City of Flint, Michigan

Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com

Meeting Agenda - Final

Monday, June 13, 2022

5:30 PM

Council Chambers

CITY COUNCIL

Allie Herkenroder, Vice President, Ward 7

Eric Mays, Ward 1
Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5
Dennis Pfeiffer, Ward 8

Ladel Lewis, Ward 2
Judy Priestley, Ward 4
Tonya Burns, Ward 6
Eva L. Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy Clerk

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRAYER OR BLESSING

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Any person that persists in disrupting this meeting will be in violation of Flint City Code Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

REQUESTS FOR CHANGES AND/OR ADDITIONS TO AGENDA

Council shall vote on any agenda changes.

PRESENTATION OF MINUTES

PUBLIC HEARINGS

220166.6 Public Hearing/Ordinance No. 220166.1

A Public Hearing on Ordinance No. 220166.1, an ordinance to amend Chapter 30 (Nuisances) of the Code of the City of Flint by adding Section 30-40 (Reckless Driving). [NOTE Ordinance amended to remove the word "residential" so that ordinance applies to entire city.]

220192.6 Public Hearing/Ordinance No. 220192

A Public Hearing on Ordinance No. 220192, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 18, (Taxation; Funds; Purchasing); Article IV, (Purchases), by amending Section 18-21.14, (Sale of City Personal Property).

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), three (3) minutes per speaker. Only one speaking opportunity per speaker. Numbered slips will be provided prior to the start of the meeting to those wishing to speak during this agenda item.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes and is subject to all rules of decorum and discipline.

PETITIONS AND UNOFFICIAL COMMUNICATIONS

220231 Entire Tribunal Property Tax Petition/Michigan Tax Tribunal/310 West Oakley Street, LLC, Inc. v City of Flint/MOAHR Docket No. 22-001108

Communication received June 1, 2022, re: Proof of Service and Petition filed with the Michigan Tax Tribunal by 310 West Oakley Street, LLC, Inc regarding Parcel No. 41-19-253-030.

220232 2022 Tax Rate Request/Michigan Department of Treasury/Flint Public Library

Form L-4029 dated June 2, 2022, re: Millage Request Report to the County Board of Commissioners for a 2022 Flint Public Library property tax levy.

220233 2022 Tax Rate Request/Michigan Department of Treasury/City of Flint (DDA)

Form L-4029 dated April 20, 2022, re: Millage Request Report to the County Board of Commissioners for a City of Flint - Downtown Development Authority (DDA) 2022 property tax levy.

COMMUNICATIONS (from Mayor and other City Officials)

220234 Ramp Closures/I-69 and I-475 Reconstruction Projects

Email received May 22, 2022, from Traffic Engineering and DPW, identifying lane closures and ramp closures for the I-69 and I-475 Reconstruction projects.

220235 Ramp Closures/Southbound I-475 Westbound I-69/Reconstruction Projects

Email received June 8, 2022, from Traffic Engineering and DPW, identifying lane closures and ramp closures for the I-69 and I-475 Reconstruction projects.

220236 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (14) dated May and June 2022, for requested activities/events, with noted responsibility for the placement of the required traffic control devices, and/or personnel, for the protection of traffic and event participants.

ADDITIONAL COMMUNICATIONS

APPOINTMENTS

RESOLUTIONS

220190.1 Amended Resolution/Approval//2022-2023 Annual Action Plan of the Consolidated Plan/U.S. Department of Housing and Urban Development (HUD)

Amended resolution resolving that City Officials to approve the funding amounts and projects and authorize entering into contracts for the agencies as listed for the City of Flint's FY2022-2023 Community Development Block Grant (CDBG) Program, in the estimated amount of $4,005,334.00, FY2022-2023 HOME Investment Partnerships Program, in the estimated amount of $945,793.00, and FY2022-2023 Emergency Solutions Grant (ESG) Program, in the estimated amount of $334,935.00, and include any program income which might become available as a result of receipt of these funds. [NOTE: Resolution amended because the amounts were proportionately increased based on increased allocations to each fund.]

220215 CO#5/Contract/BS&A Software/Software Applications

Resolution authorizing the appropriate city officials to do all things necessary to enter into Change Order No. 5 to the contract with BS&A Software to provide software applications for the period of May 1, 2022, through May 1, 2023, in the amount of $128,868.00, and a total contract amount of $860,252.00, under the same terms and conditions [Information Services Computer Software Acct. No. 636-228.000-814.600.]

220216 Multi-Year Contract/Xerox Corp./Multifunctional Copier Devices

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a five (5)-year contract with Xerox Corp. for multifunctional devices and copying services, as requested by Information Technology, in an annual amount NOT-TO-EXCEED $108,000.00, for a five-(5) year aggregate amount NOT-TO-EXCEED $540,000.00.

220217 Contract/Mid Michigan Roofing, LLC/Roof Replacement/City Hall/South Building

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to enter into a contract with Mid Michigan Roofing, LLC for roof replacement at the South Building at City Hall, in an amount NOT-TO-EXCEED $289,700.00 for labor, materials, services and equipment, as well as an additional $23,750.00 for vapor barrier repair and unknown damages, for an overall contract total NOT-TO-EXCEED $303,236.00, as requested by Facilities Maintenance [Public Improvement Fund Acct. No. 444-230.200-976.000.]

220218 Multi-Year Contract/Lasercom LLC/Printing, Sorting and Mailing/Water Bills/Shut Off Notices/Property Tax/Postage

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to enter a [three-year] contract with Lasercom LLC, for the

printing, sorting and mailing of water bills, water shut-off notices and property tax bills, along with additional postage costs as needed, as requested by Customer Service, in an amount NOT-TO-EXCEED $205,025.00 per year, pending adoption of each year's budget, for an aggregate total NOT-TO-EXCEED $615,075.00 [General Fund Acct. No. 101-253.202-900.000 = $10,110.00; Acct. No. 101-253.203-900.000 = $10,110.00; Acct. No. 101-253.202-902.000 = $78,500.00; Acct. No. 101-253.203-902.000 = $78,500.00; Acct. No. 101-253.200-900.000 = $9,805.00; and Acct. No. 101-253.200-902.000 = $18,000.00.]

220219 CO#1/Contract/William E. Walter, Inc./Industrial HVAC Services

Resolution resolving that the Division of Purchases and Supplies, upon City Council's approval, can issue Change Order No. 1 to the contract with William E. Walter, Inc. for Industrial HVAC services, as requested by Water Pollution Control, in an annual amount NOT-TO-EXCEED $15,000.00 [Sewer Fund Repair/Maintenance Acct. No. 590-550.202-930.000.]

220220 CO#1/Contract/J.R. Heineman & Sons, Inc./Northwest Pump Station Rehabilitation/Water Pollution Control

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to do all things necessary to enter into Change Order No. 1 with J.R. Heineman & Sons, Inc. for the additional work, time and materials required to complete the WPC Northwest Pump Station Rehabilitation project, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED $253,593.37, and a revised contract amount NOT-TO-EXCEED $2,130,853.37. [NOTE: This project is part of Phase 1 of the Publicly Owned Treatment Works, DPW-WPC Improvements SRF Project Plan.]

220221 Budget Amendment/Transfer of Funds/FY2022 Fourth Quarter Budget Amendment

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to incorporate the approved appropriation changes into the FY2022 operating budget of the City of Flint. [NOTE: Adjustments are needed for repairs at the McKinley Center.]

220222 Public Hearing/Brownfield Plan/Carriage Town Neighborhood Project/ 412, 417 and 427 West Second Avenue

Resolution resolving that the Flint City Council will hold a public hearing for the [Brownfield Plan for the Carriage Town Neighborhood project, located at 412, 417 and 427 West Second Avenue] at 5:30 p.m. in the City Council Chambers, 3rd Floor, City Hall on the _____ day of _____, 2022, AND, resolving that the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this Act, and shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed Brownfield Plan.

220223 CO#1/Contract/Genesee County Youth Corp./Emergency Solutions Grant (ESG)

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to process any necessary budget adjustments and to enter into Change Order No. 1 to Contract 21-090 with Genesee County Youth Corp., in the amount of $132,000.00, for a new total contract amount of $413,373.00, as requested by Community and Economic Development.

220224 CO#2/Contract/My Brother's Keeper of Genesee County Youth Corp./Emergency Solutions Grant (ESG)

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to process any necessary budget adjustments and to enter into Change Order No. 2 to Contract 21-091 with My Brother's Keeper of Genesee County Youth Corp., in the amount of $86,097.00, for a new total contract amount of $303,307.00, as requested by Community and Economic Development.

220229 Halt Eviction/House of Esther/Flint Freedom School Collaborative/60 Days

Resolution resolving that the Flint City Council hereby asks the Administration to do all things necessary to halt the eviction of the House of Esther and the Flint Freedom School Collaborative for 60 days from the date of the Council vote, May 18, 2022.

RESOLUTIONS (May be Referred from Special Affairs)

220199.1 Amendment/Budget Amendment/Transfer of Funds/U.S. Department of Treasury/American Rescue Plan Act/Coronavirus Local Fiscal Recovery Fund

Amended resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to do all things necessary to appropriate grant funding and abide by terms and conditions of the grant from the U.S. Department of Treasury for addressing the Public Health and Economic Impacts of the COVID-19 Public Health Emergency under Grant Code FUSDT-CSLFRF, in the amount of $94,726,664.00, and to make available in subsequent fiscal years any remaining funds that are still available from the grantor, AND, resolving that every award, allocation, and/or expenditure of ARPA funds, arising after the adoption of this resolution, shall require the approval and authorization of the City Council, AND, resolving that this resolution supersedes any other allocation or disbursement of ARPA funds, arising after the adoption of this resolution, by any means and under any claimed authority without specific approval and authorization by the City Council. [NOTE: Resolution was amended to take out the words "and the Mayor" in the sentence "City Council and the Mayor."]

220207 Settlement/Deirte Gilbert Tree Claim

Resolution resolving that the appropriate city officials are authorized to do all things necessary to pay Deirte Gilbert the sum of $4,000.00, with payment drawn from appropriated funds in Suits & Settlement Acct. No. 677-266.200-662.500. [NOTE:

A tree located in the right-of-way fell in front of Ms. Gilbert's residence and damaged her property.]

220227 Settlement/Chrishinda Phifer v Cynthia Earegood et al/Genesee County Circuit Court Case No. 19-112998

Resolution resolving that the Flint City Council approves settlement in the matter of Chrishinda Phifer v Cynthia Earegood et al, Case No. 19-112998, in the amount of $315,000.00, in satisfaction of any and all claims against the city and its employee arising out of said matter, with payment to be drawn from appropriated funds in Litigation & Suits & Acct. No. 677-266.200-956.300. [NOTE: An Executive Session was held in this matter on June 8, 2022.]

220228 Recognition/June/LGBTQ+ Pride Month

Resolution resolving that the Mayor and City Council hereby recognize the month of June as LGBTQ+ Pride Month in the City of Flint in support of equal rights for all individuals without regard to sexual orientation of gender identity.

220230 CO#2/Contract No. 21-088/Shelter of Flint/Homeless Assistance/Homelessness Prevention/Emergency Solutions Grant (ESG) Program

Resolution resolving that the appropriate city officials are authorized to do all things necessary to enter into Change Order No. 2 to Contract No. 21-088 with Shelter of Flint to increase the contract by $2,461.00, for a revised contract amount of $543,290.00, with funds available in Uncommitted Accounts, as requested by Community and Economic Development. [NOTE: The City of Flint was awarded Coronavirus Aid, Relief and Economic Security (CARES) money in the amount of $2,441,943.00 for the Emergency Solutions Grant (ESG). Shelter of Flint was awarded $355,926.00 for shelter operations and essential services. The agency has indicated a need for additional funding for wages and salaries and appliances association with operation of the facility.]

LIQUOR LICENSES

INTRODUCTION AND FIRST READING OF ORDINANCES

220225 Amendment/Ordinance/Chapter 50 (Zoning)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 50 (Zoning) and by repealing said Ordinance, and adopting Chapter 50 (Zoning), Articles 1 through 18, which will be known as the Zoning Code of the City of Flint, Michigan. [NOTE: This 749-page document replaces the entire Chapter 50 of the Flint City Code of Ordinances (zoning).]

SECOND READING AND ENACTMENT OF ORDINANCES

220166.1 Amendment/Ordinance/Chapter 30 (Nuisances)/Addition of Section 30-40 (Reckless Driving)

An amended ordinance to amend Chapter 30 (Nuisances) of the Code of the City of Flint by adding Section 30-40 (Reckless Driving). [NOTE Ordinance amended to remove the word "residential" so that ordinance applies to entire city.]

220192 Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article IV (Purchases)/Amending Section 18-21.14 (Sale of City Personal Property)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 18, (Taxation; Funds; Purchasing); Article IV, (Purchases), by amending Section 18-21.14, (Sale of City Personal Property).

ADDITIONAL DISCUSSION ITEMS

FINAL COUNCIL COMMENTS

ADJOURNMENT

RESOLUTION NO.: 220190.1

PRESENTED: JUN - 8 2022

ADOPTED:

Resolution Authorizing Approval of the 2022-23 Action Plan of The Consolidated Plan Including Funding Recommendations by the City of Flint for the Uses of Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Funds from the U.S. Department of HUD for the 2022-23 Program Year

BY THE CITY ADMINISTRATOR:

WHEREAS, The City of Flint anticipates it will receive Title I Community Development Block Grant (CDBG) entitlement funds in the amount of $4,005,344.00, HOME Investment Partnerships (HOME) entitlement funds in the amount of $945,793.00, and Emergency Solutions Grant (ESG) in the amount of $334,935.00 for federal fiscal year 2022-23, covering the period of July 1, 2022, through June 30, 2023, as well as any subsequent years that HUD continues to make any balances available to the City; pursuant to submission of an application to the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, The City of Flint anticipates receipt of program income in an amount of approximately $50,000.00 from CDBG and $10,000.00 from HOME repayments of rehabilitation housing loans and other eligible activities.

