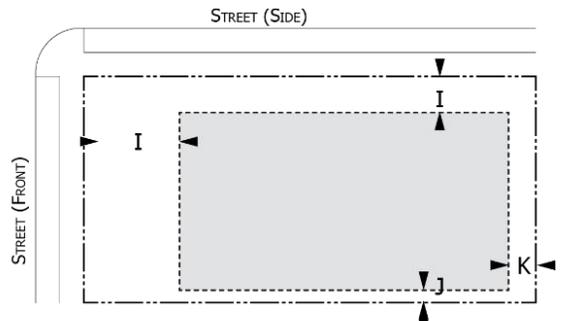


EXAMPLE

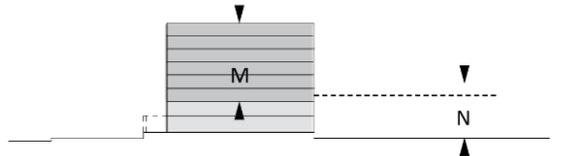
## LOT REQUIREMENTS AND BUILDING ENVELOPE



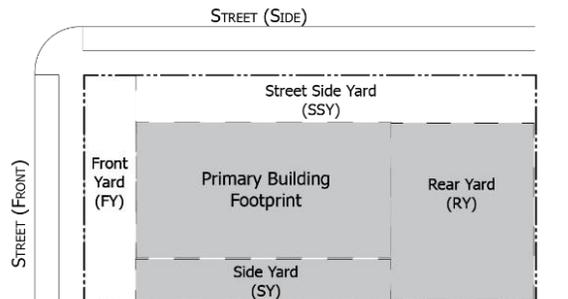
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# SC SINGLE STORY COMMERCIAL BUILDING

These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

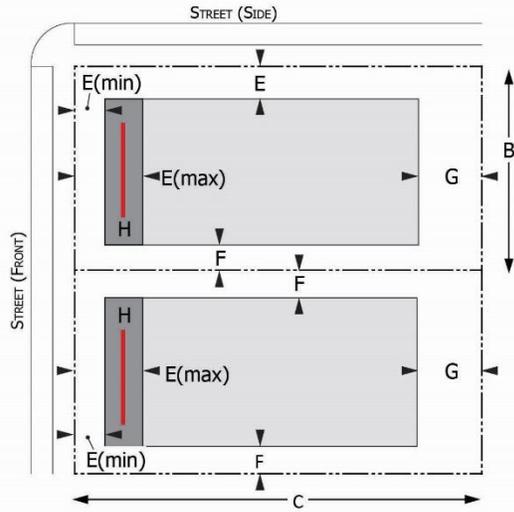
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	7,500	90,000
B	Lot width (ft)	50	300
C	Lot depth (ft)	100	300
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	5 <sup>(1)</sup>	15 <sup>(1)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	15 <sup>(2)</sup>	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	1
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Thoroughfare Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

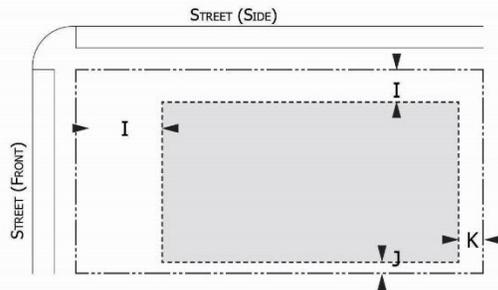


EXAMPLE

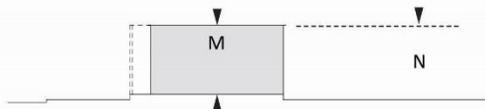
## LOT REQUIREMENTS AND BUILDING ENVELOPE



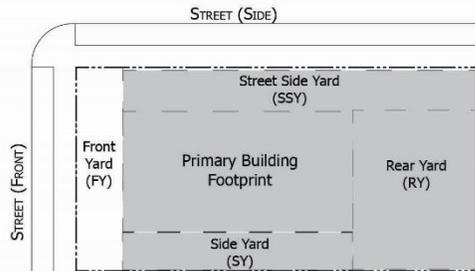
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



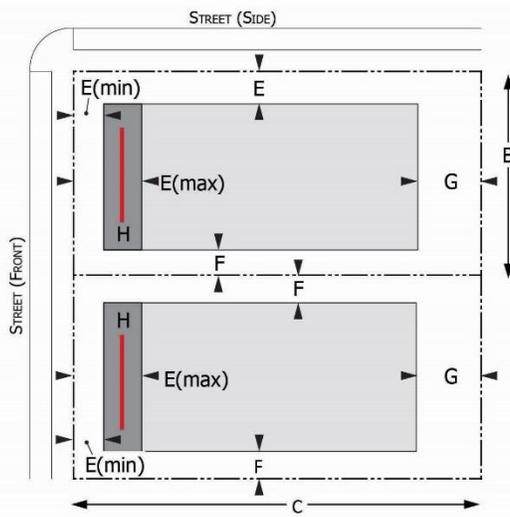
# LS LARGE SINGLE STORY COMMERCIAL BUILDING

These are generally designed for more than one commercial use, each generally with its own entrance, located in lots that accommodate accessory parking, loading, and waste disposal areas.

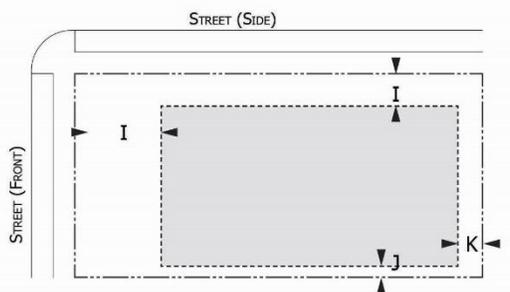
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	90,000	--
B	Lot width (ft)	300	block
C	Lot depth (ft)	300	block
D	Lot coverage (%)	45	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	5 <sup>(1)</sup>	15 <sup>(1)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 <sup>(2)</sup>	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	1
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Thoroughfare Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

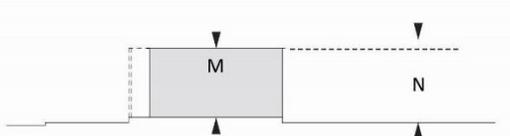
## LOT REQUIREMENTS AND BUILDING ENVELOPE



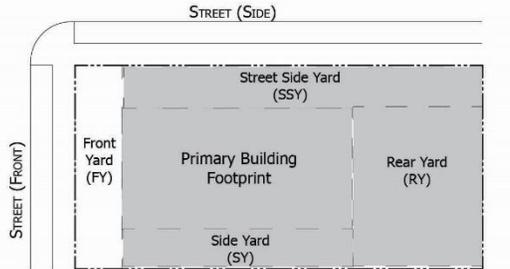
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



Sec. 122-479. MB Multiple Story

# MB MULTIPLE STORY BUILDING

These are generally designed for more than one commercial use or user, with a common entrance on the ground floor. They are located on lots that accommodate accessory parking, loading, and waste disposal areas, spanning up to an entire block width.

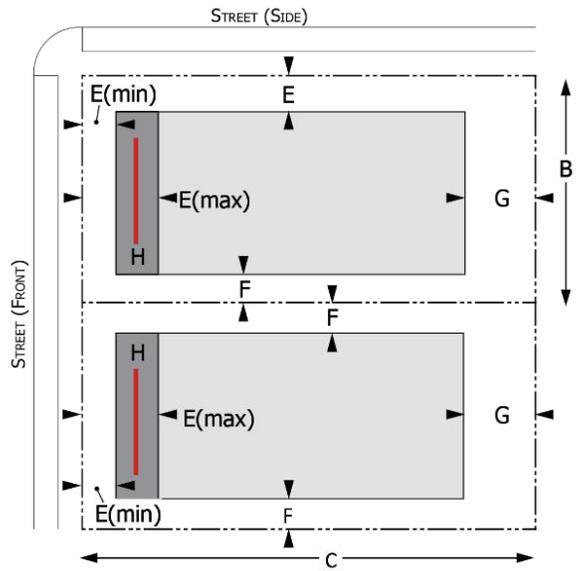
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	--	150,000
B	Lot width (ft)	120	block
C	Lot depth (ft)	--	500
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	5 <sup>(1)</sup>	25 <sup>(1)</sup>
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 <sup>(2)</sup>	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	6
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.

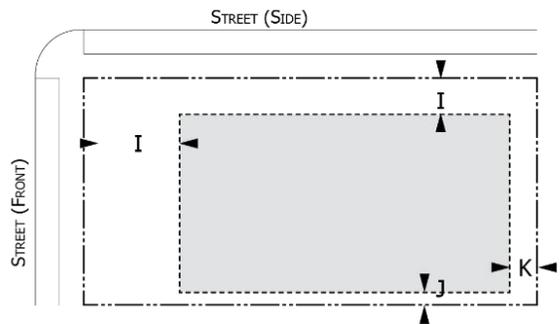


EXAMPLE

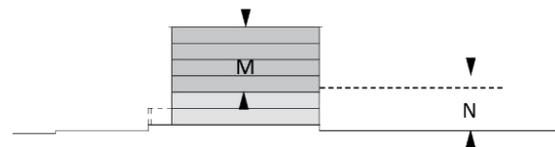
## LOT REQUIREMENTS AND BUILDING ENVELOPE



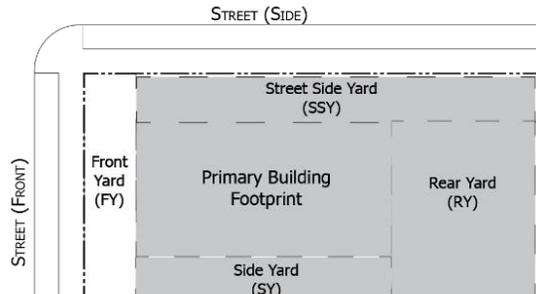
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION



# IT INSTITUTIONAL

These buildings are generally designed to house government, assembly, or institutional uses, on lots that can accommodate the primary building, associated parking, loading, waste disposal areas, and outdoor space.

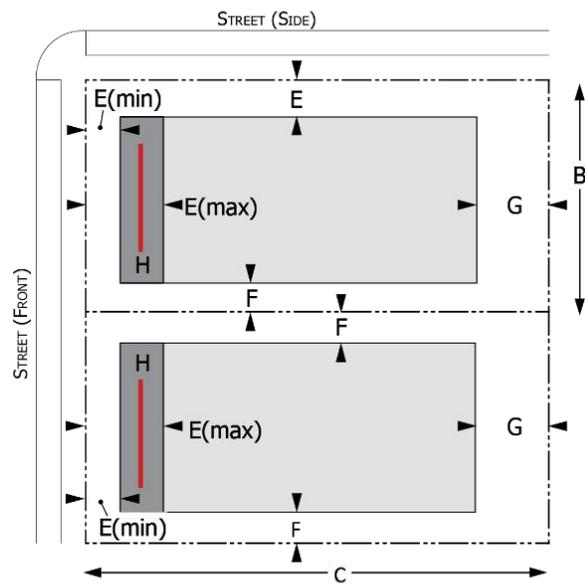
LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	5,000	--
B	Lot width (ft)	50	block
C	Lot depth (ft)	100	block
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	15 <sup>(1)</sup>	--
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	15	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	4 <sup>(2)</sup>
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION			
Permitted in the side, street side, and rear yards.			
PRIVATE FRONTAGES			
None required.			

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
- (2) Additional height may be permitted by Planning Commission with a finding that the additional height is consistent with other buildings in that block.

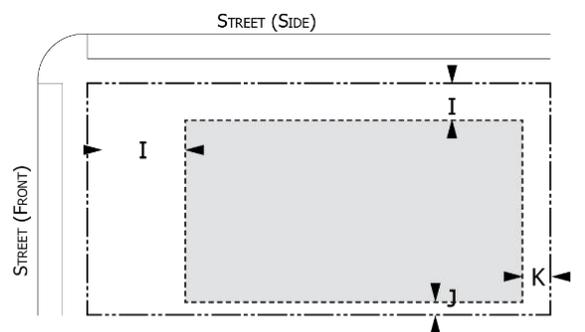


EXAMPLE

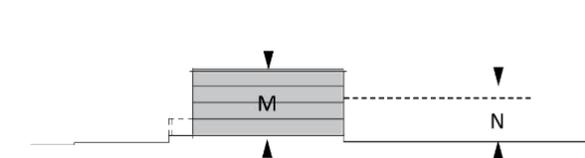
## LOT REQUIREMENTS AND BUILDING ENVELOPE



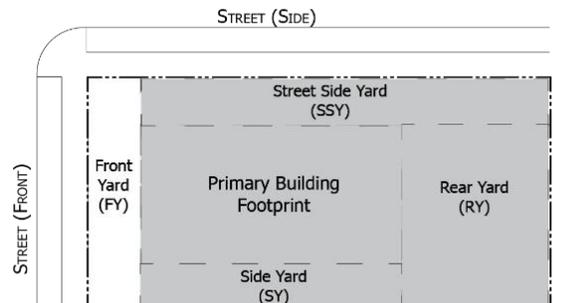
## ACCESSORY BUILDING ENVELOPE



## BUILDING HEIGHT



## PARKING LOCATION

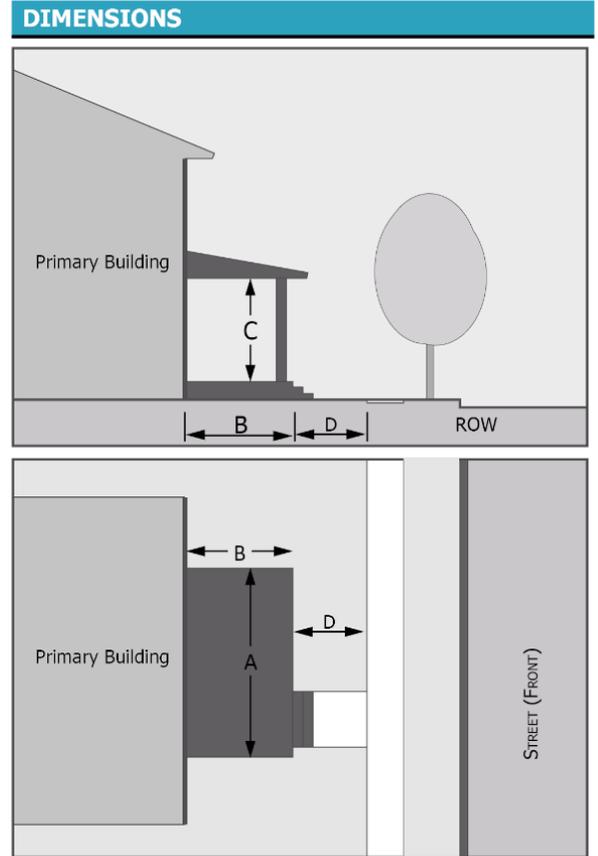


**Sec. 122-481. Porch**

**P PORCH**

The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible. Unenclosed porches can project up to ten feet into the required front yard.