WHEREAS, In order to receive this funding, the U.S. Department of Housing and Urban Development requires the City of Flint to submit an annual Action Plan of the Consolidated Plan as a component of the 5-year Consolidated Plan. This plan includes the annual Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) application.

WHEREAS, City Administration finalized funding recommendations for the proposed Action Plan in March 2022.

IT IS RESOLVED, that City Officials approve the funding amounts and projects and authorize entering into contracts for the agencies listed below for the City's FY 2022-23 Community Development Block Grant program in the estimated amount of $4,005,334.00 FY 2022-23, HOME Investment Partnerships program in the estimated amount of $945,793.00, and FY 2022-23 Emergency Solutions Grant program in the estimated amount of $334,935.00, and include any program income which might become available as a result of receipt of these funds.

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

Subrecipient/Account Name	Adjusted Amount
ADMINISTRATION/PLANNING (CDBG)	$ 801,068.80
Total Admin	**$ 801,068.80**
Big Brothers Big sisters – Community Based Mentoring	$ 42,325.95
Grace Emanuel Baptist Church – Hem of His Garment	$ 10,581.49
United Way of Gen. Co. – Youth Recreation Initiative	$ 63,488.93
YWCA SAFE Center	$ 47,616.70
CHEA - Post Incarcerated Adult Education	$ 79,361.16
Tapology - Flintstone Movers	$ 7,119.69
Flint Institute of Music – Flint Youth Theatre	$ 10,581.49
Neighborhood Engagement HUB – Community Toolshed	$ 84,651.90
Legal Svcs. Of Eastern MI – Fair Housing Enforcement	$ 23,808.35
Boys and Girls Club	$ 26,453.72
GCCard – Meals on Wheels	$ 26,453.72
Metro Community Development, Inc. – (fiduciary) NFNAC – No Weapons Project	$ 21,162.98
Faith Foundation Resources – Helping Young People to Employment	$ 37,035.21
Total Public Services	**$ 480,641.28**
Best Practices Consulting Services – Flint Small Business Initiative	$ 37,035.21
Asbury CDC – Asbury Community Kitchen	$ 26,453.72
Communities First, Inc., - Coolidge Park	$ 36,636.46
Ferris Wheel Innovation Center – 100k Ideas	$ 31,744.46
Total Economic Development	**$ 131,869.85**
Shelter of Flint – Shelter Repairs/Upgrades	$ 174,317.32
FISH – Buick Gallery Façade Improvements	$ 52,907.44
CoF Parks and Recreation – Cronin Derby Downs Rehab	$ 568,014.28
Communities First, Inc., Inc. – Community Enrichment Center Windows	$ 95,233.39
Catholic Charities – One Stop Housing Resources Center Updates	$ 238,083.48
Total Facilities Improvements	**$ 1,128,555.91**

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

Genesee County Habitat for Humanity- Owner-Occupied Housing Repair	$	370,352.08
Genesee County Habitat for Humanity- Emergency Repair Program	$	211,629.76
GCCARD Emergency Home Repair	$	264,537.20
Total Housing	$	846,519.04
MADE Institute – North Flint Neighborhood Stabilization and Improvement	$	45,288.77
COF Blight Division – Demolition	$	370,352.08
Communities First, Inc. – 1515 N. Saginaw	$	95,233.39
COF Planning – CNI Vacant lot Reuse	$	105,814.88
Total Blight Activities	$	616,689.12
TOTAL CDBG USES	$	4,005,344.00
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)		
City of Flint- HOME Admin (10% Cap)	$	94,579.29
Norstar Development USA, LP – Clark Commons Phase III	$	708,865.75
Genesee County Habitat for Humanity- 322 Sylvan Ct. (CHDO)	$	142,347.95
TOTAL HOME USES	$	945,793.00
EMERGENCY SOLUTIONS GRANT (ESG)		
Administration (ESG)	$	25,120.13
Shelter of Flint – Family Emergency Shelter – Shelter	$	77,609.85
Genesee County Youth Corp – REACH - Shelter	$	37,897.68
YWCA- SAFE House – Shelter	$	37,897.68
My Brother's Keeper - In Safe Hand – Shelter	$	32,483.72
Total– Shelter Operations	$	211,009.05
TBD Homelessness Prevention	$	54,939.19
TOTAL Homelessness Prevention TBD	$	54,939.19
Catholic Charities – Rapid Rehousing	$	68,986.76
Total Rapid Rehousing TBD	$	68,986.76
TOTAL ESG USES	$	334,935.00

IT IS RESOLVED, that funds in an estimated amount of up to $50,000.00 in CDBG program income received from loan repayments and other eligible activities, shall be made available for use as part of the FY 2022-23 Community Development Block Grant program and the budget amended as received;

FURTHER RESOLVED, that funds in an estimated amount of up to $10,000.00 in HOME program income received from proceeds of sale and housing loans, shall be made

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

available for use as part of the FY 2022-23 HOME Investment Partnerships program and the budget amended as received;

FURTHER RESOLVED, that all sub recipient agencies shall conform to the standards and bidding procedures maintained by the City of Flint and such bid processes shall be approved as to form by the Chief Legal Officer of the City of Flint. Sub recipients may not obligate any funds, incur any costs, nor implement any physical activities until the Division of Community and Economic Development has completed the Environmental Review Record and/or received a release of funds from the U.S. Department of HUD and has issued a written notice to proceed to the subrecipient.

FURTHER RESOLVED, following notification that HUD has approved the 2022-23 Annual Action Plan through execution of a Grant Agreement with the City of Flint, the appropriate City Officials are authorized to do all things necessary to enter into sub-grantee agreements with the various agencies listed above.

FURTHER RESOLVED, upon receipt of the official award document from HUD, CDBG funds, the estimated revenues shall be increased or decreased to recognize receipt of the actual allocation amount, from the estimated amount of $4,005,334.00, and shall be made to the Division of Community and Economic Development to fund the FY 2022-23 Community Development Block Grant program;

FURTHER RESOLVED, upon receipt of the official award document from HUD, HOME funds, the estimated revenues shall be increased or decreased to recognize receipt of the actual allocation amount, from the estimated amount of $945,793.00, and shall be made to the Division of Community and Economic Development to fund the FY 2022-23 HOME Investment Partnerships program;

FURTHER RESOLVED, upon receipt of the official award document from HUD, ESG funds, the estimated revenues shall be increased or decreased to recognize receipt of the actual allocation amount, from the estimated amount of $334,935.00, and shall be made to the Division of Community and Economic Development to fund the FY 2022-23 Emergency Solutions Grant program;

FURTHER RESOLVED, that the appropriate officials are hereby authorized to do all things necessary to set up the appropriate accounts in the 279 Fund;

Account Name	Account Number	Grant Code	Amount
ADMINISTRATION/PLANNING (CDBG)	279-737.000-522.748	FHUD-CDBG23	$ 801,068.80
ADMINISTRATION/PLANNING (CDBG)	279-737.000-963.000	FHUD-CDBG23	$ 801,068.80
Total Admin			$ 801,068.80
Big Brothers Big sisters – Community Based Mentoring	279-737.272-522.748	FHUD-CDBG23	$ 42,325.95

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

Big Brothers Big sisters – Community Based Mentoring	279-737.272-805.105	FHUD-CDBG23	$	42,325.95
Grace Emanuel Baptist Church – Hem of His Garment	279-737.396-522.748	FHUD-CDBG23	$	10,581.49
Grace Emanuel Baptist Church – Hem of His Garment	279-737.396-805.101	FHUD-CDBG23	$	10,581.49
United Way of Gen. Co. – Youth Recreation Initiative	279-737.512-522.748	FHUD-CDBG23	$	63,488.93
United Way of Gen. Co. – Youth Recreation Initiative	279-737.512-805.105	FHUD-CDBG23	$	63,488.93
YWCA SAFE Center	279-737.530-522.748	FHUD-CDBG23	$	47,616.70
YWCA SAFE Center	279-737.530-805.101	FHUD-CDBG23	$	47,616.70
CHEA - Post Incarcerated Adult Education	279-737.284-522.748	FHUD-CDBG23	$	79,361.16
CHEA - Post Incarcerated Adult Education	279-737.284-805.109	FHUD-CDBG23	$	79,361.16
Tapology - Flintstone Movers	279-737.514-522.748	FHUD-CDBG23	$	7,119.69
Tapology - Flintstone Movers	279-737.514-805.105	FHUD-CDBG23	$	7,119.69
Flint Institute of Music – Flint Youth Theatre	279-737.335-522.748	FHUD-CDBG23	$	10,581.49
Flint Institute of Music – Flint Youth Theatre	279-737.335-805.105	FHUD-CDBG23	$	10,581.49
Neighborhood Engagement HUB – Community Toolshed	279-737.267-522.748	FHUD-CDBG23	$	84,651.90
Neighborhood Engagement HUB – Community Toolshed	279-737.267-805.126	FHUD-CDBG23	$	84,651.90
Legal Svcs. Of Eastern MI – Fair Housing Enforcement	279-737.422-522.748	FHUD-CDBG23	$	23,808.35
Legal Svcs. Of Eastern MI – Fair Housing Enforcement	279-737.422-805.111	FHUD-CDBG23	$	23,808.35
Boys and Girls Club	279-737.535-522.748	FHUD-CDBG23	$	26,453.72
Boys and Girls Club	279-737.535-805.105	FHUD-CDBG23	$	26,453.72
GCCard – Meals on Wheels	279-737.366-522.748	FHUD-CDBG23	$	26,453.72
GCCard – Meals on Wheels	279-737.366-805.101	FHUD-CDBG23	$	26,453.72
Metro Community Development, Inc. – (fiduciary) NFNAC – No Weapons Project	279-737.442-522.748	FHUD-CDBG23	$	21,162.98
Metro Community Development, Inc. – (fiduciary) NFNAC – No Weapons Project	279-737.442-805.101	FHUD-CDBG23	$	21,162.98
Faith Foundation Resources – Helping Young People to Employment	279-737.315-522.748	FHUD-CDBG23	$	37,035.21
Faith Foundation Resources – Helping Young People to Employment	279-737.315-805.101	FHUD-CDBG23	$	37,035.21
Total Public Services			$	480,641.28
Best Practices Consulting Services – Flint Small Business Initiative	279-737.411-522.748	FHUD-CDBG23	$	37,035.21
Best Practices Consulting Services – Flint Small Business Initiative	279-737.411-805.429	FHUD-CDBG23	$	37,035.21
Asbury CDC – Asbury Community Kitchen	279-737.119-522.748	FHUD-CDBG23	$	26,453.72
Asbury CDC – Asbury Community Kitchen	279-737.119-805.427	FHUD-CDBG23	$	26,453.72
Communities First, Inc., - Coolidge Park	279-737.276-522.748	FHUD-CDBG23	$	36,636.46
Communities First, Inc., - Coolidge Park	279-737.276-805.331	FHUD-CDBG23	$	36,636.46
Ferris Wheel Innovation Center – 100k Ideas	279-737.467-522.748	FHUD-CDBG23	$	31,744.46
Ferris Wheel Innovation Center – 100k Ideas	279-737.467-805.428	FHUD-CDBG23	$	31,744.46

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

Total Economic Development			$	131,869.85
Shelter of Flint – Shelter Repairs/Upgrades	279-737.480-522.748	FHUD-CDBG23	$	174,317.32
Shelter of Flint – Shelter Repairs/Upgrades	279-737.480-805.054	FHUD-CDBG23	$	174,317.32
FISH – Buick Gallery Façade Improvements	279-737.336-522.748	FHUD-CDBG23	$	52,907.44
FISH – Buick Gallery Façade Improvements	279-737.336-805.056	FHUD-CDBG23	$	52,907.44
CoF Parks and Recreation – Cronin Derby Downs Rehab	279-737.214-522.748	FHUD-CDBG23	$	568,014.28
CoF Parks and Recreation – Cronin Derby Downs Rehab	279-737.214-805.057	FHUD-CDBG23	$	568,014.28
Communities First, Inc., Inc. – Community Enrichment Center Windows	279-737.276-522.748	FHUD-CDBG23	$	95,233.39
Communities First, Inc., Inc. – Community Enrichment Center Windows	279-737.276-805.056	FHUD-CDBG23	$	95,233.39
Catholic Charities – One Stop Housing Resources Center Updates	279-737.498-522.748	FHUD-CDBG23	$	238,083.48
Catholic Charities – One Stop Housing Resources Center Updates	279-737.498-805.054	FHUD-CDBG23	$	238,083.48
Total Facilities Improvements			$	1,128,555.91
Genesee County Habitat for Humanity- Owner-Occupied Housing Repair	279-737.502-522.748	FHUD-CDBG23	$	370,352.08
Genesee County Habitat for Humanity- Owner-Occupied Housing Repair	279-737.502-805.327	FHUD-CDBG23	$	370,352.08
Genesee County Habitat for Humanity-Emergency Repair Program	279-737.502-522.748	FHUD-CDBG23	$	211,629.76
Genesee County Habitat for Humanity-Emergency Repair Program	279-737.502-805.327	FHUD-CDBG23	$	211,629.76
GCCARD Emergency Home Repair	279-737.365-522.748	FHUD-CDBG23	$	264,537.20
GCCARD Emergency Home Repair	279-737.365-805.327	FHUD-CDBG23	$	264,537.20
Total Housing			$	846,519.04
MADE Institute – North Flint Neighborhood Stabilization and Improvement	279-737.426-522.748	FHUD-CDBG23	$	45,288.77
MADE Institute – North Flint Neighborhood Stabilization and Improvement	279-737.426-805.327	FHUD-CDBG23	$	45,288.77
COF Blight Division - Demolition	279-737.150-522.748	FHUD-CDBG23	$	370,352.08
COF Blight Division - Demolition	279-737.150-805.076	FHUD-CDBG23	$	370,352.08
Communities First, Inc. – 1515 N. Saginaw	279-737.276-522.748	FHUD-CDBG23	$	95,233.39
Communities First, Inc. – 1515 N. Saginaw	279-737.276-805.076	FHUD-CDBG23	$	95,233.39
COF Planning – CNI Vacant lot Reuse	279-737.265-522.748	FHUD-CDBG23	$	105,814.88
COF Planning – CNI Vacant lot Reuse	279-737.265-805.126	FHUD-CDBG23	$	105,814.88
Total Blight Activities			$	616,689.12
TOTAL CDBG USES			$	4,005,344.00
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)				
City of Flint- HOME Admin (10% Cap)	279-735.000-530.000	FHUD-HOME23	$	94,579.29
City of Flint- HOME Admin (10% Cap)	279-735.000-963.000	FHUD-HOME23	$	94,579.29
Norstar Development USA, LP – Clark Commons Phase III	279-735.447-530.000	FHUD-HOME23	$	708,865.75
Norstar Development USA, LP – Clark Commons Phase III	279-735.447-805.276	FHUD-HOME23	$	708,865.75