PORCH DIMENSIONS		MIN	MAX
A	Clear span width (ft)	10	--
B	Depth (ft)	5	--
C	Height (ft)	7	--
YARD REQUIREMENTS			
D	Must be landscaped/pervious, with a path at least 3 feet wide connecting the porch to the sidewalk.		



Sec. 122-482. Stoop

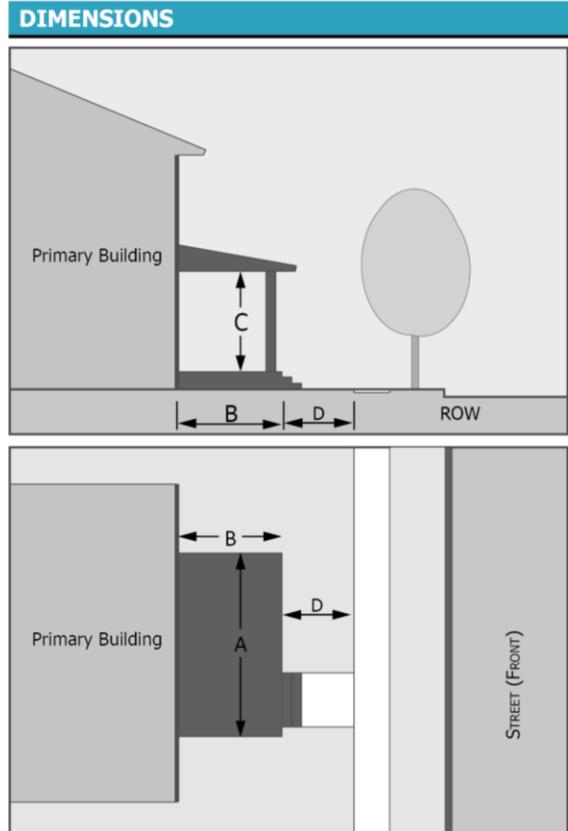
**S** **STOOP**

The building façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line. The ground floor is elevated to provide privacy. The stoop may include a roof.

STOOP DIMENSIONS		MIN	MAX
A	Clear span width (ft)	5	8
B	Depth (ft)	3	8
C	Height (ft)	7	--

YARD REQUIREMENTS	
D	Must be landscaped/pervious, with a path at least 3 feet wide connecting the porch to the sidewalk.

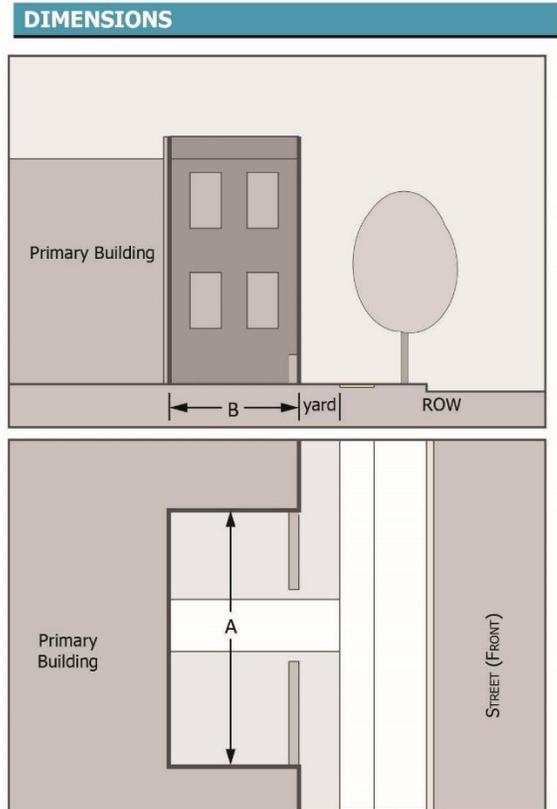


**Sec. 122-483. Forecourt**

**F FORECOURT**

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, formal entries etc.. A fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court. The court and building entry need not face the street, rather an open space, so long as there is a direct pedestrian connection to the public sidewalk.

FORECOURT DIMENSIONS		MIN	MAX
A	Clear span width (ft)	12	--
B	Depth (ft)	12	50
YARD REQUIREMENTS			
C	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		
D	Parking surfaces shall not contribute to the forecourt dimensions (clear span width and depth).		



**Sec. 122-484. Commercial**

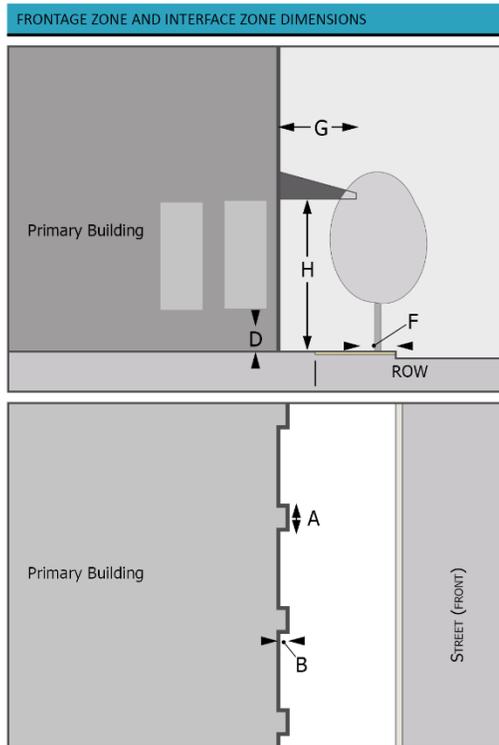
**C COMMERCIAL**

The façade is set back from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The façade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FAÇADE DIMENSIONS		MIN	MAX
A	Distance between openings (ft)	--	2
B	Door recess (ft)	--	5
C	Ground floor transparency (%)	60	--
D	Height to bottom of window (ft)	--	2.5

YARD REQUIREMENTS			
E	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		

OPTIONAL AWNING OR GALLERY			
F	Setback from curb (ft)	2	--
G	Clear depth - awning (ft)	4	10
	Clear depth - gallery (ft)	8	10
H	Clear height (ft)	8	--



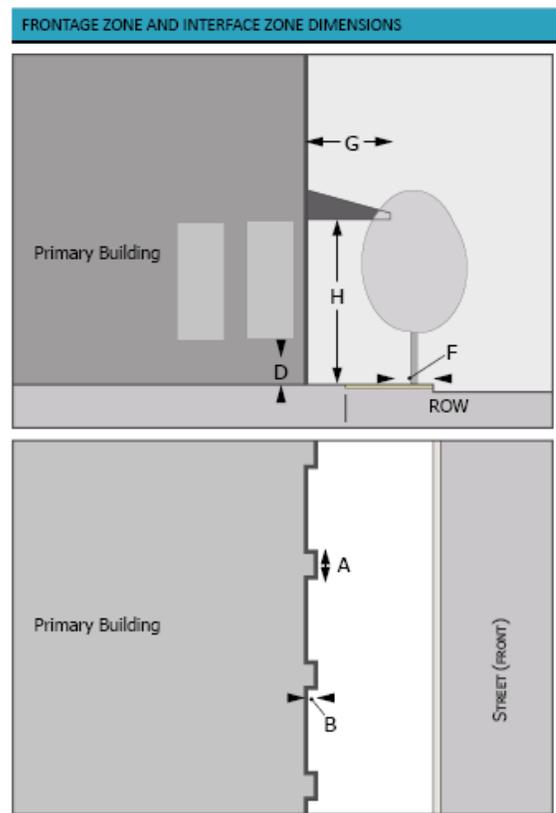
**Secs. 122-485. Thoroughfare Commercial**

**C THOROUGHFARE COMMERCIAL**

This frontage design is intended to allow for design flexibility in certain areas of the City with a high volume of fast-moving traffic, in the interests of promoting both walkability and safety.

FAÇADE DIMENSIONS		MIN	MAX
A	Distance between openings (ft)	--	5
B	Door recess (ft)	--	5
C	Ground floor transparency (%)	50	--
D	Height to bottom of window (ft)	--	3
YARD REQUIREMENTS			
E	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		
OPTIONAL AWNING OR GALLERY			
F	Setback from curb (ft)	2	--
G	Clear depth - awning (ft)	4	10
	Clear depth - gallery (ft)	8	10
H	Clear height (ft)	8	--

- (I) Any requirements of Thoroughfare Commercial may be modified by Planning Commission, provided the Planning Commission first makes a finding that:
- (i) the frontage will be less than 15' from the edge of the roadway, and
  - (ii) there is no on-street parking permitted on the block, and
  - (iii) the frontage has an ADT of more than 15,000, and
  - (iv) the roadway has a speed limit of 35 mph or above.



**Secs. 122-486 – 499. Reserved.**



## **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 this article, 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.

### **Secs. 122-502 – 509. Reserved.**



## Division 1: Specific Standards For Certain Uses

### A

#### **Sec. 122-510. Adult drop-in centers or neighborhood counseling centers.**

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

- (a) Access to and from the site must be directly to a major street as defined in §122-673, 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.
- (b) Social services, such as food and/or clothing distribution or other similar services, are permitted only if the Planning Commission should find that adequate ingress and egress, parking, and indoor waiting and storage areas are provided.

#### **Sec. 122-511. Adult foster care small homes with more than six persons for whom care is being provided, adult foster care large group homes, and adult foster care congregate facilities.**

Adult foster care small homes with more than six persons for whom care is being provided, adult foster care large group homes, and adult foster care congregate facilities are subject to the conditions hereinafter imposed:

- (a) 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.
- (b) 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 in the rear, side, or street side yard. Such outdoor space must be fenced and screened from any adjacent lot.
- (c) 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 to the Building Department, and keep such information up-to-date.
- (d) Uses must not be located within 200 feet of property zoned R1 or CN-SF.
- (e) 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.
- (f) Screening in accordance with §122-634 shall be provided along all rear and side yard boundaries between the proposed use and property either zoned or used for single-family and two-family purposes.

#### **Sec. 122-512. Adult regulated uses.**

- (a) Purpose. It is the purpose of this section to regulate adult regulated uses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult regulated uses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this division to condone or legitimize the distribution of obscene material.
- (b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult regulated uses presented in hearings and reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

*Big Dipper Entertainment, LLC v. City of Warren*, 641 F.3d 715 (6th Cir. 2011); *Entertainment Productions, Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *84 Video/Newsstand, Inc. v. Sartini*, 455 F. App'x 541, 552 (6th Cir. 2011); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Big Dipper*

Entm't, LLC v. City of Warren, 658 F. Supp. 2d 831 (E.D. Mich. 2009); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees, 411 F.3d 777 (6th Cir. 2005) (en banc); Little Mack Entm't II, Inc. v. Twp. of Marengo, 2008 WL 2783252 (W.D. Mich. July 17, 2008); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); City of Chicago v. Pooh Bah Enterprises, Inc., 865 N.E.2d 133 (Ill. 2006); Andy's Restaurant & Lounge, Inc. v. City of Gary, 466 F.3d 550 (7th Cir. 2006); 181 South, Inc. v. Fischer, 454 F.3d 228 (3rd Cir. 2006); Bronco's Entm't, Ltd. v. Charter Twp. of Van Buren, 421 F.3d 440 (6th Cir. 2005); Charter Twp. of Van Buren v. Garter Belt, Inc., 258 Mich. App. 594 (2003); Jott, Inc. v. Clinton Twp., 224 Mich. App. 513 (1997); Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck, 449 Mich. 353 (1995); Gora v. City of Ferndale, 456 Mich. 704 (1998); Rental Property Owners Ass'n of Kent County v. City of Grand Rapids, 455 Mich. 246 (1996); 15192 Thirteen Mile Road, Inc. v. City of Warren, 626 F. Supp. 803 (E.D. Mich. 1985); City of Warren v. Executive Art Studio, Inc., No. 197353, 1998 WL 1993022 (Mich. App. Feb. 13, 1998); Tally v. City of Detroit, 54 Mich. App. 328 (1974); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Kentucky Restaurant Concepts, Inc. v. City of Louisville, 209 F. Supp. 2d 672 (W.D. Ky. 2002); Restaurant Ventures v. Lexington-Fayette Urban County Gov't, 60 S.W.3d 572 (Ky. Ct. App. 2001); Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County, 274 F.3d 377 (6th Cir. 2001); Ctr. for Fair Public Policy v. Maricopa County, 336 F.3d 1153 (9th Cir. 2003); Bigg Wolf Discount Video Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Brandywine, Inc. v. City of Richmond, 359 F.3d 830 (6th Cir. 2004); Currence v. City of Cincinnati, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); Broadway Books v. Roberts, 642 F. Supp. 486 (E.D. Tenn. 1986); Bright Lights, Inc. v. City of Newport, 830 F. Supp. 378 (E.D. Ky. 1993); Bamon Corp. v. City of Dayton, 923 F.2d 470 (6th Cir. 1991); Triplett Grille, Inc. v. City of Akron, 40 F.3d 129 (6th Cir. 1994); O'Connor v. City and County of Denver, 894 F.2d 1210 (10th Cir. 1990); Threesome Entertainment v. Strittmather, 4 F. Supp. 2d 710 (N.D. Ohio 1998); Lady J. Lingerie, Inc. v. City of Jacksonville, 973 F. Supp. 1428 (M.D. Fla. 1997), aff'd in part, rev'd in part, 176 F.3d 1358 (11th Cir. 1999); In re Tennessee Public Indecency Statute, 172 F.3d 873 (6th Cir. Jan. 13 1999)(table); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); U.S. v. Baston, 818 F.3d 651 (11th Cir. 2016); HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County, 889 F.3d 432 (7th Cir. 2018); HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County, 265 F. Supp. 3d 873 (S.D. Ind. 2017); Johnson v. California State Bd. of Accountancy, 72 F.3d 1427 (9th Cir. 1995); Spencer v. World Vision, Inc., 633 F.3d 723 (9th Cir. 2010); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Warren Gifts, LLC v. City of Warren, No. 2:02-cv-70062, R. 26 (E.D. Mich. June 21, 2002) (denying motion for preliminary injunction); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around adult regulated uses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*; *Greensboro, North Carolina – 2003*; *Dallas, Texas – 1997*; *Houston, Texas – 1997, 1983*; *Phoenix, Arizona – 1995-98, 1979*; *Tucson, Arizona – 1990*; *Spokane, Washington – 2001*; *St. Cloud, Minnesota – 1994*; *Austin, Texas – 1986*; *Indianapolis, Indiana – 1984*; *Garden Grove, California – 1991*; *Los Angeles, California – 1977*; *Whittier, California – 1978*; *Oklahoma City, Oklahoma – 1986*; *New York, New York Times Square – 1994*; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas – 2007*; "Rural