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

Genesee County Habitat for Humanity- 322 Sylvan Ct. (CHDO)	279-735.271-530.000	FHUD-HOME23	$	142,347.95
Genesee County Habitat for Humanity- 322 Sylvan Ct. (CHDO)	279-735.271-805.276	FHUD-HOME23	$	142,347.95
TOTAL HOME USES			$	945,793.00
EMERGENCY SOLUTIONS GRANT (ESG)				
Administration (ESG)	279-733.000-531.000	FHUD-ESG23	$	25,120.13
Administration (ESG)	279-733.000-963.000	FHUD-ESG23	$	25,120.13
Shelter of Flint – Family Emergency Shelter - Shelter	279-733.482-531.000	FHUD-ESG23	$	77,609.85
Shelter of Flint – Family Emergency Shelter - Shelter	279-733.482-805.101	FHUD-ESG23	$	77,609.85
Genesee County Youth Corp – REACH - Shelter	279-733.390-531.000	FHUD-ESG23	$	37,897.68
Genesee County Youth Corp – REACH - Shelter	279-733.390-805.105	FHUD-ESG23	$	37,897.68
YWCA- SAFE House - Shelter	279-733.530-531.000	FHUD-ESG23	$	37,897.68
YWCA- SAFE House - Shelter	279-733.530-805.101	FHUD-ESG23	$	37,897.68
My Brother's Keeper - In Safe Hand - Shelter	279-733.450-531.000	FHUD-ESG23	$	32,483.72
My Brother's Keeper - In Safe Hand - Shelter	279-733.450-805.101	FHUD-ESG23	$	32,483.72
Total– Shelter Operations			$	211,009.05
TBD Homelessness Prevention	279-733.101-531.000	FHUD-ESG23	$	54,939.19
TBD Homelessness Prevention	279-733.101-805.101	FHUD-ESG23	$	54,939.19
TOTAL Homelessness Prevention TBD			$	54,939.19
Catholic Charities – Rapid Rehousing	279-733.301-531.000	FHUD-ESG23	$	68,986.76
Catholic Charities – Rapid Rehousing	279-733.301-805.101	FHUD-ESG23	$	68,986.76
Total Rapid Rehousing TBD			$	68,986.76
TOTAL ESG USES			$	334,935.00

FURTHER RESOLVED, that the appropriate city officials are hereby authorized to do all things necessary to move remaining unspent and available CDBG, HOME and ESG funds to fiscal year 2023.

APPROVED AS TO FORM:

William Kim (May 23, 2022 17:21 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCES:

Robert J. F. Widigan

Robert J.F. Widigan
Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 24, 2022 10:52 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

_____

CITY OF FLINT

RESOLUTION STAFF REVIEW

May 10, 2022

AGENDA ITEM TITLE:

1. Resolution Authorizing Approval of the 2022-23 Action Plan of The Consolidated Plan Including Funding Recommendations by the City of Flint for the Uses of Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Funds from the U.S. Department of HUD for the 2022-23 Program Year.

PREPARED BY

Suzanne Wilcox, Director, Department of Planning and Development, Community and Economic Development Division

VENDOR NAME: N/A

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Approval of the attached resolution authorizes submission of the 1-year Annual Action Plan, including funding recommendations for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) Programs and Emergency Solutions Grant (ESG).

HUD has notified the City of Flint that its estimated 2022-23 allocations will be:

CDBG	$4,005,344.00
HOME	$945,793.00
ESG	$334,935.00
	$5,286,072.00

City Administration finalized its recommendations in March of 2022. The final proposed recommendations are included in the attached resolution.

The Division of Community and Economic Development published a notice of opportunity to comment on April 5, 2022. A 30-day public comment period was held from April 5, 2022, to May 9, 2022, and a public hearing was held on April 18, 2022 to receive citizen comments and concerns regarding the proposed Year Annual Action Plan. The city will submit its 2022-23 Annual Action Plan to HUD by May 27, 2022.

HUD regulation 24 CFR 570.302 requires the City, prior to release of grant funds, to annually submit an Action Plan describing all activities and programs to be funded with CDBG, HOME and ESG funds for the upcoming fiscal year. The Division of Community and Economic Development requires approval of the attached resolution prior to entering into contracts with the agencies. Upon submission of the Plan, HUD has 45 days to review and approve the documents, prior to entering into contracts with the proposed sub recipients.

CITY OF FLINT

FINANCIAL IMPLICATIONS:

With HUD approval of the proposed 1-year Action Plan, the City of Flint will receive access to an estimated $4,005,344.00.00 in CDBG funds, $945,793 in HOME funds, and $334,935.00 in ESG funds to carry out housing, demolition, public services, homeless, and other eligible programs.

BUDGETED EXPENDITURE? YES ☐ NO ☐ IF NO, PLEASE EXPLAIN:

Account Name	Account Number	Grant Code	Amount
ADMINISTRATION/PLANNING (CDBG)	279-737.000-522.748	FHUD-CDBG23	757,047.40
Subrecipient/Account Name	Account Number	Grant Code	Amount
ADMINISTRATION/PLANNING (CDBG)	279-737.000-522.748	FHUD-CDBG23	801,068.80
ADMINISTRATION/PLANNING (CDBG)	279-737.000-963.000	FHUD-CDBG23	801,068.80
Total Admin			801,068.80
Big Brothers Big sisters – Community Based Mentoring	279-737.272-522.748	FHUD-CDBG23	42,325.95
Big Brothers Big sisters – Community Based Mentoring	279-737.272-805.105	FHUD-CDBG23	42,325.95
Grace Emanuel Baptist Church – Hem of His Garment	279-737.396-522.748	FHUD-CDBG23	10,581.49
Grace Emanuel Baptist Church – Hem of His Garment	279-737.396-805.101	FHUD-CDBG23	10,581.49
United Way of Gen. Co. – Youth Recreation Initiative	279-737.512-522.748	FHUD-CDBG23	63,488.93
United Way of Gen. Co. – Youth Recreation Initiative	279-737.512-805.105	FHUD-CDBG23	63,488.93
YWCA SAFE Center	279-737.530-522.748	FHUD-CDBG23	47,616.70
YWCA SAFE Center	279-737.530-805.101	FHUD-CDBG23	47,616.70
CHEA - Post Incarcerated Adult Education	279-737.284-522.748	FHUD-CDBG23	79,361.16
CHEA - Post Incarcerated Adult Education	279-737.284-805.109	FHUD-CDBG23	79,361.16
Tapology - Flintstone Movers	279-737.514-522.748	FHUD-CDBG23	7,119.69
Tapology - Flintstone Movers	279-737.514-805.105	FHUD-CDBG23	7,119.69
Flint Institute of Music – Flint Youth Theatre	279-737.335-522.748	FHUD-CDBG23	10,581.49
Flint Institute of Music – Flint Youth Theatre	279-737.335-805.105	FHUD-CDBG23	10,581.49
Neighborhood Engagement HUB – Community Toolshed	279-737.267-522.748	FHUD-CDBG23	84,651.90
Neighborhood Engagement HUB – Community Toolshed	279-737.267-805.126	FHUD-CDBG23	84,651.90
Legal Svcs. Of Eastern MI – Fair Housing Enforcement	279-737.422-522.748	FHUD-CDBG23	23,808.35
Legal Svcs. Of Eastern MI – Fair Housing Enforcement	279-737.422-805.111	FHUD-CDBG23	23,808.35
Boys and Girls Club	279-737.535-522.748	FHUD-CDBG23	26,453.72
Boys and Girls Club	279-737.535-805.105	FHUD-CDBG23	26,453.72
GCCard – Meals on Wheels	279-737.366-522.748	FHUD-CDBG23	26,453.72
GCCard – Meals on Wheels	279-737.366-805.101	FHUD-CDBG23	26,453.72
Metro Community Development, Inc. – (fiduciary) NFNAC – No Weapons Project	279-737.442-522.748	FHUD-CDBG23	21,162.98
Metro Community Development, Inc. – (fiduciary) NFNAC – No Weapons Project	279-737.442-805.101	FHUD-CDBG23	21,162.98
Faith Foundation Resources – Helping Young People to Employment	279-737.315-522.748	FHUD-CDBG23	37,035.21

CITY OF FLINT

Faith Foundation Resources – Helping Young People to Employment	279-737.315-805.101	FHUD-CDBG23	37,035.21
Total Public Services			480,641.28
Best Practices Consulting Services – Flint Small Business Initiative	279-737.411-522.748	FHUD-CDBG23	37,035.21
Best Practices Consulting Services – Flint Small Business Initiative	279-737.411-805.429	FHUD-CDBG23	37,035.21
Asbury CDC – Asbury Community Kitchen	279-737.119-522.748	FHUD-CDBG23	26,453.72
Asbury CDC – Asbury Community Kitchen	279-737.119-805.427	FHUD-CDBG23	26,453.72
Communities First, Inc., - Coolidge Park	279-737.276-522.748	FHUD-CDBG23	36,636.46
Communities First, Inc., - Coolidge Park	279-737.276-805.331	FHUD-CDBG23	36,636.46
Ferris Wheel Innovation Center – 100k Ideas	279-737.467-522.748	FHUD-CDBG23	31,744.46
Ferris Wheel Innovation Center – 100k Ideas	279-737.467-805.428	FHUD-CDBG23	31,744.46
Total Economic Development			131,869.85
Shelter of Flint – Shelter Repairs/Upgrades	279-737.480-522.748	FHUD-CDBG23	174,317.32
Shelter of Flint – Shelter Repairs/Upgrades	279-737.480-805.054	FHUD-CDBG23	174,317.32
FISH – Buick Gallery Façade Improvements	279-737.336-522.748	FHUD-CDBG23	52,907.44
FISH – Buick Gallery Façade Improvements	279-737.336-805.056	FHUD-CDBG23	52,907.44
CoF Parks and Recreation – Cronin Derby Downs Rehab	279-737.214-522.748	FHUD-CDBG23	568,014.28
CoF Parks and Recreation – Cronin Derby Downs Rehab	279-737.214-805.057	FHUD-CDBG23	568,014.28
Communities First, Inc., Inc. – Community Enrichment Center Windows	279-737.276-522.748	FHUD-CDBG23	95,233.39
Communities First, Inc., Inc. – Community Enrichment Center Windows	279-737.276-805.056	FHUD-CDBG23	95,233.39
Catholic Charities – One Stop Housing Resources Center Updates	279-737.498-522.748	FHUD-CDBG23	238,083.48
Catholic Charities – One Stop Housing Resources Center Updates	279-737.498-805.054	FHUD-CDBG23	238,083.48
Total Facilities Improvements			1,128,555.91
Genesee County Habitat for Humanity- Owner-Occupied Housing Repair	279-737.502-522.748	FHUD-CDBG23	370,352.08
Genesee County Habitat for Humanity- Owner-Occupied Housing Repair	279-737.502-805.327	FHUD-CDBG23	370,352.08
Genesee County Habitat for Humanity-Emergency Repair Program	279-737.502-522.748	FHUD-CDBG23	211,629.76
Genesee County Habitat for Humanity-Emergency Repair Program	279-737.502-805.327	FHUD-CDBG23	211,629.76
GCCARD Emergency Home Repair	279-737.365-522.748	FHUD-CDBG23	264,537.20
GCCARD Emergency Home Repair	279-737.365-805.327	FHUD-CDBG23	264,537.20
Total Housing			846,519.04
MADE Institute – North Flint Neighborhood Stabilization and Improvement	279-737.426-522.748	FHUD-CDBG23	45,288.77
MADE Institute – North Flint Neighborhood Stabilization and Improvement	279-737.426-805.327	FHUD-CDBG23	45,288.77
COF Blight Division - Demolition	279-737.150-522.748	FHUD-CDBG23	370,352.08
COF Blight Division - Demolition	279-737.150-805.076	FHUD-CDBG23	370,352.08
Communities First, Inc. – 1515 N. Saginaw	279-737.276-522.748	FHUD-CDBG23	95,233.39
Communities First, Inc. – 1515 N. Saginaw	279-737.276-805.076	FHUD-CDBG23	95,233.39
COF Planning – CNI Vacant lot Reuse	279-737.265-522.748	FHUD-CDBG23	105,814.88
COF Planning – CNI Vacant lot Reuse	279-737.265-805.126	FHUD-CDBG23	105,814.88