Hotspots: The Case of Adult Businesses,” 19 Criminal Justice Policy Review 153 (2008); “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; Indianapolis / Marion County Board of Zoning Appeals Documents; Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); and Strip Club-Trafficking Documents,

the City Council finds:

- (1) Adult regulated uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects. There is documented evidence of adult regulated uses manipulating their inventory and/or business practices to avoid regulation while retaining their essentially sexually oriented, adult nature.
  - (2) Adult regulated uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult regulated uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult regulated uses in one area.
  - (3) Each of the foregoing secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. The City’s interest in regulating adult regulated uses extends to preventing future secondary effects of either current or future uses subject to these regulations that may locate in the City. The City finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects. The City adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult regulated uses, including the judicial opinions and reports related to such secondary effects.
- (c) Uses subject to these regulations are as follows:
- (1) Adult: Adult book or supply store, adult hotels or motels, adult motion picture theater/adult live stage performing theater, adult mini-motion picture theater, and cabarets.
  - (2) Massage parlors and massage establishments.
  - (3) Pawnshops.
- (d) No adult regulated use may operate within 1,000 feet of any other adult regulated use. Measurement of the 1,000-foot radius must be made from the closest part of the structure occupied by an adult regulated use to the closest part of the structure occupied by another adult regulated use. 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.
- (e) No adult regulated use may operate within 500 feet of any R1, HHS, P, MD, CN, CN-Mid and CN-SF district; nor may any adult regulated use operate 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 operate within 500 feet of any religious institution. Measurement must be from the closest part of any structure occupied by the adult regulated use to the closest boundary line or property line of the districts and uses listed above. The zoning and/or use of land in adjacent jurisdictions shall not disqualify any location within the City of Ypsilanti from being available to an adult regulated use. Pawnshops are not subject to these locational requirements.
- (f) The building and premises must be designed and constructed so that material depicting specified sexual activities or specified anatomical areas cannot be observed by pedestrians or from vehicles on any public right-of-way.
- (g) No person may reside in or permit any person to reside in the premises of an adult regulated use.
- (h) Such uses must comply with all applicable federal, state, and local licensing regulations. For massage parlors/massage establishments and for pawnshops, initial and annual proof of such compliance must be a

condition of special use approval and the continuance thereof.

- (i) 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 occupancy permit for a massage parlor/massage establishment or for a pawnshop must require a new special use application and approval thereof.

### **Sec. 122-513. Alternative Energy.**

Alternative energy production is subject to the conditions hereinafter imposed:

- (a) Photovoltaic Production
  - (1) 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:
      - (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.
  - (2) 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.
  - (3) 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.
- (b) 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.
- (c) Wind energy production. Attached accessory wind energy production structures are permitted in all zoning districts, subject to height limitations.
- (d) Geothermal energy production. Attached accessory geothermal energy production systems are permitted in all zoning districts.
- (e) 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. 122-514. Auction House.**

Auction Houses are subject to the conditions hereinafter imposed:

- (a) 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;
  - An acknowledgement that any outdoor activities are subject to the requirements for open-front or open-air businesses, and that such are only permitted in certain zoning districts and may have additional requirements.

### **Sec. 122-515. Automobile service or repair.**

Automobile service and repair are subject to the conditions hereinafter imposed:

- (a) 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.
- (b) 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 §122-683.
- (c) 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.

**Sec. 122-516. Automobile filling stations.**

Automobile filling stations are subject to the conditions hereinafter imposed:

- (a) 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.
- (b) 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 §122-683.
- (c) 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.
- (d) 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. 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.
  - (1) For service stations located within a NC zoning district, the nearest edge of any canopy must be set back a minimum of 10 feet from any lot line.
  - (2) 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.
- (e) 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.

**Sec. 122-517. Automobile wash establishments.**

Automobile wash establishments are subject to the conditions hereinafter imposed:

- (a) 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.
- (b) 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 §122-683.
- (c) 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. 122-518. Automobile parking garages.**

Automobile parking garages are permitted subject to the conditions hereinafter imposed:

- (a) Such use must not be located within 100 feet of an R1, CN-Mid or CN-SF district.
- (b) All parking garages in the Walkable Urban Districts shall be constructed under the IT building type.
- (c) The architectural style and facade of the structure must be in keeping with the character of surrounding residential and business uses.
- (d) All areas not used for parking or vehicular maneuvering must be landscaped and maintained in good condition.
- (e) No access from a major thoroughfare is permitted. The vehicle entrances to structured parking should be from side streets and/or access roads.
- (f) Direct pedestrian access from parking garages to any adjacent street must be provided.
- (g) The exterior facades of all parking garages fronting on any street must be designed to achieve an architectural unity with the block.

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

**Sec. 122-519. Automobile parking lot as principal use.**

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

- (a) Parking lots must meet all dimensional requirements for off-street parking in accordance with Article VI, Division 7 of this chapter.
- (b) 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.
- (c) 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.

**B**

**Sec. 122-520. Bed and breakfasts and inns.**

Bed and breakfast lodgings and inns are 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) If the owner of the property does not reside on the premises, the property owner must provide the name and contact information of resident manager to the Building Department, and keep such information up-to-date.
- (c) 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.
- (d) 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.

**C**

**Sec. 122-521. Child care centers and group day care homes.**

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

- (a) 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.
- (b) The square footage of outdoor recreation area required by the Building Code and licensing agency must be provided in the rear, side, or street side yard. Such outdoor space must be fenced and screened from any adjacent lot.

**D**

**Sec. 122-522. Designated consumption establishment.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for a designated consumption establishment apply:
  - (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) The 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 designated consumption establishment is located to the outermost boundaries of the lot or parcel on which the school is located;
- (3) The designated consumption establishment site shall not be located within five hundred (500) feet of a lawfully existing designated consumption establishment as measured from the outermost boundaries of the lot or parcel on which the proposed designated consumption establishment is located to the outermost boundaries of the lot or parcel on which the lawfully existing designated consumption establishment is located;
  - (4) All activity related to the designated consumption establishment shall be done indoors;
  - (5) 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.
  - (6) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein,
  - (7) All designated consumption establishment licenses must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
  - (8) The dispensing of marihuana shall be prohibited.
  - (9) The designated consumption establishment and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

### **Sec. 122-523. Drive-through or drive-in facilities.**

Drive-through or drive-in facilities in combination with any kind of other use are subject to the conditions hereinafter imposed:

- (a) Uses must not be located within 100 feet of property zoned CN, CN-Mid, CN-SF, or R1 district, measured from the lot line.
- (b) Off-street loading and stacking spaces must be provided in accordance with §122-694.
- (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) Uses must have direct access to a major thoroughfare in accordance with §122-673. 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.

## **E**

### **Sec. 122-524. 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.

### **Sec. 122-525. Excess Marihuana Grower.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.

- (b) The following standards for an excess marihuana grower apply:
- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) The excess marihuana grower 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 excess marihuana grower facility is located to the outermost boundaries of the lot or parcel on which the school is located;
  - (3) Use of marihuana is prohibited on the premises unless otherwise noted;
  - (4) All activity related to the excess marihuana grower facility shall be done indoors;
  - (5) 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.
  - (6) Drive-through and walk-up or similar facilities shall be prohibited;
  - (7) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein
  - (8) 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 ensure compliance with the Michigan Fire Protection Code;
  - (9) All excess marihuana grower facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
  - (10) The dispensing of marihuana shall be prohibited.
  - (11) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
  - (12) The excess marihuana grower facility and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

## F

### **Sec 122-526. Firearms Range.**

Firearms ranges must be located as follows

- (a) 500' away from public parks, daycare centers, grade schools, Eastern Michigan University, and the Center District, and
- (b) 500' away from a store less than 15,000 square feet with sales of alcohol, or a bar/lounge; and
- (c) 1000' away from other firearms ranges or firearms sales establishments.

### **Sec 122-527. Firearms Sales Establishments.**

Firearms sales establishments must be located as follows:

- (a) 500' away from public parks, daycare centers, grade schools, Eastern Michigan University, and the Center District; and
- (b) 500' away from pawn stores or secondhand goods dealers; and
- (c) 500' away from a store less than 15,000 square feet with sales of alcohol, or a bar/lounge; and
- (d) 1000' away from other firearms sales establishments or firearms ranges.

## G

### **Sec. 122-528. 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.

### **Sec. 122-529. 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 Chapter are to become null and void.

- (a) 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 §122-675. Further, they shall not encroach onto adjacent parcels or sights-of-way.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Compost piles may only be used for waste generated on site, and are subject to accessory structure setbacks.
- (g) Gardens shall use integrated pest management techniques and best practices in accordance with Chapter 110, Article IV of this Ordinance.

### **Sec. 122-530. Group Residences and Roominghouses.**

Group residences and roominghouses are permitted subject to the following conditions:

- (a) 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.
- (b) Rooms for sleeping shall have a minimum square footage as required by the Building Code.
- (c) 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 to the Building Department, and keep such information up-to-date.
- (d) A roominghouse or group residence permitted as a special use shall not be located within 200 feet of an R1 or CN-SF district.
- (e) For roominghouses 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-Mid or nonresidential district. In no event shall access be through an R1 or CN-SF district.

## H

### **Sec. 122-531. 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, medical clinics or hospitals with more than one practitioner and one non-practicing staff, commercial stables, day care centers (except when properly permitted as family day care homes, group day care homes, adult foster care family homes, and adult foster care small group homes), kennels, 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, trailer rentals, adult regulated uses, millinery and other apparel shops, veterinarian's office, clinic or hospital, any use involving the distribution of firearms or the storage of firearms intended for sale or distribution, or any use that endangers 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. This section is not intended to prohibit offices related to the administration of construction contracting, landscaping, maintenance, or snow removal businesses.

- (b) **Permitted home occupations.** Any home occupation that is not specifically prohibited by subsection (a) of this section must be permitted if it meets the following standards:
- (1) All home occupations must obtain a business license from the City Assessor; if the occupant is not the owner of the premises then consent must be obtained from the property owner to ensure the owner's knowledge of the use.
  - (2) The home occupation must not change the outside appearance of the dwelling nor alter the residential character of the structure.
  - (3) The home occupation must not be visible from the street.
  - (4) The home occupation must be owned and operated only by a member or members of the immediate family residing on the premises.
  - (5) No more than one other person may be employed or involved with such activity on premises other than a member of the immediate family residing in the dwelling unit.
  - (6) All wholesale, jobbing or retail business must be conducted entirely by mail, telephone, electronically or by delivery.
  - (7) Services and transactions must be conducted by appointment only, walk-in trade is prohibited.
  - (8) The maximum area for home occupations must be calculated as 25 percent of the usable residential floor area of a dwelling unit or 300 feet whichever is less. Areas designated for home occupations may be located in any useable area of the home, the basement, or any accessory building.
  - (9) No motor power other than electrically operated motors may be utilized. No single electrical motor used in the home occupation may exceed one horsepower. All electrical motors and equipment used in the conduct of the home occupation must be shielded so as not to cause radio or television interference for adjoining properties.
  - (10) A home occupation must not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazards, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in the zoning district in which it is located.
  - (11) 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.
  - (12) There must be no deliveries to or from the home occupation with a vehicle having more than two axles.
  - (13) No merchandise or articles for sale may be displayed on the lot used for the home occupation.
  - (14) 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 §122-531, 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 Marijuana 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. 122-532. Homeless Shelter.**

Shelters for the homeless are permitted subject to the conditions hereinafter imposed:

- (a) The facility must be operated by a recognized human service agency, incorporated by the state, and which is not for profit.
- (b) Resident manager and support services must be provided 24 hours a day, 7 days a week.
- (c) No such facility may be located within 1,000 feet of a similar facility.

**I**

**Sec. 122-533. Indoor and Outdoor Recreation and Gyms.**

Indoor and Outdoor recreation and gyms are 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 §122-673.
- (b) The Planning Commission may reduce the number of off-street parking spaces required as specified in §122-692 in those instances with a finding that the users will originate from the immediately adjacent areas and will therefore be pedestrian.

**J**

**Sec. 122-534. Junkyards.**

Junkyards are permitted subject to the conditions hereinafter imposed:

- (a) The minimum lot size must be one acre.
- (b) No junkyard may be located within 300 feet of a R1, HHS, P, MD, CN, CN-Mid and CN-SF district.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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. 122-535. Kennels, commercial.**

Commercial kennels are permitted subject to the conditions hereinafter imposed:

- (a) Any such kennel must be subject to all permit and operational requirements established by City, county, and state regulatory agencies.
- (b) 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.
- (c) All outdoor animal runs or exercise areas must be fenced and secured at all times so that no animal contained therein may escape such enclosure.