CITY OF FLINT

Total Blight Activities			616,689.12
TOTAL CDBG USES			4,005,344.00
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)			
City of Flint- HOME Admin (10% Cap)	279-735.000-530.000	FHUD-HOME23	94,579.29
City of Flint- HOME Admin (10% Cap)	279-735.000-963.000	FHUD-HOME23	94,579.29
Norstar Development USA, LP – Clark Commons Phase III	279-735.447-530.000	FHUD-HOME23	708,865.75
Norstar Development USA, LP – Clark Commons Phase III	279-735.447-805.276	FHUD-HOME23	708,865.75
Genesee County Habitat for Humanity- 322 Sylvan Ct. (CHDO)	279-735.271-530.000	FHUD-HOME23	142,347.95
Genesee County Habitat for Humanity- 322 Sylvan Ct. (CHDO)	279-735.271-805.276	FHUD-HOME23	142,347.95
TOTAL HOME USES			945,793.00
EMERGENCY SOLUTIONS GRANT (ESG)			
Administration (ESG)	279-733.000-531.000	FHUD-ESG23	25,120.13
Administration (ESG)	279-733.000-963.000	FHUD-ESG23	25,120.13
Shelter of Flint – Family Emergency Shelter - Shelter	279-733.482-531.000	FHUD-ESG23	77,609.85
Shelter of Flint – Family Emergency Shelter - Shelter	279-733.482-805.101	FHUD-ESG23	77,609.85
Genesee County Youth Corp – REACH - Shelter	279-733.390-531.000	FHUD-ESG23	37,897.68
Genesee County Youth Corp – REACH - Shelter	279-733.390-805.105	FHUD-ESG23	37,897.68
YWCA- SAFE House - Shelter	279-733.530-531.000	FHUD-ESG23	37,897.68
YWCA- SAFE House - Shelter	279-733.530-805.101	FHUD-ESG23	37,897.68
My Brother's Keeper - In Safe Hand - Shelter	279-733.450-531.000	FHUD-ESG23	32,483.72
My Brother's Keeper - In Safe Hand - Shelter	279-733.450-805.101	FHUD-ESG23	32,483.72
Total– Shelter Operations			211,009.05
TBD Homelessness Prevention	279-733.101-531.000	FHUD-ESG23	54,939.19
TBD Homelessness Prevention	279-733.101-805.101	FHUD-ESG23	54,939.19
TOTAL Homelessness Prevention TBD			54,939.19
Catholic Charities – Rapid Rehousing	279-733.301-531.000	FHUD-ESG23	68,986.76
Catholic Charities – Rapid Rehousing	279-733.301-805.101	FHUD-ESG23	68,986.76
Total Rapid Rehousing TBD			68,986.76
TOTAL ESG USES			334,935.00

PRE-ENCUMBERED? YES ☐ **NO** ☐ **REQUISITION NO:**

ACCOUNTING APPROVAL: *Carissa Dotson 5/18/22, amended amounts*

FINANCE APPROVAL: *Martita Moffett-Page* Martita Moffett-Page (May 24, 2022 09:59 EDT) **Date:** 05/24/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ **NO** ☐

(If yes, please indicate how many years for the contract) YEARS

CITY OF FLINT

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (T*his will depend on the term of the bid proposal)*

BUDGET YEAR 1 _____

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*): None.

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☐ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox

Suzanne Wilcox, Director, Planning and Development

RESOLUTION NO.: 220215

PRESENTED: JUN - 8 2022

ADOPTED:

BY THE CITY ADMINISTRATOR:

RESOLUTION AUTHORIZING BS&A SOFTWARE

WHEREAS, On November 9, 2016, the City of Flint entered into a two-year agreement in the amount of $244,961.00 with BS&A Software through May 1, 2018, for the continued used of various software applications that the City utilizes for financial data processing (Resolution # 160468). On Just 11, 2018, City Officials authorized entering into Change Order #1 to extend the agreement through May 1, 2019 for the amount of $117,911.00 (resolution (180287). On July 08, 2019, City Officials authorized entering into Change Order #2 to extend the agreement through May 1, 2020, for the amount of $120,738.00 (Resolution #190254) for a total contract amount of $483,610.00. On August 24, 2020, City Officials authorized entering into Change Order #3 to extend the agreement through May 1, 2021, for amount of $123,032.00 (Resolution # 200349). On May 24, 2021 City Officials authorized entering into Change Order #4 to extend the agreement through May 1, 2022 for the amount of $124,752.00 (Resolution # 210234); and

WHEREAS, The Information Services Division is requesting is requesting to enter into Change Order #5 to extend to extend the agreement with BS&A through May 1, 2023 under the same terms of the agreement for the amount of $128,868.00. Funding for these services is to come from the following account, with $21,478.00 in FY2022 and $107,390.00 in FY2023, pending the adoption of the budget.

Account Number	Account Name	Amount	
636-228.000-814.600	Computer Software	FY22 Total:	$21,478.00
		FY23 Total:	$107,390.00
	FY22/23 GRAND TOTAL	**$128,868.00**	

IT IS RESOLVED, that the Appropriate City Officials, are authorized to do all things necessary to enter into Change Order #5 to the contract with BS&A Software to provide software applications for the period May 1, 2022 through May 1, 2023, for the amount of $128,868.00 and a total contract amount of $860,252.00 under the same terms and conditions.

APPROVED AS TO FORM:

William Kim (May 25, 2022 15:39 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J. F. Widigan

Robert J. F. Widigan, Chief Financial Officer

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 25, 2022 15:47 EDT)

Clyde Edwards, City Administrator

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

APPROVED BY CITY COUNCIL:

_____

CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: *05/24/2022*

BID/PROPOSAL#

AGENDA ITEM TITLE: BS&A Software May & June FY 22

PREPARED BY Monique Cole, Information Technology
(Please type name and Department)

VENDOR NAME: BS&A
BACKGROUND/SUMMARY OF PROPOSED ACTION:

This is for renewal of our Software agreement with BS&A FY22 – May and June 2022, under the same terms of the original agreement in the amount of $21,478.00. Funding for these services is to come from the IT Software Fund, 636-228.100-814.600. BS&A Software provides the applications that the City of Flint uses for the City's financial, human resource, utilities, assessing and property tax management.

The current agreement with BS&A is set up for an annual renewal.

FINANCIAL IMPLICATIONS:

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
IT	SOFTWARE	636-228.100-814.600		$21,478.00
		FY22 GRAND TOTAL		**$21,478.00**

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 220005621

ACCOUNTING APPROVAL: _____ **Date:** _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

Author: JMcClane-2020

CITY OF FLINT

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (*This will depend on the term of the bid proposal)*

BUDGET YEAR 1 $21,478.00

BUDGET YEAR 2

BUDGET YEAR 3

BUDGET YEAR 4

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: _____ Jeffrey D. Keen, IT Director
(PLEASE TYPE NAME, TITLE)

DEPARTMENT HEAD MUST SIGN

CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: *05/24/2022*

BID/PROPOSAL#

AGENDA ITEM TITLE: BS&A Software July - Apr FY23

PREPARED BY Monique Cole, Information Technology
(Please type name and Department)

VENDOR NAME: BS&A
BACKGROUND/SUMMARY OF PROPOSED ACTION:

This is for renewal of our Software agreement with BS&A FY23 – July 2022 – May 2023, under the same terms of the original agreement in the amount of $107,390.00. Funding for these services is to come from the IT Software Fund, 636-228.100-814.600. BS&A Software provides the applications that the City of Flint uses for the City's financial, human resource, utilities, assessing and property tax management.

The current agreement with BS&A is set up for an annual renewal.

FINANCIAL IMPLICATIONS:

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
IT	SOFTWARE	636-228.100-814.600		$107,390.00
		FY22 GRAND TOTAL		**$107,390.00**

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 220005622

ACCOUNTING APPROVAL: _____ **Date:** _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

CITY OF FLINT

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (*This will depend on the term of the bid proposal)*

BUDGET YEAR 1 $107,390.00

BUDGET YEAR 2

BUDGET YEAR 3

BUDGET YEAR 4

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: Jeffrey D. Keen, IT Director

(PLEASE TYPE NAME, TITLE)

DEPARTMENT HEAD MUST SIGN

BS& A Software
14965 Abbey Lane
Bath, MI 48808

Voice: 517-641-8900
Fax: 517-641-8960

INVOICE

Invoice Number: 140187
Invoice Date: May 1, 2022
Page: 1

Bill To:

CITY OF FLINT
FINANCE DEPARTMENT
PO BOX 246
FLINT, MI 48501
GENESEE

Customer ID	Customer PO	Payment Terms	
FLINCTYGENE	2		
Sales Rep ID	**Shipping Method**	**Ship Date**	**Due Date**
			5/31/22

Quantity	Description	Unit Price	Amount
1.00	BS&A Online Services - Annual Service/Support Fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	5,797.00	5,797.00
1.00	BS&A Online Services Employee Web Portal - annual service/support fee per contract for the coverage dates of May 1st, 2022- May 1st, 2023	9,068.00	9,068.00
1.00	Payroll System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	9,068.00	9,068.00
1.00	Human Resource System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	8,244.00	8,244.00
1.00	Time Sheets System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	5,025.00	5,025.00
1.00	Community Development (Building) System -annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	8,982.00	8,982.00
1.00	Accounts Payable System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,114.00	7,114.00
1.00	Assessing System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	8,839.00	8,839.00
1.00	Cash Receipting System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,114.00	7,114.00
1.00	Delinquent Personal Property System - annual service/support	2,040.00	2,040.00

Subtotal	Continued
Sales Tax	Continued
Total Invoice Amount	Continued
Payment/Credit Applied	
TOTAL	**Continued**

Check/Credit Memo No:

BS& A Software
14965 Abbey Lane
Bath, MI 48808

Voice: 517-641-8900
Fax: 517-641-8960

INVOICE

Invoice Number: 140187
Invoice Date: May 1, 2022
Page: 2

Bill To:

CITY OF FLINT
FINANCE DEPARTMENT
PO BOX 246
FLINT, MI 48501
GENESEE

Customer ID	Customer PO	Payment Terms	
FLINCTYGENE	2		
Sales Rep ID	**Shipping Method**	**Ship Date**	**Due Date**
			5/31/22

Quantity	Description	Unit Price	Amount
	fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023		
1.00	Fixed Assets System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,114.00	7,114.00
1.00	General Ledger/Budgeting System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	8,377.00	8,377.00
1.00	Miscellaneous Receivables System- annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,114.00	7,114.00
1.00	Purchase Order System- annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,114.00	7,114.00
1.00	Utility Billing System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	20,377.00	20,377.00
1.00	Tax System - annual service/support fee per contract for the coverage dates of May 1st, 2022-May 1st, 2023	7,481.00	7,481.00

Subtotal	128,868.00
Sales Tax	
Total Invoice Amount	128,868.00
Payment/Credit Applied	
TOTAL	**128,868.00**

Check/Credit Memo No:

RESOLUTION NO.: 210234

PRESENTED: MAY 24 2021

ADOPTED: MAY 24 2021

BY THE CITY ADMINISTRATOR:

RESOLUTION AUTHORIZING BS&A SOFTWARE

WHEREAS, On November 9, 2016, the City of Flint entered into a two-year agreement in the amount of $244,961.00 with BS&A Software through May 1, 2018 for the continued use of various software applications that the City utilizes for financial data processing (resolution 160468). On June 11, 2018, City Officials authorized entering into Change Order #1 to extend the agreement through May 1, 2019 for the amount of $117,911.00 (Resolution 180287). On July 08, 2019, City Officials authorized entering into Change Order #2 to extend the agreement through May 1, 2020 for the amount of $120,738.00 (Resolution 190254) for a total contract amount of $483,610. On August 24, 2020, City Officials authorized entering into Change Order #3 to extend the agreement through May 1, 2021 for the amount of $123,032.00 (Resolution 200349); and

The Information Services Division is requesting to enter into Change Order #4 to extend the agreement with BS&A through May 1, 2022 under the same terms of the original agreement for the amount of $124,752.00. Funding for these services is to come from the following account, with $20,792 in FY2021 and $103,960 in FY2022, pending the adoption of the budget.

Account Number	Account Name	Amount
636-228.100-814.600	Computer Software	$ 124,752.00

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to enter into change order #4 to the contract with BS&A Software to provide software applications for the period May 1, 2021 through May 1, 2022 for the amount of $124,752.00 and a total contract amount of $731,384.00 under the same terms and conditions.

APPROVED AS TO FORM:

Angela Wheeler (May 18, 2021 10:35 EDT)

Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

Shelbi Frayer

Shelbi Frayer (May 18, 2021 13:41 EDT)

Shelbi Frayer, Chief Financial Officer

FOR THE CITY OF FLINT:

Clyde D. Edwards

Clyde D. Edwards (May 18, 2021 14:33 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Kate Fields

Kate Fields, City Council President

RESOLUTION NO.:_____

PRESENTED:_____

ADOPTED:_____

APPROVED AS TO PURCHASING:

Jennifer Ryan

Jennifer Ryan (May 18, 2021 09:43 EDT)

Jenn Ryan
Deputy Finance Director

Joyce L. McClane

Joyce L. McClane

RESOLUTION NO.: 220216

PRESENTED: JUN - 8 2022

ADOPTED:

MIDEAL CONTRACT
#180000000367
BY THE CITY ADMINISTRATOR:

RESOLUTION TO XEROX FOR MULTIFUNCTIONAL DEVICES AND COPYING SERVICES

WHEREAS, The Division of Purchases & Supplies, along with The Information Services Division is requesting to enter into a (5) year lease agreement for Multifunctional copier devices; and

WHEREAS, The Division of Purchases and Supplies, along with the Information Services Division currently operates copiers and copy expenses under Xerox's MiDeal Contract with the State of Michigan. We are utilizing the same contract with the request of this new (5) year lease agreement, with the ability to save funds by charging copies on a zero (0) usage base.