**Sec. 122-536. Marihuana growing and/or processing facilities.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for marihuana growing and/or processing facilities apply:
- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) The marihuana growing and/or processing 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 marihuana growing and/or processing facility is located to the outermost boundaries of the lot or parcel on which the school is located;
  - (3) The marihuana growing and/or processing facility site shall not be located within five hundred (500) feet of a lawfully existing marihuana growing and/or processing facility as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana growing and/or processing facility is located to the outermost boundaries of the lot or parcel on which the lawfully existing marihuana growing and/or processing facility is located. This requirement is waived in PMD zoning districts;
  - (4) Use of marihuana is prohibited on the premises unless otherwise noted;
  - (5) All activity related to the marihuana growing and/or processing 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) Drive-through and walk-up or similar facilities shall be prohibited;
  - (8) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (9) 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 ensure compliance with the Michigan Fire Protection Code;
  - (10) All marihuana growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
  - (11) The dispensing of marihuana shall be prohibited.
  - (12) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
  - (13) The marihuana growing and/or processing facility and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

**Sec. 122-537. Marihuana microbusiness.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for marihuana microbusiness apply:
- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;

- (2) A marihuana microbusiness shall not be located within the following areas:
  - i. Within one-thousand (1,000) feet of any lawfully established marihuana retailer, provisioning center, or marihuana microbusiness, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
  - ii. Within six-hundred (600) feet of any lawfully established marihuana growing and/or processing facilities, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
  - iii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana microbusiness is located to the outermost boundaries of the lot or parcel on which the school is located.
- (3) Use of marihuana is prohibited on the premises unless otherwise noted;
- (4) All activity related to the safety and compliance shall be done indoors;
- (5) 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.
- (6) Drive-through and walk-up or similar facilities shall be prohibited
- (7) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein administrative rules or regulations contained or adopted under the authority therein;
- (8) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Ypsilanti Fire Department to ensure compliance with the Michigan Fire Protection Code;
- (9) All marihuana microbusiness facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
- (10) Growing, cultivation, processing, testing and sales of marihuana in the microbusiness is allowed so long as it is done within the facility and has a maximum of 150 plants as allowed by the MRTMA and the State department of Licensing and Regulatory Affairs;
- (11) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
- (12) The marihuana microbusiness and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

**Sec. 122-538. Marihuana retailers and/or provisioning centers.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for marihuana retailers and/or medical marihuana provisioning centers apply:
  - (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) A marihuana retailer and a provisioning center may be co-located in the same facility so long as it complies with Chapter 7 of the City Code of Ordinances, the MMFLA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (3) A marihuana retailer and/or provisioning center in the Center (C) zoning district shall not be located within the following areas:
    - i. Within six-hundred-ninety (690) feet of a lawfully established marihuana retailer, provisioning center, or marihuana microbusiness located in the Center (C) zoning district, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
    - ii. Within one-thousand (1,000) feet of a lawfully established marihuana retailer, provisioning center, or marihuana microbusiness located in the General Corridor (GC) or Neighborhood Corridor (NC) zoning districts, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or

- provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
- iii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the school is located
- (4) A marihuana retailer and/or provisioning center in the Neighborhood Corridor (NC) or General Corridor (GC) zoning district shall not be located within the following areas.
- i. Within one-thousand (1,000) feet of any lawfully established marihuana retailer, provisioning center, or marihuana microbusiness, as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the lawfully established facility is located.
  - ii. Within one-thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the marihuana retailer and/or provisioning center is located to the outermost boundaries of the lot or parcel on which the school is located.
- (5) Use of marihuana is prohibited on the premises;
- (6) All activity related to the marihuana retailer and/or provisioning center shall be done indoors;
- (7) 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.
- (8) Drive-through and walk-up or similar facilities shall be prohibited;
- (9) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
- (10) All marihuana retailers and/or provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
- (11) Growing, cultivation, or processing of marihuana in a marihuana retailer and/or provisioning center is prohibited;
- (12) If a special land use, the existing marihuana retailer and/or provisioning center facility and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

**Sec. 122-539. Marihuana safety compliance facilities.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for marihuana safety compliance facilities apply:
- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) The marihuana safety compliance 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 marihuana safety compliance facility is located to the outermost boundaries of the lot or parcel on which the school is located;
  - (3) The marihuana safety compliance facility site shall not be located within five hundred (500) feet of a lawfully existing marihuana safety compliance facility as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana safety compliance facility is located to the outermost boundaries of the lot or parcel on which the lawfully existing marihuana safety compliance facility is located;
  - (4) Use of marihuana is prohibited on the premises unless otherwise noted;
  - (5) All activity related to the marihuana safety compliance 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) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance

- with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
- (8) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Ypsilanti Fire Department to ensure compliance with the Michigan Fire Protection Code;
  - (9) All marihuana safety compliance facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
  - (10) The dispensing of marihuana shall be prohibited.
  - (11) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
  - (12) The marihuana safety compliance facility and site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

**Sec. 122-540. Marihuana secure transporter.**

- (a) **Generally.** 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 marihuana not in strict compliance with the State of Michigan laws and 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.
- (b) The following standards for a marihuana secure transporter facility apply:
  - (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (2) The 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 secure transporter facility is located to the outermost boundaries of the lot or parcel on which the school is located;
  - (3) The marihuana secure transporter facility site shall not be located within five hundred (500) feet of a lawfully existing marihuana secure transporter facility as measured from the outermost boundaries of the lot or parcel on which the proposed marihuana secure transporter facility is located to the outermost boundaries of the lot or parcel on which the lawfully existing marihuana secure transporter facility is located;
  - (4) Use of marihuana is prohibited on the premises unless otherwise noted;
  - (5) All activity related to the marihuana secure transporter 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) All marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, the MRTMA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
  - (8) All marihuana secure transporter facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;
  - (9) The dispensing of marihuana shall be prohibited.
  - (10) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.
  - (11) The marihuana secure transporter site shall not be altered or expanded without approval from the Planning Commission, subject to Sec. 122-328.

**Sec. 122-541. Multiple-family dwellings containing more than six units.**

Multiple family dwellings containing more than six units are subject to the conditions hereinafter imposed:

- (a) 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.
- (b) 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.
- (c) 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.

**Sec. 122-542. 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:

- (a) 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.
- (b) Public buildings and utility uses must not include any outdoor storage of materials or vehicles, unless as permitted within the PMD district.

**N**

**Sec. 122-543. Nursing homes, convalescent homes and rest homes.**

Nursing homes, convalescent homes, and rest homes are subject to the conditions hereinafter imposed:

- (a) Such facilities must be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (b) 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.

**Sec. 122-544. Offices and showrooms for skilled trade services.**

Offices and showrooms of a skilled trade service are subject to the conditions hereinafter imposed:

- (a) Any fabrication, repair, cleaning or other processing of goods must conform to fire and building code.
- (b) 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.
- (c) There must be no outside storage of materials or goods of any kind.
- (d) Storage of commercial and other vehicles inside the building is permitted, pursuant to building and fire code.

**Sec. 122-545. 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 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. .
- (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.

**Sec. 122-546. Outdoor storage of raw materials, supplies and products.**

Outdoor storage of raw materials and supplies or finished or semi-finished products shall be subject to the conditions hereinafter imposed:

- (a) All such storage shall be located within a rear yard and screened with fencing in accordance with §122-634. No material shall be stored above the height of the screening.
- (b) 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.
- (c) Property access to all parts of the storage areas shall be provided for fire and emergency services.
- (d) All loosely packed materials such as sand, topsoil, dirt, fertilizer, etc., shall be covered and contained to prevent them from being blown or washed off of the site.
- (e) No materials which give off noxious odors shall be stored outdoors.
- (f) Outdoor storage and display areas shall comply with all minimum setback requirements for the zoning district or building type.

**Sec. 122-547. 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:

- (a) 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.
- (b) 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.
- (c) The outdoor seating area shall not be located within 50 feet of any properties zoned R1, MD, CN, CN-Mid, or CN-SF.
- (d) All outdoor areas shall be kept clean and void of litter at all times.

## P

### **Sec. 122-548. Passenger terminals and stations.**

Passenger terminals and stations are permitted subject to the conditions hereinafter imposed:

- (a) All ticket booths, waiting areas, and other passenger facilities must be wholly contained within an enclosed building.
- (b) 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.
- (c) 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. 122-549. Printing services.**

Printing services shall be permitted subject to the conditions hereinafter imposed:

- (a) All principal use activities, including storage of equipment and chemicals, shall be conducted within a totally enclosed building.
- (b) No exterior windows shall be oriented towards single-family residential uses.
- (c) Such uses shall not create a nuisance to adjacent residences through excessive noises or the smell of chemicals.

## Q

## R

### **Sec. 122-550. Religious Institutions and Private Assembly spaces, including social facilities.**

Religious institutions, private assembly spaces, and social clubs, including accessory offices, meeting rooms, and athletic facilities are subject to the conditions hereinafter imposed:

- (a) When located within the R-1 and MD districts, parking areas are prohibited in the required front yard. Parking areas must be screened in accordance with §122-684.
- (b) Buildings of greater than the maximum height allowed in the zoning district may be permitted by the Planning Commission with the condition 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.
- (c) 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.

### **Sec. 122-551. Recycling centers.**

Recycling centers for discarded items shall be permitted subject to the conditions hereinafter imposed:

- (a) Such use shall be located no closer than 300 feet to property zoned R1, CN-SF, CN-Mid, CN, or MD.
- (b) All separation and storage areas shall conform to the setback requirements for buildings in the PMD district and screened with fencing in accordance with §122-634.
- (c) Access to such site shall not be through or abut property zoned R1, CN-SF, CN-Mid, CN, or MD.
- (d) Proper access to all parts of the storage areas shall be provided for fire and emergency access as provided by the City building code.
- (e) 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. 122-552. Research and Development, Limited.**

Limited research and development facilities shall be subject to the conditions hereinafter imposed:

- (a) Research space, including but not limited to offices, conference rooms, and common areas, shall occupy at least 25% of the building's gross floor area.
- (b) Outdoor storage of products/materials is prohibited.
- (c) If in a Walkable Urban District, the building shall comply with applicable building type requirements. In any case, the building's exterior appearance shall resemble a commercial building's general form, except for required HVAC systems.

- (d) Use of the building for warehousing and distribution is prohibited.
- (e) Uses involving noise, vibration, odors, emissions, dust, or night illumination exceeding the boundaries of the lot are prohibited.
- (f) The storage of any flammable or hazardous materials must be in compliance with applicable codes, including but not limited to Occupational Safety and Health Administration Codes, Fire Codes, and Building Codes.

## S

### **Sec. 122-553. 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 subject to the conditions hereinafter imposed:

- (a) Staff and curriculum must meet the educational qualifications established by the state.
- (b) All buildings must meet the building and fire safety qualifications as established by the state.
- (c) 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.
- (d) The site shall have direct access to a major thoroughfare, as provided in §122-673.
- (e) 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.
- (f) 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 §122-634.
- (g) If bus transportation is to be provided, documentation that adequate ingress and egress for bus traffic to the site shall be provided. If public bus transportation is utilized, a bus drop-off point within 250 feet of the school shall be available.
- (h) All site improvements shall be shown on the site plan.

### **Sec. 122-554. Self-storage facilities and vehicle storage facilities.**

Self-storage facilities and vehicle storage facilities shall be subject to the conditions hereinafter imposed:

- (a) 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.
- (b) No single storage space shall exceed 500 square feet, except for vehicle storage facilities.
- (c) Only vehicles may be stored in vehicle storage facilities.
- (d) Adequate security shall be provided and maintained.
- (e) A single residential unit, to be occupied only by a residential manager and their family, with a floor area not exceeding 1,500 square feet, is permitted.

### **Sec. 122-555. Substance abuse treatment facilities.**

Substance abuse treatment facilities shall be subject to the conditions hereinafter imposed:

- (a) Such facilities shall have direct access to a major thoroughfare, in accordance with §122-673.
- (b) Such uses shall not be located within 1,000 feet of an R1, CN-Mid, or CN-SF district or of another such facility.

## T

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## V

**Sec. 122-557. Veterinary hospitals and clinics.**

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

- (a) All principal use activities, including animal boarding, shall be conducted within a totally enclosed building.
- (b) 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).
- (c) A veterinary hospital or clinic shall be subject to the requirements, limitations, and regulations listed in Chapter 14, Division 4, of this Code.

**W**

**X**

**Y**

**Z**

**Secs. 122-558 – 122-559. Reserved.**

## **Division 2: Storage of Vehicles**

### **Sec. 122-560. General prohibition.**

Except as otherwise provided in this chapter, no vehicles may be parked or stored on any lot that is zoned or used for residential except for operable passenger automobiles, pickup trucks, vans, or motorcycles.

### **Sec. 122-561. 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. 122-562. 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, may be permitted on any lot in an R1, CN-SF, CN-Mid, CN, MD or HHS zoning district. Recreational vehicles may be located within a completely enclosed building or within a front, rear, or side yard. However, recreational vehicles taller than 8 feet in height must be parked no less than 10 feet away from the front lot line. 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, twelve 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.
- (d) Recreational vehicles, including trailers for recreational vehicles, may not be permanently affixed to the ground. Such vehicles must be situated upon a chassis or other wheeled conveyance.

### **Sec. 122-563. Unlicensed, untitled, and inoperable motor vehicles, and disassembled parts of motor vehicles.**

No unlicensed, untitled, or inoperable motor vehicles, or disassembled parts of motor vehicles may be kept on any property within the City except as follows:

- (a) Contained entirely within a completely enclosed building so long as any indoor parking spaces, necessary for meeting minimum space requirements, must not be used for the storage of unlicensed or inoperable vehicles and so long as the storage is not otherwise prohibited.
- (b) The storage of vehicles as is specifically authorized in PMD and GC districts.
- (c) Minor repairs, such as changing flat tires, of vehicles where the repairs will be completed within 24 hours.

### **Sec. 122-564. Responsibility for violations.**

In any proceeding for violation of any provision of this division, both the person to whom a vehicle is registered as determined from the registration plate displayed on such motor vehicle, and the owner of the property on which the vehicle is stored, will be presumed to be persons who committed the violation charged. In the case of unlicensed vehicles, the owner of the property on which the vehicle is located will be considered to be the person responsible for the violation charged.

### **Secs. 122-565 – 569. Reserved.**



## **Division 3: Communication Devices**

### **Sec. 122-570. 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 §122-572(a).

### **Sec. 122-571. General standards.**

- (a) Permits. All applicants proposing to erect any communication device in any zoning district, except as excluded under §122-572(a), 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 are 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. 122-572. Antenna systems.**

In addition to the foregoing general standards of this division, the following standards must apply to antenna systems:

- (a) 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.
- (b) Antenna systems which do not meet the criteria and condition of subsection (1) of this section must be regulated as follows:
  - (1) 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.

- (2) The antenna system must be of a self-supporting design.
- (3) 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.
- (4) The antenna system must be used only for legal, amateur or commercial receiving and transmitting, as licensed by the Federal Communications Commission.

**Sec. 122-573. Satellite dish stations.**

In addition to the general standards of §122-571, the following must apply to all satellite dish antennas:

- (a) Permit applications must contain the following additional information:
  - (1) 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.
  - (2) A picture, sketch, or catalog cut of the proposed installation, including the proposed coloration of the satellite dish.
  - (3) Proof of liability insurance in a minimum amount of \$100,000.00.
  - (4) Such other pertinent information as may be required by the Building Department.
- (b) No more than one satellite dish installation may be permitted on any single lot of record.
- (c) The satellite dish and all structural supports must be of noncombustible and corrosive resistant material.
- (d) 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.
- (e) 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.
- (f) 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. 122-574. 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:

- (a) Antenna systems.
  - (1) 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.
  - (2) 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.
- (b) Satellite dish stations.
  - (1) Height. No part of any satellite dish station may exceed 12 feet in height.
  - (2) Size. The diameter or any exterior dimension of any satellite dish station must not exceed ten feet.
  - (3) 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 §122-651, however, a satellite dish station may be located on the roof of a building under the following conditions:
    - (i) 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.
    - (ii) 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.
    - (iii) 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. 122-575. 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.

- (a) Antenna systems.
  - (1) 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.

- (2) 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.
- (b) Satellite dish stations.
  - (1) Ground mounted height restrictions. No part of any ground mounted satellite dish station may exceed 15 feet above ground level.
  - (2) 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.
  - (3) Size. The diameter or any exterior dimension of any satellite dish station must not exceed 15 feet.
  - (4) 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 §122-651.
  - (5) 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. 122-576. Communication devices in the PMD zoning district.**

- (a) 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.
- (b) Definitions.
  - (1) **Mobile Communication Facilities** mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but not be limited to, cellular telephone towers, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
  - (2) **Attached Mobile Communications Facilities** means mobile communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
  - (3) **Mobile Communication Support Structures** means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
  - (4) **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.
- (c) Locational Factors.
  - (1) 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.
  - (2) 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.

(d) Application Requirements.

- (1) A site plan prepared in accordance with Article III, Division 2 “Permits,” Subdivision I “Zoning Compliance.” The site plan must also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- (2) The application must include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- (3) 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 §122-576(f)). 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.
- (4) 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.
- (5) 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.

(e) General Regulations.

- (1) 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.
- (2) The accessory building contemplated to enclose switching equipment must be limited to fifteen (15) feet in height.
- (3) 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.
- (4) 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.
  - (5) 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.
  - (6) 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.
  - (7) 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.
  - (8) No wireless communication tower may be located within three thousand (3,000) feet of another wireless communication tower. This requirement may be waived at the sole discretion of the City if one of the following conditions are met:
    - (i) The communication apparatus is located on an existing tower or other structure capable of accommodating such apparatus.
    - (ii) The tower/facility is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community.
    - (iii) The tower is intended to serve solely a governmental agency.
  - (9) 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.
  - (10) The applicant must submit details of tower lighting approved by the Federal Aviation Administration.
  - (11) A maintenance plan must be presented as part of the site plan for the proposed facility.
  - (12) 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.
  - (13) 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.
- (f) Removal.
- (1) The City reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

**Secs. 122-577 – 599. Reserved.**



## **Article VI: Site Regulations**

### **Division 1: Generally**

#### **Sec. 122-600. Scope.**

The provisions of this chapter 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 apply unless specifically stated otherwise.

#### **Sec. 122-601. 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. 122-602. 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 Article III, Division 3 “Nonconformities.”
- (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. 122-603. 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 §122-317.

#### **Sec. 122-604. 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. 122-605. 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. 122-606. 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,

as legal accessory dwelling unit, 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.

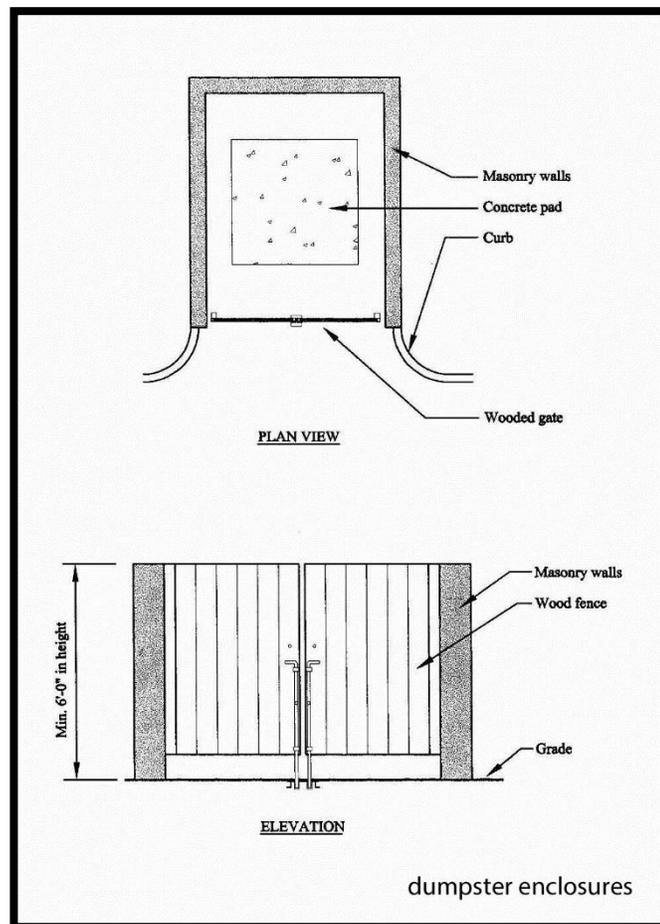
**Sec. 122-607. Building Entrances, Rights of Way, and Easements.**

- (a) **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.
- (b) **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, without prior authorization by City Council and/or the holder of such easement.
- (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. 122-608. Trash receptacles and dumpsters.**

Any new or altered commercial use, including residential uses with three or more units, which requires zoning compliance review 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 on a paved pad, and must be screened with an enclosure at least one (1) foot taller than the dumpster.
- (f) Where a dumpster is the primary means of collecting refuse, the trash storage area must be on a concrete pad, and screened with an enclosure at least six feet in height. 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.



**Sec. 122-609. Lighting.**

(a) **Purpose.** In alignment with the goals of the master plan, this outdoor lighting ordinance is intended to protect the health and welfare of all residents of the City of Ypsilanti, enhance the city's unique historic character and overall quality of life, prevent the installation of inappropriate or poorly designed outdoor lighting, limit the increase of harmful sky glow, and preserve the natural night sky for the benefit of Ypsilanti's residents, visitors, wildlife, and surrounding environment.

(b) **Applicability.**

- 1) This ordinance applies to all sources of exterior or interior lighting designed to be seen from the exterior installed or replaced within the city after the effective date of this ordinance, with the following exceptions:
  - a. Lighting requirements mandated by a legal jurisdiction with broader authority,
  - b. Temporary lighting approved by the city for special events or festivals.
  - c. Seasonal or ornamental lighting.
  - d. Lighting fixtures designated as historic under the purviews of Section 122-352(d).
- 2) Existing outdoor lighting lawfully installed prior to the effective date and not meeting the requirements of this ordinance shall be considered legal and repairable, but nonconforming. All nonconforming light fixtures may continue to be used and maintained until one of the following occurs:
  - a. A determination by the City Planner, Building Department, or Code Enforcement that an exterior light source produces glare, light trespass, or visual distraction; or, otherwise, poses a threat to public safety or significantly impacts adjacent properties, as defined by professionally recognized standards such as those of the International Dark-Sky Association (IDA)
  - b. A new or substantially modified commercial use – including residential developments with three or more units – that requires site plan reviews.
  - c. Replacement of a nonconforming light fixture.

(c) **Light Fixture Specifications.**

- 1) All exterior lighting installed after the effective date of this ordinance shall comply with the following specifications:
  - a. The maximum allowable color temperature for light fixtures shall not exceed 3000 Kelvin.
  - b. All light fixtures, unless otherwise exempted, shall be full cutoff, fully shielded, and directed downwards to prevent “sky glow”.
  - c. Exterior lighting originating on a site may not exceed one-half (0.5) footcandles at the lot line, except for buildings that exist or are constructed on the lot line, in which case lighting shall not exceed 8 footcandles at the lot line.
  - d. 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, but shall not exceed 15 footcandles, anywhere in the area to be illuminated.
  - e. All lighting shall be designed to prevent off-site glare.
  - f. Motion-activated lights are permitted, provided that they comply fully with this section and the lighting is kept in good working order. Motion-activated lighting shall not be activated by movement beyond the lot line.
  - g. Freestanding Pole Lighting Specifications:
    - i. Exterior freestanding light fixtures shall not exceed 20 feet in height or the height of the principal building on the site, whichever is less. The Planning Commission may modify the height restrictions in commercial or industrial districts up to 30 feet in height, 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.
  - h. Wall-Mounted Lighting Specifications
    - i. All light fixtures, unless otherwise exempted, shall be aimed no higher than 45 degrees below horizontal.
  - i. Ornamental Uplighting
    - i. Ornamental uplighting intended to highlight ornamental features of a building or landscape is permitted, subject to the approval of the City Planner or Planning Commission, provided that light output is not designed to exceed 400 lumens per fixture nor a color temperature of 3000K.
- 2) Lighting within the historic district shall be subject to historic district regulations and guidelines.
- 3) Prohibitions:
  - a. Flashing, blinking, or oscillating lights are strictly prohibited.

- b. The outlining of windows, including but not limited to LED strip lights and neon-like window outlines, is prohibited if visible from a public right-of-way and found to produce glare, light trespass, or visual clutter inconsistent with neighborhood character. Seasonal lighting is exempted from this prohibition.

**(d) Administrative Requirements**

- 1) Whenever a site plan or electrical permit for exterior lighting is applied for, an exterior lighting plan shall be submitted along with a compliance statement of the proposed work. The submitted exterior lighting plan may be approved administratively by the City Planner; however, the City Planner may defer approval to the Planning Commission.
- 2) Appeals. Any determination made under this section by the City Planner or Planning Commission may be appealed to the Zoning Board of Appeals per Section 122-371.

**Sec. 122-610. 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. 122-611. 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. Site alterations, re-grading, filling or the clearing of vegetation, or any other activity deemed detrimental to any environmentally sensitive area or resource prior to the submission of plans for subdivision or land development are a violation of this Ordinance.

- (a) General Design Standards. Structures must be designed in a manner that requires a minimum amount of alteration 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.
    - (i) 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.
    - (ii) Upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed and execution of a provision agreeing to hold the City of Ypsilanti harmless from any claims of damages due to approval of such development. If development is allowed to proceed under this subsection, no more than (15%) percent of such areas must be developed and/or re-graded or stripped of vegetation.
    - (iii) Finished slopes of all cuts and fills must not exceed three-to-one (3:1 or 33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

**Sec. 122-612. Retaining walls.**

Retaining walls in excess of one foot in height require a building permit. All retaining walls must be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls must be maintained in structurally sound and safe repair and must not impair drainage or create negative impacts on any other lot.

**Sec. 122-613. Height exceptions.**

- (a) The height requirements of all zoning districts may be exceeded by chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments, roof mounted communication antennas, water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to the permitted uses of the districts in which they are located; provided that they do not exceed the maximum permitted height for buildings in a given district by more than ten feet.
- (b) In the PMD district, chimneys, cooling and fire towers, elevator buildings, parapets, roof storage tanks, communication towers and other necessary appurtenances are permitted to heights greater than ten feet above the maximum permitted building height; provided such appurtenances are located at least the same distance from any adjoining property line as their height.

**Secs. 122-614 – 619. Reserved.**



## **Division 2: Yard, Area, and Lot Requirements**

### **Sec. 122-620. Altered land parcel.**

- (a) 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.
- (b) 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. 122-621. 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. 122-623. 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. 122-624. 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. 122-625. Land division.**

- (a) Lot split or consolidation. The division of lots must take place in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.  
Pursuant to the authority granted the City to regulate the division of a lot or parcel of land in a recorded plat, the division of a lot or other parcel of land in a recorded plat is prohibited unless first approved by the City assessor and City Planner in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- (b) Subdivision plats. The subdivision of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, must take place in accordance with the land division act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.

### **Secs. 122-626 – 629. Reserved.**



## Division 3: Landscaping and Screening

### Sec. 122-630. Purpose.

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. 122-631. Landscape plan requirements.

A separate detailed landscape and 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 Division are met and must include, but not necessarily be limited to, the following items:

- (a) Location, spacing, size (caliper), root type (shallow or deep) and descriptions for each plant type (deciduous, evergreen, 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 §122-633.

### Sec. 122-632. 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 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 a list of approved trees 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 list of approved trees, with a finding that the species is appropriate to the circumstance.