WHEREAS, Monthly funding for said copying expenses will be charged to appropriate department's Copying Services account (903.000) and copier lease expenses will be charged to the Information Services Rentals account 636-228.000-940.000 for the sixty (60) month term of the contract (FY2023 to FY2027.)

IT IS RESOLVED, That The Appropriate City Officials, are hereby authorized to enter into a five (5) Year (60 month) Contract with Xerox Corporation, for multifunctional devices and copying services, in an overall amount not-to-exceed $108,000.00 for each of the next (5) Fiscal Years (FY23-FY27) (07/01/22-06/30/27), pending adoption of each Fiscal Year's Budget, for a (5) Year, (60) month aggregate amount not-to-exceed $540,000.00.

APPROVED AS TO FORM:

William Kim (May 31, 2022 10:56 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan

Robert J.F Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (May 31, 2022 14:06 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

RESOLUTION STAFF REVIEW

DATE: May 26, 2022

Agenda Item Title: Xerox Corporation

Prepared By: Lauren Rowley, Purchasing Manager

Background/Summary of Proposed Action:

The purpose of this resolution is to enter into a (5) year lease and copy services agreement with Xerox Corporation for Multifunctional devices. The current copiers in all city departments are Xerox copiers, and this new agreement will allow is to utilize the same devices, while upgrading some as needed. This services also includes the maintenance, software and services of the devices.

The proposal (attached) has been presented by our Xerox representative, Jennifer Witt. The Division of Purchases and Supplies, along with the Information Services Division, has agreed to ***Option #2*** of the proposal as presented, as being in the best interest of the City overall, with a potential (5) Year overall cost savings of roughly $120,000. The current contract is executed by a copying allowance, whereas the new contract will operate on a zero (0) copy usage basis. (The departments will be charge according to the # of copies they are using versus on a higher allowance per month that many departments aren't fully utilizing.)

This zero (0) copy usage basis will be the main factor of cost savings for the City.

Financial Implications: Funding is available in the accounts listed below.

Budgeted Expenditure? Yes ☒ **No** ☐ **Please explain if no:**

Account No.: -The appropriate department's 903.000 account for copy charges
-The Information Services Division's 636-228.000-940.000 Rentals account for coper devices lease charges.

Other Implications (i.e., collective bargaining): None

Staff Recommendation: Recommend Approval

Staff Person: Robert Widgin

Robert J.F. Widgin, Chief Financial Officer

WE ARE PLEASED TO PRESENT YOUR CUSTOMIZED

CO-AUTHORED PROPOSAL

360° COMMITMENT TO SUPPORTING YOUR BUSINESS

COMPILED EXCLUSIVELY FOR:

PREPARED BY:

Jennifer Witt

MOS/XBS Major Accounts Representative
Jennifer.Witt@Xerox.com
(517) 290-2809

DATE:

May 2022

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•STAGES 1-2 SUMMARY

•A MESSAGE FROM YOUR MOS/XBS REPRESENTATIVE

May 2022

City of Flint
1101 S Saginaw St.
Flint, MI 48502

We appreciate your business and we greatly value the partnership we've had for many years with your organization. Recently we've discussed the following goals and worked to establish the current state of your document environment:

~Analyze usage and costs associated with current Xerox State of MI Contract agreement

~Co-Author an upgrade solution for City of Flint's printing needs going forward

We have been committed to understanding your technology infrastructure as we worked to establish the total operational expenditures, workflow, and processes for your company. This evaluation represents our commitment to our partnership with your organization.

We're available to you if you have any questions in regards to our presentation today. You can count on our team to partner with you on solutions that will support your business goals.

Best Regards,

Jennifer Witt
Xerox Major Accounts Representative
(517) 290-2809

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A Xerox Company

•OVERALL COST OF OWNERSHIP- Current Situation

•A BREAKDOWN OF YOUR CURRENT COSTS, PER ANALYSIS

Current Situation: Xerox Agreement – MiDeal State of MI Contract Executed June 2018

	Monthly Base Cost (48 Month Lease)	Pages Included	Average Monthly Pages	CPP (Cost Per Page)
(49) Xerox Devices	$10,032.00	*Varies Per Device; Incl on State Contract	B/W: 106,181 Color: 50,550	*Varies Per Device on State Contract

•Knowing how your assets are being utilized uncovers inefficiencies and hidden costs as well as identifies cost reduction opportunities.

•It maximizes human and technology resources.

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PROPOSAL

MAXIMIZING YOUR TECHNOLOGY ENVIRONMENT

Current Xerox Devices:

XEROX MODEL	Serial Number	LOCATION	Install Date	CURRENT B/W METER 3/2/2022	CURRENT COLOR METER 3/2/2022	IP ADDRESS
B405DN	9HB358850	Beecher Rd-Brian's Offc	7-Sep-18	3057		n/a
B405DN	9HB358851	HQ: FL1-Billing Customer Svc	24-Aug-18	151,368		10.11.13.217
B405DN	9HB359008	EMS	31-Aug-18	5720		10.11.13.220
B405DN	9HB970426	Fire Station #6	31-Jan-20	3900		n/a
B405DN	9HB970432	Fire Station #3	31-Jan-20	6115		10.11.126.59
B405DN	9HB970440	Fire Station #5	31-Jan-20	5182		10.11.128.55
B405DN	9HB970450	Fire Station #8	31-Jan-20	5001		10.11.142.58
B7035S	2DA799183	702 12th Street-Fleet Svc	7-Sep-18	19,123		10.11.50.66
C405DN	4HX580352	HQ: FL1-Union Office (AFSCME)	3-Aug-18	15,057	9511	10.11.13.233
C405DN	4HX801404	HQ: FL1-Police Violent Crimes	25-Jul-18	38,078	633	?
C405DN	4HX801408	HQ: LL-Blight	31-Aug-18	11,855	6741	10.11.13.207
C405DN	4HX802047		31-Aug-18			?
C405DN	4HX805027	HQ: LL-Testing Room	24-Aug-18	230	104	10.11.13.236
C405DN	4HX805363		14-Sep-18			?
C405DN	4HX959434	HQ: LL-Ombudsperson	13-Mar-20	1357	839	10.11.16.115
C405DN	4HX966899	HQ: FL1-Public Health	14-Aug-20	42,497	6967	10.11.15.87
C8030H	3TX400572	HQ: LL-IT	24-Aug-18	6262	4657	10.11.13.208
C8030H	3TX401710	702 12th Street-Traffic	7-Sep-18	42,487	27,596	10.11.50.46
C8030H	3TX401750	702 12th Street-Front Offc	7-Sep-18	122,237	89,865	10.11.50.64
C8030H	3TX401847	HQ: FL1-Police CSC (SAKI)	25-Jul-18	38,165	19,266	10.11.13.202
C8030H	3TX401906	Beecher Rd-Office	7-Sep-18	46,982	57,530	10.11.90.63
C8030H	3TX402245	Water Treatment Plant	7-Sep-18	62,480	62,751	10.11.60.45
C8030H	3TX402400	HQ: FL2-Planning & Development	31-Aug-18	137,549	59,104	10.11.13.216
C8030H	3TX403493	HQ: FL1-Internal Affairs	14-Sep-18	11,997	5607	10.11.13.227

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PROPOSAL

MAXIMIZING YOUR TECHNOLOGY ENVIRONMENT

Current Xerox Devices (continued):

XEROX MODEL	Serial Number	LOCATION	Install Date	CURRENT B/W METER 3/2/2022	CURRENT COLOR METER 3/2/2022	IP ADDRESS
C8030H	3TX404526	HQ: FL1-Patrol #2 (back)	14-Sep-18	46,276	74,378	10.11.13.228
C8030H	3TX404531	HQ: FL1-Juvenile Bureau	14-Sep-18	29,897	7035	10.11.13.226
C8035H	3TX400414	HQ: FL2-Purchasing Dept (front)	31-Aug-18	39,490	51,719	10.11.13.210
C8035H	3TX400428	HQ: FL2-Intel	25-Jul-18	5414	8338	10.11.13.237
C8035H	3TX400445	HQ: FL1-Traffic	25-Jul-18	132,881	71,463	10.11.13.201
C8035H	3TX400448	HQ: FL1-Mayor's Office	24-Aug-18	131,985	67,464	10.11.13.223
C8035H	3TX400450	Water Svc Center	7-Sep-18	75,622	48,943	10.11.70.52
C8035H	3TX400464	HQ: FL2-Chief of Police	25-Jul-18	26,928	18,751	10.11.13.200
C8035H	3TX401744	HQ: LL-Income Tax	31-Aug-18	54,635	1996	?
C8035H	3TX401756	HQ: LL-HR Dept	24-Aug-18	63,517	59,405	10.11.13.235
C8035H	3TX401863	HQ: FL1-Police CATT Dept	25-Jul-18	44,210	26,685	?
C8035H	3TX401896	Fire Dept HQ	31-Aug-18	108,846	51,338	10.11.13.219
C8035H	3TX402199	HQ: FL1-Police Dept "ID"	25-Jul-18	337,265	142,205	10.11.13.206
C8035H	3TX402244	HQ: FL2-BSI Building	31-Aug-18	106,393	51,408	10.11.13.231
C8035H	3TX402325	HQ: FL1-Transportation (Public Works)	24-Aug-18	74,749	130,549	10.11.13.212
C8035H	3TX402328	HQ: FL1-Detective Bureau	25-Jul-18	323,817	219,531	10.11.13.205
C8035H	3TX402330	HQ: FL2-Assessment	24-Aug-18	222,116	42,922	10.11.13.213
C8035H	3TX402338	HQ: FL1-Patrol #1 (front)	25-Jul-18	126,719	132,514	10.11.13.204
C8045H	8TB585375	HQ: LL-Planning	7-Sep-18	39,652	115,395	10.11.13.222
C8045H	8TB585817	HQ: LL-Comm & Econ Development	31-Aug-18	73,149	48,767	10.11.13.230
C8045H	8TB589253	HQ: FL1-Finance Customer Svc	24-Aug-18	135,437	49,688	10.11.13.225
C8045H	8TB589401	HQ: FL3-Legal	24-Aug-18	103,529	66,406	10.11.13.224
C8045H	8TB589465	HQ: FL2-Finance (back)	24-Aug-18	194,816	52,792	10.11.13.214
C8045H	8TB589855	HQ: FL3-Council	24-Aug-18	437,613	123,231	10.11.13.211
C8045H	8TB590842	HQ: FL2-City Clerk	24-Aug-18	256,713	102,368	10.11.13.218

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PROPOSAL

MAXIMIZING YOUR TECHNOLOGY ENVIRONMENT

Proposed Solution #1: Replace ALL (49) Xerox Devices w/ New Ones - MiDeal State of MI Contract

	Monthly Base (60 Month FMV Lease)	Pages Included Monthly	Actual Pages (Cost per Page)	NEW Average Monthly Cost w/ AMV Pages
(49) New Xerox Devices	$4,959.41			
Maintenance & Supplies Included for 49 Total Devices	Included	B/W: 0 Color: 0 *Actuals billed monthly	*Varies per device on State Contract – see attached	**$8,228.82**
OPTIONS:				
(1) New Xerox C405 ("Police")	$36.82			
(1) New B405 ("Legal")	$28.97			
TOTAL W/ "OPTIONS":	**$5,025.20**			**$8,294.61**

Additional Info:

~Utilizing State of MI Contract WU#700635 / 60 Month FMV Lease
~Includes XMedius Fax Software Renewal with 150,000 credits for 60 months
~Fixed Meters: Service Rates are Locked for 60 month term
~"NEW TOTAL AVERAGE MONTHLY" (AMV) = lease payment + average monthly usage charges:
*Recent AMV = b/w: 106,181, color: 50,550
~"Actual Pages" = all pages printed are billed each month at CPP indicated (zero base service)
~Includes all service, parts, labor, toner & staples
~Proposed pricing includes delivery, installation & training
~Proposed Includes additional services as outlined
~Includes cancellation of current Xerox Agreement(s) and pick up/return of EQ to lease company

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* WE HAVE CHOSEN TO GO WITH OPTION #2

PROPOSAL

MAXIMIZING YOUR TECHNOLOGY ENVIRONMENT

Proposed Solution #2: Replace Aging Xerox Devices & Continue Maintenance & Supplies on "Newer" Devices MiDeal State of MI Contract

(32) New Xerox Devices ***Includes (1) C405 for Police & (1) B405 for Legal**	**$4,747.14**			
Keep & Cover (19) Current Xerox Devices	Included			
MOS/XBS Maintenance & Supplies Included for 49 Total	Included	B/W: 0 Color: 0 *Actuals billed monthly	*Varies per device on State Contract – see attached	**$7,977.57**

Additional Info:

~Utilizing State of MI Contract WU#700635 / 60 Month FMV Lease
~Includes XMedius Fax Software Renewal with 150,000 credits for 60 months
~Fixed Meters: Service Rates are Locked for 60 month term
~"NEW TOTAL AVERAGE MONTHLY" (AMV) = lease payment + average monthly usage charges:
*Recent AMV = b/w: 106,181, color: 50,550
~"Actual Pages" = all pages printed are billed each month at CPP indicated (zero base service)
~Includes all service, parts, labor, toner & staples
~Proposed pricing includes delivery, installation & training
~Proposed Includes additional services as outlined
~Includes cancellation of current Xerox Agreement(s) and pick up/return of EQ to lease company

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A Xerox Company

•Comparison: Replace Xerox Production Unit

•A BREAKDOWN OF YOUR CURRENT COSTS, PER ANALYSIS, vs MOS PROPOSED SOLUTION

Current Overall Average Monthly Cost
48 month FMV

$10,032.00 / month

VS.