- (f) **Minimum Size-Requirements.** Where landscaping is required the following schedule sets forth minimum size requirements for representative landscape materials:

Plant Material	Minimum Size
Trees	2.5" in caliper
Shrubs	24" in height

- (g) **Credit for Existing Vegetation.** The preservation and incorporation of existing trees and shrubs 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 impervious site improvements do 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 Ginkgo Female (*Ginkgo biloba*).
- (5) The shrubs and/or trees meet the following minimum sizes and may receive credit in lieu of new plantings 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. 122-633. Installation, maintenance, and completion.**

- (a) All required landscaping must be planted before obtaining a Certificate of Occupancy, or a Temporary Certificate of Occupancy may be issued once the appropriate financial guarantee as set forth in §122-317 is 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 and professional 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. 122-634. Screening between conflicting land uses.**

- (a) 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 zoning districts.
- (b) The quantities of plant material required by this section may not count for the quantities required elsewhere in this ordinance.
- (c) 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 §122-635.
- (d) 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, wood, or other durable material, subject to discretionary approval of the approving body . Wire or chainlink fencing with slats is not permitted.
- (2) A landscape buffer must consist of evergreen trees and evergreen 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. 122-635. Fences and walls.**

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

- (a) 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.
- (b) No fence may be constructed or maintained which is charged or connected with an electrical current.
- (c) Retaining walls must be designed and constructed in accordance with applicable Building Code requirements and the requirements of §122-612.
- (d) Temporary construction fences and fences required for protection around excavations must comply with the Building Code. Such fences must be removed upon the issuance of a Certificate of Occupancy.

### **Sec. 122-636. 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, provided that said existing trees are 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 sufficient 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.

### **Sec. 122-637. Foundation landscaping.**

Foundation plantings are required in the MD zoning districts and in the GC and NC zoning districts for the Single Story Commercial Building and Large Footprint Single Story Commercial Building building types, and 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. 122-638. Site landscaping.**

Inclusive of any landscaping required by this section, at least ten percent (10%) 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. 122-639. 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.** 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.
  - (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.
- (g) The plant material required by this section may be used to meet plant material quantity and placement requirements of this Chapter, provided that Planning Commission or other approving body finds that the intent of this Chapter is met.

**Sec. 122-640. Screening of 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) Utility equipment must be mounted on the side of a building wherever possible, and must be located where it is substantially screened from public view.

**Sec. 122-641. 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 that:
  - (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; or
  - (2) That the public benefit intended to be secured by this Section will exist with less than the required landscaping or screening; or
  - (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.

**Secs. 122-642 – 649. Reserved.**

## **Division 4: Accessory Structures, Porches, and Decks**

### **Sec. 122-650. Purpose.**

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. 122-651. General standards for accessory structures.**

- (a) 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.
- (b) 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.
  - (1) Building permit. No accessory structure may be erected, moved, altered, or razed until a building permit has been obtained from the Building Department.
  - (2) 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 and where otherwise noted.
  - (3) 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.
  - (4) 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.
  - (5) 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 complementary with the principal building.
  - (6) 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.
  - (7) Mobile homes. Mobile homes are not permitted as an accessory use to a permitted principal use.
  - (8) 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. 122-652. Enclosed storage of liquid and solid fuels.**

Storage within enclosures of liquid and solid fuels shall be permitted subject to the conditions hereinafter imposed:

- (a) All storage tanks and the handling of all flammable liquids shall be in compliance with the building code as adopted by this Code.
- (b) Below-ground storage tanks shall be located no closer than 50 feet from any property line and, when required, shall be registered with the state fire marshal.

### **Sec. 122-653. 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:

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) 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 are subject to the requirements of §122-635.
- (f) Water retained in any pool regardless of depth must be maintained clean and sanitary as provided in the Building Code, water treatment standards.
- (g) 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 §122-375, maintain any proper action for the abatement of such nuisance.

**Sec. 122-654. 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 required front yard setback for not more than ten feet, unless otherwise regulated within this chapter. An open, unenclosed terrace or patio flush with the ground is not subject to this restriction.
  - (2) An open or unenclosed porch or terrace over nine inches in height must meet all side and rear yard setback requirements.
  - (3) An open or unenclosed balcony may project into a required front yard setback 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.

**Secs. 122-655 – 659. Reserved.**

## Division 5: Signs

### Sec. 122-660. Purpose.

The purpose of this article shall be to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life or limb, interfere with traffic safety, or otherwise endanger the public morals, health or safety. 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;
- 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. 122-661. Generally.

- (a) **Building Permit Required.** Except as provided in this Chapter, 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) **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
  - (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.
- (c) **Signs exempted.**
  - (1) Any sign required by City ordinance or State law, as applicable. This includes, but is not limited to, address signs, Fire Department Connection signs, or signs indicating barrier-free parking locations.
  - (2) Any sign less than three square feet in area and five feet in height on the interior of a site placed so as to be oriented and clearly legible to persons on the site, provided that each sign be no closer than twenty feet to another such sign.
  - (3) Drive-Through Signs. Any use that includes a drive-through is permitted to have signs up to a maximum height of six feet and a maximum area of 32 sq. ft. per drive-through use, located in the rear of the site, when placed so as to be oriented and clearly legible to persons on the site.
  - (4) Signs erected by a public body. Any sign or marker erected by the City, County, State, or other municipal body is not subject to these requirements.
- (d) **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.
- (e) **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.
- (f) **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.
- (g) **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.
- (h) **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.

- (i) **Sign Area Calculation.** The square footage of a two-, three- or four-faced sign shall mean the square footage of the largest face of the sign.

### **Sec. 122-662 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.
- (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.

### **Sec. 122-663. Sign permit requirements.**

- (a) Application for sign permits shall be made upon forms provided by the Building Department.
- (b) Applications for signs other than overhead banners shall contain or have attached thereto the following information:
  - (1) Name, telephone number and address of applicant.
  - (2) Name, address and telephone number of owner or lessee of the premises upon which the sign is to be erected.
  - (3) A written statement signed by the owner or lessee of the premises upon which the sign is to be erected, indicating their consent thereto, or the signed contract between the parties.
  - (4) The address of the premises upon which the sign is to be attached or erected.
  - (5) One set of plans showing the dimensions, materials, height and method of anchorage of the sign.
  - (6) Position of the sign in relation to nearby buildings, structures and property lines.
  - (7) Insurance policy or proof of financial security as required in §122-661(h).
  - (8) 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.
  - (9) Such other information as deemed necessary to show compliance with this article.
- (c) Application for overhead banners shall contain or have attached thereto, the following information:
  - (1) The name of organization or group sponsoring the banner.
  - (2) Phrase on the banner, and/or sketch of the content
  - (3) Location where banner is to be erected.
  - (4) The dates the banner will be hung.
  - (5) The name, address and telephone number of the applicant.
  - (6) Insurance policy or proof of financial security as required in §122-661(h).
  - (7) 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.

- (d) Application for sidewalk signs shall include a sidewalk occupancy permit application.

### **Sec. 122-664. Prohibited signs.**

The following signs are prohibited in all zoning districts:

- (a) **Unsafe 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-make such sign conform to the provisions of this article or shall remove it. If, after ten days, the notice is not complied with, the building official may remove such sign at the expense of the owner or lessee after having obtained an order from the administrative hearings bureau. The cost, including actual attorney fees, shall be assessed against the property as provided in Article VIII of the City Charter.
- (b) **Prohibited signs.**
- (1) Animated signs.
  - (2) Portable signs, not including sidewalk signs.
  - (3) Signs mounted upon a roof.
  - (4) Signs containing obscene material. 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.
  - (5) Mechanical Signs.
  - (6) Signs not specifically permitted under the sections of this chapter.
  - (7) 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.

### **Sec. 122-665. Sign Design Standards.**

#### **(a) Freestanding Signs**

- (1) **Materials.** Freestanding 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. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name or logo is permitted.
- (2) **Billboards.** New billboard permits will be issued only in the following cases:
  - (i) For non-digital billboards, when one non-conforming billboard is removed
  - (ii) For digital billboards, when two non-conforming billboards are removed.
- (3) **Digital billboards.**
  - (i) The message displayed on digital billboards may change a maximum of once every 6 seconds.
  - (ii) All billboards must provide a setback from any adjacent residential zoning district equal to the height of the billboard.
  - (iii) Billboard structures which have two or more panels stacked, one above the other, are not permitted.
  - (iv) Double-faced billboard structures (two panels mounted on the same structure back-to-back) are permitted.
  - (v) Spacing between billboards shall be 1,000 feet as provided in the Highway Advertising Act of 1972, as amended.
  - (vi) All billboard structures shall be of steel. No wood or other combustible material shall be permitted to support such signs.
  - (vii) 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.).
- (4) **Sidewalk Signs.**
  - (i) Sidewalk Signs may have a maximum area of 6 square feet per side.
  - (ii) Sidewalk signs may be located on the sidewalk adjacent to the applicant's business.
  - (iii) 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.
  - (iv) Sidewalk signs may not be permanently affixed to any object, structure, or the ground.
  - (v) Sidewalk signs may only be displayed during business hours and shall be removed when the business to which the sign is accessory is closed.
  - (vi) Each business may have a maximum of one sidewalk sign.
  - (vii) Sidewalk signs shall be made of durable materials.

**(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.
- (2) Minimum Height. Signs that project more than eighteen inches into a right-of-way or over an entrance or other pedestrian or vehicular access point 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.
- (3) 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 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) Neon tubing outlining windows or other architectural features is prohibited.
- (4) Window Signs. May not occupy more than twenty-five percent (25 %) of the total transparent area of any individual window.
- (5) Banners. Banner requirements shall be as follows:
  - (i) 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.
  - (ii) The Building Department shall be permitted to inspect the banner or a sample of material prior to it being erected.
  - (iii) 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.
  - (iv) If a banner becomes partially unsecured, it shall be immediately reattached or removed by the entity which erected it.
  - (v) If a banner begins to shred, it shall be immediately repaired or removed by the entity which erected it.
  - (vi) If the entity which erected the banner fails to comply with the standards of section (iii) 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.
  - (vii) 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.
  - (viii) A banner shall not have displayed thereon any 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.
  - (ix) A banner shall be considered a temporary sign.

**(c) Electronic Message Board Signs.**

Electronic Message Board Signs. Building Mounted Signs and Freestanding signs may include an Electronic Message Board, subject to the following:

- 1) Required Area, Height, and Setbacks. The maximum area for an electronic message board sign shall be no greater than 50% of the zoning district's maximum area for freestanding or building-mounted signs. The maximum height and minimum setbacks shall comply with the zoning district's allowances for freestanding or building-mounted signs.
- 2) Maximum Number. No more than one electronic message board sign shall be located on a single lot of land.
- 3) Change of message shall not occur more than once every two minutes.
- 4) Lights shall never blink or flash. Message change sequence shall not involve flashing or other animations but shall be an instantaneous change.
- 5) Illumination. Illumination of an electronic message board sign shall not exceed 0.3 footcandles when measured at the property line of the subject lot.
- 6) Colors. Messages shall be in monochrome text, and electronic display areas shall be black.
- 7) Electronic message board signs shall not be illuminated between the hours of 9 PM and 6 AM.
- 8) Signs shall be programmed to go dark in the event of a malfunction.

**d) Sign Illumination**

**1) Applicability**

- a. These standards apply to all new or modified permanent sign lighting, both internal and external, installed or altered after the effective date of this ordinance. The following are exempt from the requirements of this section:
  - i. Sign lighting required by a government agency.
  - ii. Bare bulb illumination for theater marquees approved by the Planning Commission.
  - iii. Historic lighting determined to be historically significant per Section 122-352(d).

**2) General Standards for Sign Illumination**

**a. Permitted Illumination Types**

- i. Permanent signs may be illuminated internally or externally, unless otherwise prohibited in this section.
- ii. External sign lighting shall be fully shielded, directed only at the sign surface, and installed to minimize glare, light trespass, and sky glow, unless otherwise permitted in this section.
- iii. Uplighting permanent signs is permitted, given that the following standards are met:
  - 1. Fixtures shall be fully shielded, ground-mounted or base-mounted, and angled to prevent any light from projecting above the horizontal plane at the top of the sign.
  - 2. Each fixture shall not exceed 400 lumens.
  - 3. Uplighting shall only be used on signs with non-reflective, matte finishes to minimize glare.
- iv. Internal illumination shall be limited to halo-lit channel letters or signs with opaque backgrounds and translucent text or logos.

**b. Lighting Levels and Color Temperature**

- i. Exterior lighting originating on a site may not exceed one-half (0.5) footcandles at the lot line, except for buildings that exist or are constructed on the lot line, in which case lighting shall not exceed 8 footcandles at the lot line.
- ii. All illuminated signs shall have a maximum color temperature of 3000 Kelvin.

**c. Hours of Illumination**

- i. Sign lighting shall be turned off between 11:00 p.m. and 6:00 a.m., or one hour after business closing, whichever is later.

**d. Prohibited Sign Lighting Practices**

- i. Flashing, blinking, rotating, chasing, strobe, or oscillating sign illumination is prohibited.

**Secs. 122-666 – 669. Reserved.**

## Division 6: Traffic

### Sec. 122-670. Circulation Standards.

Circulation Standards are intended to preserve and improve walkability and pedestrian/bicyclist safety within the walkable urban districts, while maintaining adequate vehicular access.

- (a) *General*
  - (1) Streets are intended for use by vehicular and pedestrian traffic and to provide access to parcels.
  - (2) Streets generally consist of vehicular travel and/or parking 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 and safety is the primary consideration of the public frontage. Design conflict between vehicular and pedestrian movement generally must be decided in favor of the pedestrian.
  - (5) 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.
  - (6) All circulation 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) *Vehicular access for infill and new development.* A system of joint use driveways and cross access easements must be established wherever feasible and the building site must incorporate the following:
  - (1) An alley or system of alleys 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.
- (c) *Access for sites comprised of more than one building type, under the same ownership*
  - (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 are not considered separate properties in relation to the access standards of this code.
  - (2) 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 also applies to phased development plans.
  - (3) The street network shall be designed to define blocks as established by district. The block perimeter is measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel is subject to approval by the Planning Commission.
    - (i) 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 shall generally be 400 feet.
    - (ii) 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 shall generally be 500 feet.
  - (4) In Center Districts, a continuous network of rear and side alleys or lanes must serve as the primary means of vehicular ingress to individual lots whenever possible. Alley or lane entrances should generally align so as to provide ease of access for service vehicles.
  - (5) All streets must terminate at other streets, forming a network. Internal streets must connect wherever possible to those on adjacent sites. Cul-de-sacs are subject to approval by the Planning Commission to accommodate specific site conditions only.