*

Proposed Option 1: NEW Xerox Agreement w/ ALL NEW EQ
60 month FMV

$8,294.61 / month
SAVE $1,737.39/mo

Proposed Option 2: NEW Xerox Agreement w/ Mixed New/Current EQ
60 month FMV

$7,977.57 / month
SAVE $2,054.43/mo

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A Xerox Company

•NEXT STEPS

•WHERE COULD WE GO FROM HERE?

•Typical next steps and timing in a project like yours...

•5/19/2022	Co-Authored Proposal Meeting
•5/23/2022	Sign Upgrade Documents
•5/24/2022	Xerox Internal Implementation Meeting
•TBD	Xerox Delivery
•@Delivery & On Going	Xerox Training
•On Going	Account Reviews to discuss ways to continually improve printing

•THANK YOU, FROM YOUR XEROX TEAM

Count on us.

JENNIFER WITT
Major Accounts Executive Consultant
517.290.2809
Jennifer.Witt@Xerox.com

DANNY GLOVER
Regional Sales Manager
616.401-9137
Danny.Glover@Xerox.com

FRANK KROLL
Regional Service Manager
989.289.2129
Frank.Kroll@Xerox.com

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A Xerox Company

180193

(Bid #180000049)

SUBMISSION NO.: CA6612018

PRESENTED: 4-11-18

ADOPTED: 4-23-2018

RESOLUTION TO XEROX FOR MULTIFUNCTIONAL DEVICES

BY THE CITY ADMINISTRATOR:

RESOLUTION

The Department of Purchases & Supplies is requesting to enter into a four (4) year lease agreement for multifunctional copier devices; and

The Department of Purchases & Supplies is requesting to have Xerox Corp., 100 Clinton Ave., South Rochester, New York 14644 provide said services in an amount not exceed $11,237.00 per month through the State of Michigan MiDeal program contract #071B9200232. Monthly funding for said expenses will be charged to the appropriate departments 823.000 account and $300 of that monthly fee will be charged to account 636-228.100-850.000; and

IT IS RESOLVED, that the Proper City Officials, upon City Council's approval, are hereby authorized to enter into a four (4) year lease agreement with Xerox Corp. for multifunctional copier devices in an annual amount not to exceed $134,844.00 plus any additional overages of copy count allowances. (General Fund, Police Fund, Sewer Fund, Water Fund, Major Street Fund, Local Street Fund, Information Services Fund, Building Inspection Fund) See attached for requested copier inventory.

APPROVED PURCHASING DEPT.:

Purchasing Manager

APPROVED AS TO FINANCE:

Hughey Newsome
Chief Financial Officer

APPROVED AS TO FORM:

Angela Wheeler
Chief Legal Officer

Steve Branch, Acting City Administrator

CITY COUNCIL:

Herbert J. Winfrey, Council President

RESOLUTION NO.: 220217

PRESENTED: JUN - 8 2022

ADOPTED:

PROPOSAL# 22000500

BY THE CITY ADMINISTRATOR:

RESOLUTION TO MID MICHIGAN ROOFING, LLC

WHEREAS, in 2021, proposals were solicited via OMNIA sourcing, to expedite the process of repairing the roof due to its hazardous disrepair, in which determined by the majority of City Council, did not suffice as Resolution #210542 in the amount of $254,991.00 was not adopted. The Division of Purchases and Supplies recently solicited proposals for roofing repairs on the South Building Roof of City Hall on behalf of the Facilities Maintenance Division per the request of City Council.

WHEREAS the South Building roof has been in need of repairs for many years as it has been leaking and causing a potential health and safety hazard to those who work in that area of City Hall. It can also cause more immediate damage such as replacement of ceiling tiles, mold and additional water damage.

WHEREAS the Facilities Maintenance Division has recommended the lowest, most qualified bidder, Mid Michigan Roofing LLC, Saginaw Michigan, to complete these repairs. Mid Michigan Roofing met the required specifications for the necessary roof repairs, as well as the ability to get the roof repairs started in 2022 unlike other vendors due to materials lead times.

Funding for this contracted service will come from the following account(s):

Account Number	Account Name	Amount
444-230.200-976.000	Public Improvement Fund	$303,236.00
	FY2022 GRAND TOTAL	**$303,236.00**

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to enter into a contract with Mid Michigan Roofing, LLC for South Building Roof Repairs in the amount of $289,700.00 for Labor, Materials, Services and Equipment, as well as an additional $23,750.00 for vapor barrier repair and unknown damages, for an overall contract total not-to-exceed $303,236.00 for FY22 (07/01/21-06/30/22).

APPROVED AS TO FORM:

William Kim (May 31, 2022 10:57 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 31, 2022 14:04 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: *May 26, 2022*

BID/PROPOSAL# 22-500

AGENDA ITEM TITLE: Roof replacement on the South Building at City Hall

PREPARED BY Kathryn Neumann for Lee Osborne, Facilities Maintenance Operations Manager

VENDOR NAME: Mid Michigan Roofing, LLC

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The purpose of this resolution is to award a contract to Mid Michigan Roofing, LLC for the replacement of a roof located on the South Building at City Hall. This roof has been leaking and has needed replacement for several years. Mid Michigan Roofing, LLC was the lowest responsive bidder that was able to start this year.

FINANCIAL IMPLICATIONS: There is money in the account listed below.

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
444	Public Improvement Fund	230.200-976.000		$303,236.00
		FY22 GRAND TOTAL		**$ 303,236.00**

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 220005106

ACCOUNTING APPROVAL: Jennifer Ryan Jennifer Ryan May 26, 2022 14:52 EDT **Date:** _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: lee osborne lee osborne May 26, 2022 14:49 EDT

(Lee Osborne, Facilities Maintenance Operations Manager)

SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES

P22-500 – Roof Repairs

Approximate Annual Quantities – Not Guaranteed

Furnish as requested for the years 2022-2023

Bidder# 1: Thomas Brown & Son Roofing Co.
Bay City, MI.

Description: Station 1	Pricing
Labor, Materials, Services, and Equipment	$288,339.00
Repair to Existing Vapor Barrier	$2.00/sq.ft.

Bidder# 2: National Roofing & Sheet Metal Co., Inc.
Burton, MI.

Description: Station 1	Pricing
Labor, Materials, Services, and Equipment	$370,000.00 w/ work to be completed in 2023.
Repair to Existing Vapor Barrier	$20.00/sq.ft.

* *Bidder# 3:* Mid-Michigan Roofing, LLC.
Saginaw, MI.

Description: Station 1	Pricing
Labor, Materials, Services, and Equipment	$279,486.00
Repair to Existing Vapor Barrier	$10.00/sq.ft.

Bidder# 4: Lutz Roofing Company
Shelby Township, MI.

Description: Station 1	Pricing
Labor, Materials, Services, and Equipment	$289,700.00
Alternate	$243,700.00 if work can be completed in Spring 2023.
Repair to Existing Vapor Barrier	$6.00/sq.ft.

Bidder# 5: Royal Roofing Company, Inc.
Orion, MI.

Description: Station 1	Pricing
Labor, Materials, Services, and Equipment	$300,900.00
Repair to Existing Vapor Barrier	$5.00/sq.ft.

A SPECIAL NOTE FROM THE PURCHASING DIVISION

Bid results posted are before evaluation team review and award recommendation.

11. TOTAL MEMBRANE ROOF SYSTEM MINIMUM THICKNESS IN MILS ____200____ MILS

12. LITIGATION; SETTLEMENT/FINES AGAINST GREATER THAN $20M? YES (NO)

BID FORM B
City of Flint
Roof Replacement – South Building

To: Lauren Rowley
City of Flint
1101 Saginaw St.
Flint, MI 48502
Bid Due Date: Monday, May 16th, 2022 @ 11AM

Sealed bids are to be submitted to the above address by the time and date listed above. Bids received after the Due Date and Time will not be considered.

Pursuant to notices given, the undersigned proposes to furnish all materials and labor necessary to complete the replacement as described below and in strict accordance to the plans and specifications dated **3-31-22.** I, the undersigned, having familiarized myself with the attached Contract Documents do hereby propose to furnish all labor, equipment, materials, drayage, tolls, supervision, etc. and to complete all work as specified in these Documents and Specifications. By my submission of this Bidding Proposal, I acknowledge the receipt of the Package containing the following: General Conditions & Requirements, General Instructions to Bidders, Detailed Specifications, Detailed Rooftop Diagrams, and Detailed Specification Drawings. To provide supervision, labor, materials and equipment for roof repairs of the following items, per the attached:

Base Bid: The base bid shall include the removal and replacement of the existing roofing system in its entirety. New roof system is to consist of a redundant layer, SBS rubber modified roofing system per specifications provided. This shall include all necessary flashings, copings, pitch pockets, and necessary materials in accordance with the specifications, scope of work, and details provided in the bid documents. Work is to be completed by November 1st, 2022.

All labor, materials, services and equipment necessary for completion of the work shown on the drawings and in the specifications.

Two hundred seventy-nine thousand four hundred eighty-six & 00/100 DOLLARS
($ 279,486.00)

***Note: Important Info
5% Bid Bond
100% Performance Bond
Bid Compliance Form Completion Required

Extra work may be necessary other than required by the plans and specifications, extra work will be completed according to the written instructions of the Owner for the following unit prices:

Unit Cost Items: **Repair to existing vapor barrier –** $10.00 per sq. ft.

Addenda Numbers #1 dated 5/12/2022 are hereby acknowledged

Company Name: **MID MICHIGAN ROOFING, LLC**

Respectfully Submitted,

SIGNATURE:

TITLE: President

BUSINESS NAME: Mid Michigan Roofing, LLC

CONTRACTOR ADDRESS: 3232 Enterprise Dr.
Saginaw, MI 48603

DATE: May 13, 2022

RESOLUTION NO.: 220218

PRESENTED: JUN - 8 2022

ADOPTED:

PROPOSAL# 22000524

BY THE CITY ADMINISTRATOR:

RESOLUTION TO LASERCOM LLC FOR PRINTING, SORTING & MAILING OF WATER BILLS, SHUT OFF NOTICES AND PROPERTY TAX BILLS

WHEREAS, The Division of Purchases and Supplies recently solicited proposals for Printing, Sorting, and Mailing of Water Bills/Shut Off Notices and Property Tax Bills for the Customer Service Center.

WHEREAS, The CSC has recommended the proposal be awarded to Lasercom, LLC., Troy, Michigan, the lowest, most responsive bidder, for a three (3) Year period, at a cost of $205,025 for FY2023, $205,025 for FY24, and $205,025 for FY25. The Customer Service Center (CSC) will utilize Lasercom, LLC. for mailing services, including printing, sorting, and mailing of water bills, water shutoff notices, and property taxes, along with additional postage expenses as needed for these services.

Funding will come from the following accounts(s) for each of the (3) Fiscal Years:

Account Number	Account Name	Amount
101-253.202-900.000	CSC-Water Collect-Printing/Publishing	$10,110.00
101-253.203-900.000	CSC-Sewer Collect- Printing/Publishing	$10,110.00
101-253.202-902.000	CSC- Water Collect- Postage	$78,500.00
101-253.203-902.000	CSC-Sewer Collect- Postage	$78,500.00
101-253.200-900.000	CSC-Treasury Operations-Printing/Publishing	$9,805.00
101-253.200-902.000	CSC- Treasury Operations- Postage	$18,000.00
	ANNUAL TOTAL	$205,025.00
	FY23-FY25 (3) YEAR GRAND TOTAL	**$615,075.00**

IT IS RESOLVED, that the appropriate City Officials are hereby authorized to enter into a contract with Lasercom, LLC for the Printing, sorting and mailing of water bills, water shutoff notices, and property taxes, along with additional postage costs as needed for for an FY23 (07/01/22-06/30/23) total amount not-to-exceed $205,025.00 pending budget adoption, an FY24 (07/01/23-06/30/24) total not-to-exceed $205,025.00 pending budget adoption, and an FY25 (07/01/24-06/30/25) total not-to-exceed $205,025.00 pending budget adoption, for an aggregate (3) year grand total not-to-exceed $615, 075.00.

APPROVED AS TO FORM:

William Kim (May 31, 2022 10:57 EDT)

William Kim, Acting City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 31, 2022 14:04 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Eric Mays, City Council President

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: *5-11-22*

BID/PROPOSAL# 22-524

AGENDA ITEM TITLE: Printing and Sorting and Mailing of Property Taxes and Water Bills

PREPARED BY: Patrice Ellison, Admin Clerk,
Finance/Customer Service Center

VENDOR NAME: Lasercom, Inc.

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The purpose of this staff review is to award printing, sorting, publishing and mailing of property taxes and water bills to Lasercom, Inc. for fiscal years 2023 through 2025 for the city. Postage as needed.