### Sec. 122-671. 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. 122-672. 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, or with a finding that sidewalk construction at this location is impractical due to lack of connectivity. Any fee paid for this purpose is reserved for non-motorized improvements as a part of the identified transportation project or for path and sidewalk construction throughout the City, respectively.
- (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. 122-673. 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.

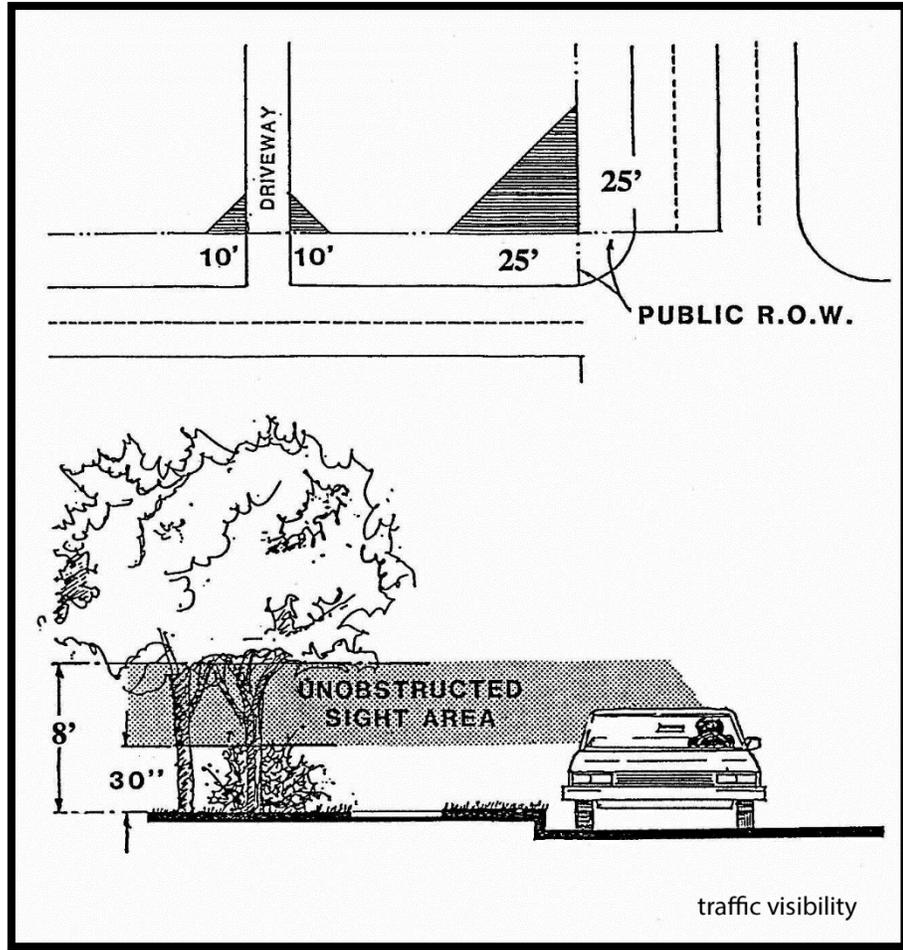
**Sec. 122-674. Street frontage requirements.**

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. No more than one single-family dwelling or one nonresidential land use for such frontage or easement will be permitted.

**Sec. 122-675. 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.



**Secs. 122-676 – 679. Reserved.**

## **Division 7: Off-Street Parking and Loading Requirements**

### **Sec. 122-680. Purpose.**

The purpose of this Division 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. 122-681. Scope.**

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.

- (a) 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 division, is provided for the entire building or structure as erected or altered.
- (b) 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 division is provided for the entire building.
- (c) Areas excepted. The provisions of this section regarding quantity of spaces provided shall not apply to uses in the Center District or existing commercial uses in the 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 §122-697.

### **Sec. 122-682. 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 §122-651. Further, parking areas serving one- and two-family dwellings shall be subject to the following:

- (a) **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.
- (b) **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.
- (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 §122-683. 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. 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. Surfacing for parking areas and driveways shall be no closer than two feet from property lines, except where connecting to the public way. The City Planner may waive this requirement in whole or in part with a finding that the lot shares a common access and common parking with the adjoining lot, or that stormwater, landscaping, and other similar concerns have been adequately addressed with other methods.
- (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 §122-685.

**Sec. 122-683. Off-street Parking layout and construction for all other uses.**

Off-street parking facilities required for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use, measured from the nearest point of the building to the nearest point of the off-street parking lot. 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.

- (a) **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 III of this chapter.
- (b) **Ingress and egress.** 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 for two-way traffic and 10 feet for one-way traffic, with a maximum of 30 feet. All such drives shall be located so as to minimize traffic congestion.
  - (1) On lots with a lot width of 100 feet or less, no more than one curb cut to a single street is permitted.
  - (2) All curb cuts accessing Washtenaw Avenue (M-17) must comply with the Michigan Department of Transportation M-17 Access Management Plan and the ReImagine Washtenaw Corridor Improvement Study.
  - (3) All curb cuts and approaches to such parking lots shall comply with adopted City standards for curb cuts.
  - (4) 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.
  - (5) Parking lot driveways shall be situated so as to minimize vehicle headlights from shining on residential dwellings.
  - (6) 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.
  - (7) 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.
- (c) **Access.** All parking spaces shall be provided adequate access by pedestrians and vehicles:
  - (1) 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.
  - (2) 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.
- (d) **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.
- (e) **Surfacing.** All parking and loading facilities and access drives shall be paved with a durable bonded material in accordance with accepted engineering standards, or alternative surfacing materials to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design, at the discretion of the City Engineer. Use of pervious alternative surfaces is encouraged in proximity to the Huron River and Paint Creek. 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.
- (f) **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.
- (g) **Setback from street.** Parking lot setbacks are designated by 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.
- (h) **Setback from adjacent lot.** Parking areas are required to be 10' from any adjacent lot. Planning Commission

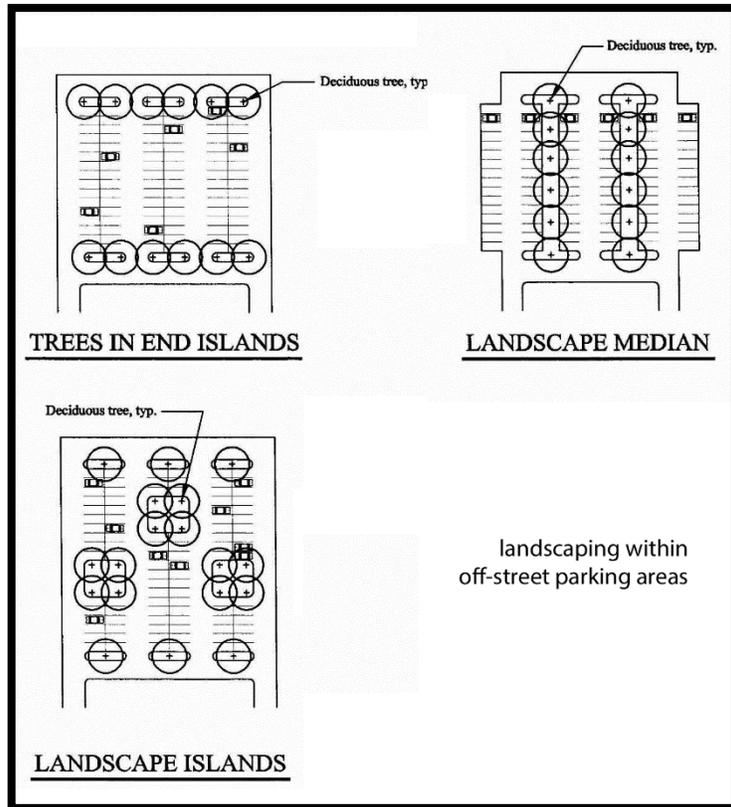
may waive this requirement in whole or in part with a finding that the lot shares a common access and common parking with the adjoining lot, or that stormwater, landscaping, and other similar concerns have been adequately addressed with other methods.

- (i) **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, and signed in accordance with the State Barrier-Free Code.
- (j) **Wheel stops.** For parking lots containing five or more spaces or accessory to commercial uses, wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six inches high, shall be placed so that a motor vehicle cannot be driven or parked on, or hang over, any part of any sidewalk.
- (k) **Lighting.** With the exception of multiple-family dwellings on individual lots containing no more than four units, parking and loading facilities utilized during night-time hours shall be artificially illuminated. All such outdoor lighting shall meet the requirements of §122-609.
- (l) **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.
- (m) **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. 122-684. Parking 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:
  - (i) Landscape islands containing a tree shall be a minimum of 160 square feet and a minimum of nine (9) feet wide.
  - (ii) 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.

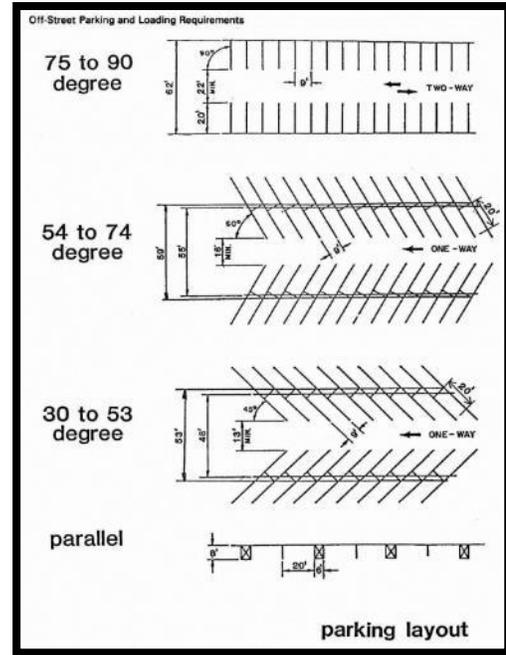


- (iii) If landscaped islands are not used for storm water infiltration, the islands must be raised and curbed.
- (3) The ends of all parking aisles and corners shall be protected with a curbed island.
- (4) A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
- (5) Shrubs and/or ground covers which will not impede vehicular visibility in accordance with this Ordinance may also be included.

- (c) Required Landscaping at the Perimeter of Off-Street Parking Areas, 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 §122-634.
  - (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, in conformance with §122-675.
  - (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, as well as a distance of at least 3 feet.

**Sec. 122-685. Parking dimensions.**

- (a) 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.
- (b) 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 designed as required by and in conformity with state law.
- (c) 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."
- (d) 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."
- (e) Minimum Standards. The minimum standards for parking spaces and aisles are indicated in the table below.



Standard Vehicle Parking Dimensions					
Parking Patterns (Degrees)	Space Width (Feet)	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	10 if one-way 12 if two-way	19 one-way 21 two-way	28 one-way 30 two-way
30 to 53	9	18	13	36	53
54 to 74	9	18	16	38	59
75 to 90	9	18	22	40	62
Compact Vehicle Parking Dimensions					
Parking Patterns (Degrees)	Space Width (Feet)	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. 122-686. 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.

**Secs. 122-687 – 689. Reserved.**



## Division 8: Parking Types and Quantities

### Sec. 122-690. Generally.

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:

- (a) **Repair prohibited.** No repairs or service to vehicles shall be permitted on areas designated as required off-street parking.
- (b) **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 §122-545 regarding the outdoor sales of vehicles. Otherwise, the display of vehicles for sale in designated off-street parking areas is prohibited.
- (c) **Use of loading space.** Loading spaces, as required under §122-695, shall not be counted or used for required parking.
- (d) **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 §122-203 shall apply.
- (e) **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.
- (f) **Uses not specified.** For those uses not specifically mentioned under §122-691, the requirements for off-street parking facilities shall be in accord with a use which the City Planner considers similar in type.
- (g) **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 §122-691.
- (h) **Use of parking lots for storage.**
  - (1) Except as provided under subsection (h)2 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.
  - (2) 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 with the provisions of Article III, Division 2, Subdivision III of this chapter.

**Sec. 122-691. 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 120% of the required parking spaces, except for those uses in the “Residential” category, which are not subject to a maximum. The Planning Commission may grant waivers as noted in §122-692.

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
<b>RESIDENTIAL</b>	
Single-family detached dwellings, townhouses, and two-family dwellings	No minimum.
Multiple-family dwellings	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 residence & roominghouse, and supportive housing	1 for each 4 residents, plus 1 for each employee on the largest typical employment shift.
Accessory Dwelling Unit	No minimum.
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>	
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 500 square feet of usable floor area, excluding area devoted to storage.
Indoor recreation, including swimming pools	1 for each 4 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.
Primary and secondary schools, public and private	1 for each teacher, employee or administrator, plus 1 for each 10 students
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.
<b>INFRASTRUCTURE</b>	
Radio & Television Studios or Stations	1 per each 500 square feet of gross floor area.
Utility buildings	1 for each employee on an average employment shift.
Energy, electricity, heat generation, or sewage plants	1 for each employee on an average employment shift.
<b>SERVICES</b>	
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 stacking spaces for each drive-through transaction station as required under §122-694.
Nursing Homes	1 per 3 beds.

<b>USE</b>	<b>AUTOMOBILE SPACES PER UNIT OF MEASURE</b>
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.
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.
<b>COMMERCIAL</b>	
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 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.
<b>RESTAURANTS</b>	
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.
<b>AUTO-ORIENTED</b>	
Automobile filling stations	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	0.5 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 under §122-694.
Automobile wash (automatic and self-serve) and detailing	0.5 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 under §122-694.
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.
<b>RESEARCH</b>	

USE	AUTOMOBILE SPACES PER UNIT OF MEASURE
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.
<b>PRODUCTION, MANUFACTURING &amp; DISTRIBUTION</b>	
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.
<b>URBAN AGRICULTURE</b>	
Community garden	None
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. 122-692. Parking Requirement Reductions.**

Off-street parking requirements may be reduced subject to the following regulations.

- (a) **Transit.** Parking requirements may be reduced by up to 20 percent for buildings, structures, or uses within seven hundred and fifty (750) feet of a commuter rail station or bus transit center or within five hundred (500) feet of a transit stop, provided said stop or center is approachable via sidewalk. In situations where this would result in a discount of more than 10 spaces, 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 not scheduled to move in the 5-year plan for the Ride.
- (b) **Car-sharing and carpooling spaces.** Parking spaces reserved, signed, and enforced for hourly car rental/car-sharing services may count as four (4) regular parking spaces. Parking spaces reserved, signed, and enforced for carpooling or vanpooling services may count as two (2) regular parking spaces.
- (c) **Electric car parking/charging 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 electric car charging stations may count as two (2) regular parking spaces.
- (d) **Bicycle spaces.** Parking requirements may be reduced by one (1) space for every four (4) covered, secure bicycle parking spaces provided on site. Parking requirements may be further reduced by four (4) spaces where free showers are available for employee use within the building.
- (e) **Seasonal bicycle parking.** Up to 5% of vehicle parking spaces may be occupied by bike racks April through October in the Walkable Urban Districts.
- (f) **Planning Commission Authority.** The Planning Commission shall have the authority to waive the number of required off-street parking spaces, in addition to the reductions above, by up to 20%, with a finding that there is a special circumstance that particularly relates to the size of an existing parcel and building in combination, and/or character of the proposed use.
- (g) **Walkable Urban Districts.** The parking requirements in each of the Walkable Urban Zoning Districts, with the exception of General Corridor, shall be halved. Planning Commission has the authority to waive 50% of the parking requirements for uses located in General Corridor with a finding that the area immediately surrounding the use is highly walkable.

**Sec. 122-693. 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. In the Center, Historic Corridor, and Neighborhood Corridor Districts, bicycle facilities provided in the public right-of-way may be used in parking calculations.

**Sec. 122-694. 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 two off-street stacking spaces for each service window or transaction station in compliance with subsection (c) of this section. Six 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. 122-695. Off-street loading space requirements.**

With the exception of uses located within the Center district, there shall be provided and maintained on the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, including but not limited to retail stores, wholesale stores, markets, hotels, hospitals, offices, and laundries, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

- (a) 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.

Off-Street Loading Space Requirements			
Use	Gross Floor Area (In Square Feet)	Size and Quantity	
		10' X 25' Space	10' X 50' Space
Office	0--99,999	--	--
	100,000--149,000	--	1
	150,000 and over	--	2
Commercial, Industrial. or 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

- (b) 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. Loading spaces shall be subject to primary building setbacks.
- (c) 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.
- (d) 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.
- (e) Loading areas shall not utilize any area required for the maneuvering of vehicles into parking spaces or block general vehicular circulation on a site.
- (f) A truck turning plan must be provided.

**Sec. 122-696. 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. 122-697. 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 Center District. It is recognized that many structures in these business districts were constructed at zero lot lines, and often the structure covers the lot completely. Therefore, parking spaces on the lot or contiguous to the lot cannot be provided. For those building owners who cannot provide the amount of required parking pursuant to this chapter, and whose upper floor space has not been legally occupied within one year of their application for payment of such a fee in lieu of parking, they shall be charged a fee according to the number of bedrooms in the residential units. Upon payment of this fee, the owner or applicant will be permitted to develop or rehabilitate these residential units

without providing the parking required by this chapter. The fee will be held by the City for parking capital improvements, which will be used to provide increased parking and transportation infrastructure such as transit stops, bicycle facilities, and pedestrian pathways for the areas where these buildings are located.

- (b) Condition for allowing payment of fee in lieu of providing off-street parking. Property owners who meet all of the following requirements shall be entitled to apply for payment of fee in lieu of providing off-street parking:
  - (1) They are the owner, or have permission of the owner, of a building which can provide residential units above ground floor commercial uses.
  - (2) The building is located in the 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:
    - (i) Name, address and phone number of property owner and name, address and phone number of applicant, if different than owner.
    - (ii) Address of property requiring fee in lieu of providing off-street parking.
    - (iii) Plan showing the layout of the proposed residential units, including size of rooms and identification of bedroom space.
    - (iv) Description of commercial use on ground floor level.
    - (v) A site plan which shall include:
      - (a) Dimensions and size of parcel.
      - (b) Location of structure on parcel.
      - (c) If any parking is available on the site, its location must be indicated, including access, stall size, etc.
      - (d) 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:
    - (i) Whether the owner can provide on-site parking that meets ordinance standards.
    - (ii) 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.

**Secs. 122-698 – 699. Reserved.**



# Article VII: Supplementary Regulations

## Division 1: Planned Unit Development

### Sec. 122-700. 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. 122-701. 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.

Underlying Zoning District	Permitted Uses under Planned Unit Development
R1, CN-SF, P	Planned unit developments are not permitted in these districts, except as provided for under §122-703.
CN, CN-Mid, MD	Any combination of uses permitted in the CN, CN-Mid, 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 uses permitted under GC, plus Unclassified Uses as defined in §122-431(c).
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. 122-702. Requirements for planned unit developments.

The following requirements must apply to all planned unit developments:

- (a) 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.
- (b) Minimum size. The minimum size of a planned unit development in the Walkable Urban Districts is one half-acre of contiguous land. The minimum size of a planned unit development in the Use Based Districts is one acre of contiguous land.
- (c) 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:

- (1) Multiple-family residential uses must comply with the regulations applicable in the MD multiple dwelling residential district.
  - (2) Commercial and office uses must comply with the regulations applicable in the C - Center district.
  - (3) Manufacturing uses must comply with the regulations applicable in the PMD - Production, Manufacturing, and Distribution district.
  - (4) 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.
  - (5) 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.
- (d) 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.
  - (e) Usable open space. The proposed development must contain at least as much open space as would otherwise be required by the existing underlying zoning.
  - (f) Landscaping and maintenance of common areas. All required yards and common areas must be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer must assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.
  - (g) 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. 122-703. 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:

- (a) 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.
- (b) Minimum size. Notwithstanding §122-702(b), no minimum size is required for a planned adaptive reuse project.
- (c) Permitted uses. Notwithstanding §122-701, 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. 122-704. Application requirements.**

An application for a planned unit development must contain the following:

- (a) Cover letter signed by the applicant and owner holding an equitable interest in the property.
- (b) Legal description showing the location and acreage of the property.
- (c) 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.
- (d) Site plan at a scale of one inch equals 50 feet or larger, prepared in accordance with §122-309. Additional information on the site plan must include:
  - (1) 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.
  - (2) Open space areas, indicating the proposed uses and improvements for such areas.
  - (3) Architectural sketches showing building heights, external wall finishes, location of building entry ways,

- lighting elements, and other architectural features.
- (4) 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.
- (5) Other information deemed pertinent to the proposed development by the Planning Commission or City Council.
- (e) A fee for the processing of the planned development application, as established by the City Council.

**Sec. 122-705. Review procedures.**

The review and approval process for planned unit developments must be as follows:

- (a) Preapplication conference.
  - (1) 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.
  - (2) 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.
  - (3) 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.
- (b) Public hearing. After a formal application has been filed for a planned unit development, it must be reviewed by the City Planner and planning and development department for completeness and submitted to the Planning Commission. A public hearing on the proposed planned unit development must be scheduled. Notice of the public hearing must be published in a newspaper of general circulation in the City, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real estate property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice must be given not less than 15 days before the public hearing scheduled. Such notification must contain the following information:
  - (1) Nature of the planned unit development project requested.
  - (2) Boundaries of the property which is the subject of the request.
  - (3) Date and time of the public hearing.
  - (4) Location and times that written comments will be received concerning the request.
- (c) 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.
- (d) City council action.
  - (1) 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.
  - (2) The City Council may require that a performance guarantee be deposited with the City to insure faithful completion of improvements, in accordance with §122-317. Unapproved deviations or delays in construction may result in a loss of all or a portion of the performance guarantee.
  - (3) 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.
- (e) Effect of approval.
  - (1) 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.
  - (2) 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.
  - (3) 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 §122-361.
- (f) 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. 122-706. 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 §122-311 and the following standards:

- (a) 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.
- (b) 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.
- (c) 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:
  - (1) The bulk, placement, architecture, and types of materials used in construction of proposed structures.
  - (2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - (3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - (4) The hours of operation of the proposed uses.
  - (5) Landscaping, preservation of historic features, and other site amenities.
- (d) 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:
  - (1) Estimated traffic to be generated by the proposed development.
  - (2) Access to major thoroughfares.
  - (3) Proximity and relation to intersections.
  - (4) Adequacy of driver sight distances.
  - (5) Location of and access to off-street parking.
  - (6) Required vehicular turning movements.
  - (7) Provisions for pedestrian traffic.
  - (8) Access to loading and unloading areas.
- (e) 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.
- (f) 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.
- (g) Economic impact. The proposed development must not result in an unreasonable negative economic impact upon surrounding properties.
- (h) Compliance with applicable regulations. The proposed development must be in compliance with all applicable federal, state, county, and local laws and regulations.
- (i) 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. 122-707. 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, Division 4 of this chapter. If, at the discretion of the City Council, the property remains classified as a planned unit development, a new application is required and will be reviewed in light of the prevailing conditions, applicable laws, and ordinance provisions.

**Sec. 122-708. 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 §122-705. 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 III of this chapter, subject to its finding of the following:
  - (1) Such changes will not adversely affect the initial basis for granting approval; and
  - (2) Such minor changes will comply with all applicable requirements of this chapter and other local, state, and federal laws; and will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in this article.

**Sec. 122-709. 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.



## **Division 2: Site Condominium Subdivisions**

### **Sec. 122-710. 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 III, Division 2, Subdivision II of this chapter, or where divergence from the use, height, area, and placement regulations of this chapter is desired, the provisions of Article VII, Division 1 of this chapter.

### **Sec. 122-711. 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 VII, Division 1 of this chapter regarding planned unit developments.

### **Sec. 122-712. Review and approval procedures.**

Application for review and approval of site condominium subdivision projects shall be made pursuant to the provisions of Article III, Division 2, Subdivision II or Article VI, Division 1 of this chapter.

### **Sec. 122-713. 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. 122-714. Site plans.**

The site plan submitted for a site condominium subdivision must be consistent with the requirements outlined in §122-309 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:

- (a) The use and occupancy restrictions as will be contained in the master deed.
- (b) 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. 122-715. 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.

- (a) 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.
- (b) Utilities. Extension and provision of utilities must be provided as may be required by the City as conditions of approval.
- (c) Drainage. Procedures and design criteria for drainage must be as provided in the rules of the county drain commissioner, pursuant to section 105(c) of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101(c), MSA 26.430(101), (c)), as amended.

### **Sec. 122-716. 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 §122-712 for the approval of site condominium plans. A copy of the master deed as filed with the county register of deeds for recording must be provided to the City Clerk within ten days after such filing with the County.

**Secs. 122-717 – 719. Reserved.**

## **Division 3: Flood Damage Prevention**

### **Sec. 122-720. 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. 122-721. 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:

- (a) 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.
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

### **Sec. 122-722. 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.

- (a) 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.
- (b) 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.
- (c) 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. 122-723. Regulation of uses in floodplain areas.**

Any proposed occupation, structure, excavation, fill, extraction, grading or scraping and any substantial improvement to an occupation, structure or area shall be reviewed and approved by the Planning Commission. "Substantial improvement" means any repair, reconstruction or improvement of an occupation, structure or area, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started or (ii) if the occupation, structure or area has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural member commences, whether or not that alteration affects the

external dimensions of the structure or area. The term does not, however, include either (i) any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or state register of historic places.

(a) Permitted uses. The following uses may be permitted in those portions of the floodplain which are not a floodway, to the extent that they are allowed uses within a given zoning district and subject to the construction standards of building code in effect for the City at the time of construction:

- (1) 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.
- (2) Recreational uses such as parks, swimming areas, picnic grounds, ball fields, hiking or biking trails, and wildlife and nature preserves.
- (3) Residential support uses such as lawns, gardens, play areas, and parking areas which do not result in the filling in of floodplain areas.
- (4) 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.
- (5) Utility facilities such as power plants, transmission lines, pipelines not crossing a lake or waterway, lighting facilities, and navigational and drainage aids.
- (6) 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.
- (7) 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.
- (8) Sidewalks, driveways, patios, and similar structures when constructed at grade.
- (9) 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:
  - (i) Proof that proper long term maintenance will be provided so that the flood-carrying capacity is not diminished.
  - (ii) 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.
  - (iii) 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.
- (10) Streets, railroads, and other rights-of-way.
- (11) Pavilions, open amphitheatres, 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.
- (12) Facilities for the storage and detention/retention of stormwater.
- (13) Storage yards for heavy equipment, materials, or machinery.

(b) Prohibited uses. The following uses are not allowed in a floodplain area under any circumstances:

- (1) 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.
- (2) A landfill, dump, junkyard, recycling center or hazardous waste storage or treatment facility are expressly prohibited in a floodplain area.
- (3) 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.
- (4) On-site sewage disposal systems shall be permitted within a floodplain area.
- (5) Any encroachment which would cause any increase in the base flood level.

#### **Sec. 122-724. 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 III 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. 122-725. 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 §122-724.

#### **Sec. 122-726. Appeals, variances.**

The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this article, in accordance with the procedures and conditions set forth in this article. Prior to hearing of the appeal, the City Planner shall certify to the Zoning Board of Appeals that notices as required under this article have been made. Further, the City Planner shall certify to the Zoning Board of Appeals that the immediate downstream community's chief elected official and the state flood control coordinator have been notified of the request for appeals or variance and of the public hearing. Appeals or variances relating to the construction standards as set forth in the building code, shall be heard by the construction board of appeals as outlined in Chapter 18. In addition, the following conditions shall be applied to variances granted from the floodplain regulations of this article:

- (a) 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.

- (b) 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.
- (c) 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. 122-727. 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.

**Secs. 122-728 – 999. Reserved.**