FINANCIAL IMPLICATIONS: **$615,075.00**

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Gode	Amount
Fin/CSC	CUSTOMER SERVICES - WATER COLLECTION - PRINTING AND PUBLISHING	101-253.202-900.000		$10,110.00
	CUSTOMER SERVICE SEWER COLLECTION PRINTING AND PUBLISHING	101-253.203-900.000		$10,110.00
	CUSTOMER SERVICE - WATER COLLECTION - POSTAGE	101-253.202-902.000		$78,500.00
	CUSTOMER SERVICE- SEWER COLLECTION - POSTAGE	101-253.203-902.000		$78,500.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - PRINTING AND PUBLISHING	101-253-200-900.000		$9,805.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - POSTAGE	101-253-200.902.000		$18,000.00
	FY 2023			**$205,025.00**

CITY OF FLINT

Fin/CSC	CUSTOMER SERVICES - WATER COLLECTION - PRINTING AND PUBLISHING	101-253.202-900.000		$10,110.00
	CUSTOMER SERVICE SEWER COLLECTION PRINTING AND PUBLISHING	101-253.203-900.000		$10,110.00
	CUSTOMER SERVICE - WATER COLLECTION - POSTAGE	101-253.202-902.000		$78,500.00
	CUSTOMER SERVICE- SEWER COLLECTION - POSTAGE	101-253.203-902.000		$78,500.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - PRINTING AND PUBLISHING	101-253-200-900.000		$9,805.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - POSTAGE	101-253-200.902.000		$18,000.00
	FY 2024			**$205,025.00**
Fin/CSC	CUSTOMER SERVICES - WATER COLLECTION - PRINTING AND PUBLISHING	101-253.202-900.000		$10,110.00
	CUSTOMER SERVICE SEWER COLLECTION PRINTING AND PUBLISHING	101-253.203-900.000		$10,110.00
	CUSTOMER SERVICE - WATER COLLECTION - POSTAGE	101-253.202-902.000		$78,500.00
	CUSTOMER SERVICE- SEWER COLLECTION - POSTAGE	101-253.203-902.000		$78,500.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - PRINTING AND PUBLISHING	101-253-200-900.000		$9,805.00
	CUSTOMER SERVICES- TREASURY OPERATIONS - POSTAGE	101-253-200.902.000		$18,000.00
	FY 2025			**$205,025.00**

PRE-ENCUMBERED? **YES** ☒ **NO** ☐ **REQUISITION NO:** **230005585**

ACCOUNTING APPROVAL: Patrice Ellison **Date:** 5·25·22
(Patrice Ellison)

WILL YOUR DEPARTMENT NEED A CONTRACT? **YES** ☒ **NO** ☐

CITY OF FLINT

(If yes, please indicate how many years for the contract) 3

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (*This will depend on the term of the bid proposal)*

BUDGET YEAR 1 $205,025.00
BUDGET YEAR 2 $205,025.00
BUDGET YEAR 3 $205,025.00

OTHER IMPLICATIONS (*i.e., collective bargaining*): None

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: Amanda Trujillo
(Amanda Trujillo, City of Flint Treasurer)

CITY OF FLINT, MICHIGAN

Department of Finance/CSC

Clyde Edwards
City Administrator

Robert Widigan
Director

Sheldon Neeley
Mayor

April 27, 2022

TO: Lauren Rowley
Purchasing Manager

FROM: Amanda Trujillo
City Treasurer

SUBJECT: RECOMMENDATION -PRINTING, SORTING AND MAILING OF PROPERTY TAXES AND WATER BILLS
PROPOSAL #22-524

A committee carefully reviewed the bids received for the printing, sorting, and mailing of property taxes and water bills recommending the lowest responsive bidder, in the amount not to exceed $90,075.00 (Postage not included) for a three-year contract. I have attached a copy of the staff review to requisition 230005585.

If you have any questions or concerns, feel free to give me a call at ext. 2104.

/pe

SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES
PROPOSAL# 22-524

Bidder #1: LASERCOM	Troy MI
Grand Total	$90,075.00

Bidder #2: KEYSTONE	New Cumberland PA
Grand Total	$237,907.80

Bidder #3: OSG CONNECT	Carlsadt NJ
Grand Total	$403,590.00

A SPECIAL NOTE FROM THE PURCHASING DIVISION
Bid results posted are before evaluation team review and award recommendation.

190416

(Proposal #20000516)

RESOLUTION NO. _____

PRESENTED: 10-9-19

ADOPTED: 10-14-2019

BY THE CITY ADMINISTRATOR:

RESOLUTION TO LASERCOM, LLC FOR PRINTING, SORTING, MAILING OF WATER BILLS/SHUT OFF NOTICES AND PROPERTY TAX BILLS

RESOLUTION

The Department of Purchases & Supplies has solicited proposals for Printing, Sorting, Mailing of Water Bills/Shut Off Notices and Property Tax Bills; and

Lasercom LLC, 2230 Elliot, Troy, Michigan was the responsive bidder from six solicitations for said requirements. This is to provide labor and equipment for sorting mailing of water bills shut off notices, property tax bills and postage as needed for three (3) fiscal years (2020 thru 2022) Funding for said services will come from the following accounts: 101-253.202-900.000 ($15,765.00); 101-253.203-900.000 ($15,765.00); 101-253.202-729.000 ($50,000.00); 101-253.203-729.000 ($50,000.00); 101-253.200-900.000 ($10,000.00); 101-253.200-729.000 ($7,560.00);and

IT IS RESOLVED, that the Proper City Officials, upon City Councils approval, are hereby authorized to issue a purchase order and enter into a contract with Lasercom LLC for printing, sorting, mailing of water bills shut off notices, property tax and postage as needed for a three (3) year (2020 thru 2022) an aggregate amount for each year of $149,090.00.

Joyce A. McClane
Purchasing Manager

Tamar A. Lewis
Deputy Finance Director

APPROVED AS TO FORM:

Angela Wheeler
Chief Legal Officer

Steve Branch, City Administrator

Herbert J. Winfrey, Council President

FY19 20 JAM

RESOLUTION NO.: 220219

PRESENTED: JUN - 8 2022

ADOPTED:

PROPOSAL# 2100540
BY THE CITY ADMINISTRATOR:

RESOLUTION TO WILLIAM E. WALTER FOR INDUSTRIAL HVAC SERVICES
FY22 CHANGE ORDER: WATER POLLUTION CONTROL

The Division of Purchases and Supplies solicited proposals for Industrial HVAC services as requested by the Department of Public Works for three years. William E. Walter, 1917 Howard Ave. Flint, was the responsive bidder out of two solicitations for said requirements.

WHEREAS, The Department of Public Works was authorized by Flint City Council to enter into year (2) of a (3) year contract for HVAC services by resolution #210417 adopted on September 13, 2021, for a total amount not-to-exceed $224,500.00 for FY22.

WHEREAS, The City of Flint Water Pollution Control Facility was approved for a FY22 HVAC services amount not-to-exceed $50,000.00. Over the winter, many unexpected HVAC equipment failures occurred which presented several situations of absence of heat during the winter season when extreme seasonal temperatures occurred. Repairs were expedited to avoid process equipment damage and to maintain a safe working environment for employees. Due to these events, the WPC is requesting additional funding needed to cover the costs of these unexpected repairs in the amount not-to-exceed $15,000.00, bringing the WPC's Aggregate FY22 HVAC services total to $65,000.00.

The additional funding will come from the following account(s):

Account Number	Account Name	Department	Amount
590-550.202-930.000	Repair/Maintenance	DPW-WPC	$15,000
	FY2022 GRAND TOTAL		**$65,000**

IT IS RESOLVED, that the Division of Purchases and Supplies, can issue a $15,000.00 Change Order to William E. Walter, Inc. for WPC HVAC services for FY22 (07/01/21- 06/30/22) for a WPC FY22 amount not-to-exceed $65,000.00, and an overall aggregate FY22 contract total not-to-exceed $239,500.00.

APPROVED AS TO FORM:

William Kim (May 24, 2022 15:55 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:

Robert J.F. Widigan

Robert J.F. Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (May 24, 2022 16:42 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: *05/12/2022*

BID/PROPOSAL: 21000540

AGENDA ITEM TITLE: Industrial HVAC Services

PREPARED BY Krystal Wallace, Water Pollution Control

VENDOR NAME: William E. Walter, Inc.

BACKGROUND/SUMMARY OF PROPOSED ACTION:

WPC uses support services to assist with HVAC system repairs on an as needed basis. This service allows WPC to utilize expertise as required to assist and preform large-scale HVAC repairs and troubleshooting. Unexpected HVAC equipment failures presented several situations that was absent of heat during the winter season of which extreme seasonal temperatures occurred. Repairs were expedited to avoid process equipment damage and to maintain a safe working environment for human occupation.

The current purchase order has a balance of $409.79. WPC is requesting additional FY 2022 funding for Industrial HVAC support in the amount of $15,000.00.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☐ **NO** ☒ **IF NO, PLEASE EXPLAIN:** Adequate funding is available.

Dept.	Name of Account	Account Number	Grant Code	Amount
DPW-WPC	Repairs & Maintenance	590-550.202-930.000		$15,000.00
		Original FY2022 PO 22-004018 Amount		**$50,000.00**
		Revised FY 2022 Total		**$65,000.00**

PRE-ENCUMBERED? YES ☒ **NO** ☐ **REQUISITION NO: 220005887**

ACCOUNTING APPROVAL: K Wallace **Date:** 5/12/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ **NO** ☐

OTHER IMPLICATIONS (*i.e., collective bargaining*): None.

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

AUTHORIZED SIGNATURE: Jeanette M. Best

(Jeanette Best, WPC Manager)

T:\YEARLYPO\FY2022\Maintenance\HVAC Bid Review Add Funding FY 2022.docx

SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES
For Industrial HVAC Services (3) YRS.
PROPOSAL #21000540

COMPANY NAME	Markup on replacement Parts	10 Devices to test	8 Devices – CDS-1 TESTING
William E. Walter, Inc.	10%	10 each @ $115.00	8 each @ $350.00
Flint, Michigan 48503		Total: $1,150.00	Total: $2,800.00

Various rates for regular, overtime and Sunday hourly rates submitted.

COMPANY NAME	Markup on replacement Parts	10 Devices to test	8 Devices – CDS-1 TESTING
Stuart Mechanical	15%	10 each @ $130.00	8 each @ $290.00
Auburn Hills, Michigan 48436		Total: $1,300.00	Total: $2,320.00

Various rates for regular, overtime and Sunday hourly rates was not submitted.

Please note that all proposal submittals are currently being reviewed.

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: *07/06/2020*

BID/PROPOSAL# 21000540

AGENDA ITEM TITLE: Industrial HVAC Services

PREPARED BY John Florshinger
Utilities Maintenance & SCADA Supervisor

VENDOR NAME: William E. Walter, Inc.

BACKGROUND/SUMMARY OF PROPOSED ACTION:

WPC uses support services to assist with HVAC system repairs on an as needed basis. This service allows WPC to utilize expertise as required to assist and preform large-scale HVAC repairs and troubleshooting the systems.

I recommend that the sole qualified bidder, William E. Walter, Inc., be awarded the three (3) year bid in the amount of $50,000.00 for each of the next three (3) fiscal years, FY2021, FY2022, and pending adoption of FY2023, a three-year total of $150,000.00, for HVAC Support Services.

Please issue a contract for the FY2021 budgeted amount of $50,000.00, using funds from account 590-550.200-775.000, 590-550.200-930.000, 590-550.202-775.000 and 590-550.202-930.000.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Gode	Amount
DPW-WPC	Repair/Maint Supplies	590-550.200-775.000		$5,000.00
DPW-WPC	Repairs/Maintenance	590-550.200-930.000		$12,500.00
DPW-WPC	Repair/Maint Supplies	590-550.202-775.000		$20,000.00
DPW-WPC	Repairs/Maintenance	590-550.202-930.000		$12,500.00
		FY20/21 GRAND TOTAL		**$50,000.00**
		THREE YEAR TOTAL		**$150,000.00**

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 200002989

ACCOUNTING APPROVAL: _____ **Date:** _____

RESOLUTION NO.: 210417

PRESENTED: SEP - 8 2021

ADOPTED: SEP 13 2021

PROPOSAL# 2100540
BY THE CITY ADMINISTRATOR:

RESOLUTION TO WILLIAM E. WALTER FOR INDUSTRIAL HVAC SERVICES

The Division of Purchases and Supplies solicited proposals for Industrial HVAC services as requested by the Department of Public Works for three years. William E. Walter, 1917 Howard Ave. Flint, was the responsive bidder out of two solicitations for said requirements.

On August 24, 2020, Flint City council adopted resolution #200346 to enter into the first year of this three year contract, not to exceed $195,500.00 for FY21. On October 21, 2020, Flint City Council adopted resolution #200412 to accept the Change order #1 for additional HVAC expenses to the Water Plant, for a cost not to exceed $29,000.00, bringing the aggregate total for FY21 to $224,500.00. for the HVAC services contract.

WHEREAS, The Department of Public Works is requesting to enter into year two of the three year contract for William E. Walter HVAC services, at the same aggregate total of last year's contract, of $224,500.00, which also recognizes Change order #1 to also be added to the total cost for FY2022.

Account Number	Account Name	Amount
101-753.200-930.000	Repair Maintenance	$100,000.00
590-540.100-801.000	Professional Services	$7,500.00
591-540.100-801.000	Professional Services	$7,500.00
583-735.204-930.000	Repairs and Maintenance	$4,000.00
590-550.200-775.000	Repair/Maint. Supplies	$5,000.00
590-550.200-930.000	Repair/Maint.	$12,500.00
590-550.202-775.000	Repair/Maint Supplies	$20,000.00
590-550.202-930.000	Repair/Maint.	$12,500.00
591-545.201-752.000	Supplies	$15,500.00
591-545.201-930.000	Repairs and Maintenance	$32,000.00
591-545.201-801.000	Professional Services	$8,000.00
	FY2022 TOTAL	**$224,500.00**

IT IS RESOLVED, that the proper city officials, upon City Council's approval, are hereby authorized to enter into year two of the three year contract with William E. Walter for Industrial HVAC services for FY22 (07/01/21- 06/30/22) (budgeted) aggregate amount not to exceed $224,500.00.

APPROVED AS TO FORM:

Angela Wheeler (Aug 31, 2021 15:49 EDT)

Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

Robert J. F. Widigan

Robert Widigan, Interim Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (Aug 31, 2021 16:01 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Kate Fields

Kate Fields, City Council President

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

RESOLUTION NO.: 220220

PRESENTED: JUN - 8 2022

ADOPTED:

PROPOSAL 20000571

RESOLUTION TO J.R. HEINEMAN & SONS, INC. FOR WPC NORTHWEST PUMP STATION REHABILITATION SRF NO. 5696-01 – CHANGE ORDER-1

BY THE CITY ADMINISTRATOR:

The division of Purchases & Supplies solicited proposals for the construction projects for Phase I of the Michigan State Revolving Fund Loan Project Plan as requested by the Department of Public Works, Water Pollution Control. Council Resolution 190188.1, adopted on June 24, 2019, approved the Publicly Owned Treatment Works, DPW-WPC Improvements SRF Project Plan.

J. R. Heineman & Sons, Inc. was awarded the contract for WPC Northwest Pump Station Rehabilitation, Resolution 200336, Adopted 08/10/2020, in the amount of $1,877,2600.00 (includes % contingency). Unforeseeable extreme conditions such as flooding caused project delays with the construction of the Northwest Pump Station Bypass Diversion project. These obstacles created delays; and the NWPS Rehabilitation project could not commence until the NWPS Bypass Diversion project was 95% completed. This request is to increase the allocation for NWPS Rehabilitation Contract 20-038, and extend the final completion date to September 14, 2022.

Account Number	Account Name	Amount
590-550.411-802.073	SRF – Northwest Pump Station Rehabilitation Project	$1,877,260.00
	Change Order Request	**$253,593.37**
	Change Order 1 - New Contract Not to Exceed Amount	**$2,130,853.37**

IT IS RESOLVED, that the Proper City Officials, are authorized to do all things necessary to enter into **Contract Change Order-1** with J. R. Heineman & Sons, Inc., 1224 N. Niagara Street, Saginaw, Michigan 48602 for the additional work, time, and materials required to complete the WPC Northwest Pump Station Rehabilitation project in the amount not to exceed $253,593.37, a revised contract not to exceed amount of $2,130,853.37.

APPROVED AS TO FORM:

William Kim (May 11, 2022 16:35 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:

Robert J. F. Widigan

Robert Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 20, 2022 15:08 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley

Lauren Rowley, Purchasing Manager

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CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: *05/11/2022*

BID/PROPOSAL: P20-571

AGENDA ITEM TITLE: WPC Nothwest Pump Station Rehablitation

PREPARED BY Krystal Wallace, Water Pollution Control

VENDOR NAME: J. R. Heineman & Sones, Inc.

BACKGROUND/SUMMARY OF PROPOSED ACTION:

WPC is 99% completed with a Council approved SRF project to create a bypass diversion from its Northwest Pumping Station. Unforeseen extreme conditions, such as flooding, broken pipes, etc. caused delays to the NWPS Bypass Diversion project. The NWPS Rehabilitation project could not commence until the NWPS Bypass Diversion project was near completion. These obstacles created delays for both projects. Escalating material and labor costs, and material shortages affected the estimated project time and total price. The final completion date is to be extended to September 14, 2022.

Therefore, it is recommended that a change order to the contract with J. R. Heineman & Sons, Inc., in the amount of $253,593.37 for WPC Northwest Rehabilitation project be approved. The revised contract not to exceed amount is $2,130,853.37 and the modified final completion date will be September 14, 2022.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
DPW-WPC	SRF-NWPS Rehabilitation	590-550.411-802.073		$1,877,260.00
			Change Order Request	**$253,593.37**
			Change Order 1 - New Contract Not to Exceed Amount	**$2,130,853.37**

PRE-ENCUMBERED? YES ☐ NO ☒ REQUISITION NO: 220005579

These modifications have been approved by the Michigan Clean Water Revolving Loan Fund Finance Committee. Once approved this request for financial modification will be allocated to the GL for the encumbrance.

ACCOUNTING APPROVAL: K Wallace MMP MMP **Date:** 05/11/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐ - Change Order -1

OTHER IMPLICATIONS (*i.e., collective bargaining*): None.

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

AUTHORIZED SIGNATURE: Jeanette A. Best

(Jeanette Best, WPC Manager)

M:\SRF\SRF Project FY2020\SRF\SRF FY2021\Phase I Const Contracts\NWPS Rehab\NWPS Rehab Change Order 1 Staff Review KW.docx

CHANGE ORDER NO.

Owner:	City of Flint	Owner's Project No.:	SRF 5696-01, P20-571
Engineer:	DLZ Michigan Inc	Engineer's Project No.:	1849-070600
Contractor:	JR Heineman & Sons Inc	Contractor's Project No.:	20-573
Project:	Northwest pump station improvements		
Contract Name:	Northwest pump station improvements		
Date Issued:	April 20, 2022	Effective Date of Change Order:	April 20, 2022

The Contract is modified as follows upon execution of this Change Order:

Description:

A. **Increase in Materials Costs:** The Project was delayed due to another project onsite diverting their flow through the pumpstation and force main to be renovated. Due to high inflation, supply chain issues, raw materials price increases and the ensuing parts shortage, the suppliers have significantly increased the cost of the materials needed to construct this project. Increase due to **Increase of Materials Cost $199,469.22** And **0 days**

B. **Demo of Additional 6" Pipe:** An additional 6" Ductile Iron pipe that traverses through concrete needed to be removed. **Increase due to Demo of Additional 6" Pipe $4,631.56 and 1 Day**

C. **Additional bypass pumping:** The bypass pumping was to include floor drains, limited restrooms, and filter wash the flow was estimated to be less than 200 gpm. The actual flow is around 1200 gpm. The contractor upsized the pumps 2 times to control the flow and provide adequate bypass pumping. **Increase due to Additional bypass pumping: $3,8975.48** and **30 days.**

D. **Trench Delay Flooding:** Due to the above bypass pumping difficulties the excavation for the line-stop and Gate well were delayed for 2 weeks and filled with water. Trench needed to be pumped and stabilized. Increase due to **Trench Delay Flooding: $5588.78** and **0 days**

E. **Expose and repair existing 2" leaking Copper Water Service:** Large amounts of water was coming in through the 24" line, when 24" line was capped, the water started coming out of the ground. The pipe had a previous repair, that did not hold. Increase due to **repair existing 2" leaking Copper Water Service $4928.40 and 2 Days**

Attachments:

CO 2 A, CO 2 B, CO 2 C, CO 2 D, CO 2E

Change in Contract Price	Change in Contract Times
Original Contract Price: $ $1,741,500.89 (with contingency $1,877,260.00)	Original Contract Times: Substantial Completion: July 30th, 2021 Ready for final payment: August 30th, 2021
Increase from previously approved Change Orders No. 1 to No. 1: $ $0.00	Increase from previously approved Change Orders No.1 to No. 1: Substantial Completion: 240 working days Ready for final payment: 240 working days
Contract Price prior to this Change Order: $ $1, 741,500.89 (with contingency $1,877,260.00)	Contract Times prior to this Change Order: Substantial Completion: June 30th,2022 Ready for final payment: July 30th, 2022

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Increase this Change Order: $ $253,593.37	Increase this Change Order: Substantial Completion: 33 days Ready for final payment: 33 days
Contract Price incorporating this Change Order: $ 1,995,094.26 (with contingency $2,130,853.37)	Contract Times with all approved Change Orders: Substantial Completion: August 16th, 2022 Ready for final payment: September 14th, 2022

Recommended by Engineer (if required)	Authorized by Owner
Tim Currie	
By: Tim Currie, PE, PS	
Title: Project Engineer	
Date: 4-20-2022	

Authorized by Owner	Approved by Funding Agency (if applicable)
By:	
Title:	
Date:	

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DLZ
ARCHITECTURE • ENGINEERING • PLANNING
SURVEYING • CONSTRUCTION SERVICES

City of Flint
Water Pollution Control
Northwest Pump Station
SRF 5696-01
City of Flint Job 20-571
Summary of Change Order 2

	Change order	$	Time
A	Increase in Materials cost	$199,469.22	days
B	Demo of additional 6" pipe	$4,631.56	1 days
C	Additional bypass pumping	$38,975.48	30 days
D	Trench delay flooding	$5,588.71	days
E	Expose and Repair ex. 2' copper WS	$4,928.40	2 days
	Totals	**$253,593.37**	**33 days**

Original contract subst. Completion	7/30/2021	
CO 1 Subst. Completion	6/30/2022	
Added Work Days CO 1	240	Working Days
CO 2 Completion, Added Days		33
Subst. Completion based on workdays	**8/16/2022**	
Original ready for Final Payment	8/30/2021	
Ready for final Payment CO 1	7/30/2022	
Days		
Added Work Days CO 1	240	Working Days
CO 2 Added Days		33
Ready for final Payment CO 2	**9/14/2022**	

Signature: Martita Moffett-Page
Martita Moffett-Page (May 11, 2022 14:33 EDT)

Email: mmoffett-page@cityofflint.com

RESOLUTION NO.: 220221

PRESENTED: JUN - 8 2022

ADOPTED:

BY THE CITY ADMINISTRATOR:

RESOLUTION AUTHORIZING FY2022 FOURTH QUARTER BUDGET AMENDMENT

WHEREAS, the City of Flint's operating budget is monitored on an ongoing basis by the Finance Department and City department heads and changes to an approved operating budget are required from time to time.

WHEREAS, the Department of Finance is recommending certain fiscal appropriation amendments to the FY2022 City of Flint operating budget as follows in accordance with State Public Act 2 of 1968 as amended.

FY2022 Proposed Fourth Quarter Budget Amendments	Amended FY2022 Budget as of 05/27/2022	Proposed Amendments for FY2022 Q4	Proposed Amended FY2022 Budget	Estimated Ending Fund Balance
PARKS & RECREATION 208 Expenditures	$ 393,574	$ 130,000	$ 523,574	$ 337,906
Total Amendment		$ 130,000		

IT IS RESOLVED, that the appropriate officials are hereby authorized to do all things necessary to incorporate the approved appropriation changes into the FY2022 operating budget of the City of Flint.

APPROVED AS TO FORM:

William Kim (May 31, 2022 10:49 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Robert J.F. Widigan

Robert J.F Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 31, 2022 14:50 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 05/27/22

BID/PROPOSAL#: N/A

AGENDA ITEM TITLE: Move $130,000 from the Parks Fund Balance to Parks Professional Service

PREPARED BY: Mary Jarvis, Planning and Development Accounting Coordinator

VENDOR NAME: N/A

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Requesting $130,000 of the Parks Fund Balance to be moved to Parks Professional Services to be used for repairs at the McKinley Center.

FINANCIAL IMPLICATIONS: Reduces Parks fund balance and increases Parks Professional Services.

BUDGETED EXPENDITURE? YES ☐ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
Parks	Fund Balance - Unassigned	208-000.000-390.000		-130,000.00
Parks	Professional Services	208-752.102-801.000		130,0000.00
		FY21/22 GRAND TOTAL		$0.00

PRE-ENCUMBERED? YES ☐ NO ☒ **REQUISITION NO:** N/A

ACCOUNTING APPROVAL: Mary Jarvis **Date:** 05/27/2022

CITY OF FLINT

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract)

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining):

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox
(PLEASE TYPE NAME, TITLE)

RESOLUTION NO.: 220222

PRESENTED: JUN - 8 2022

ADOPTED:

Resolution to Set a Public Hearing Date for the Brownfield Plan for the Carriage Town Neighborhood Project

(Public Act 381 of 1996, as amended –412, 417, and 427 W. Second Avenue)

By the City Administrator

The Flint City Council has been presented with a Brownfield Redevelopment Plan ("Plan") for the project located at 412, 417, and 427 W. Second Avenue legally described in the attached brownfield plan.

Pursuant to the requirement of Public Act 381 of 1996, as amended, prior to approval of the Plan, the local governing body shall hold a public hearing to provide an opportunity to allow interested persons to be heard and shall receive and consider communications in writing in reference to the brownfield plan.

Any maps, plats, and the brownfield plan will be available for public inspection at the Flint City Clerk's office and in the Planning and Development Department – Division of Community and Economic Development office by appointment. All aspects of the brownfield plan will be open for discussion at the public hearing.

IT IS RESOLVED, that the Flint City Council will hold a public hearing on the above request at 5:30 p.m. in the City Council Chamber, Flint City Hall, 1101 S. Saginaw Street (or electronically in accordance with Governor Whitmer's executive order 2020-75, on the ___11th___ day of_____July_____ of 2022.

IT IS FURTHER RESOLVED, that the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this Act, and shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan.

RESOLUTION NO.:

PRESENTED:

ADOPTED:

APPROVED AS TO FORM:

William Kim (May 23, 2022 16:37 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO Finance:

Robert J.F. Widigan

Robert J.F. Widigan, **Chief Financial Officer**

FOR THE CITY OF FLINT:

Clyde D. Edwards

Clyde D. Edwards (May 26, 2022 16:14 EDT)

Clyde D. Edwards, City Administrator

APPROVED BY CITY COUNCIL:

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: *5/19/2022*

BID/PROPOSAL#

AGENDA ITEM TITLE: Brownfield Plan Approval

PREPARED BY Samantha Fountain
(Please type name and Department)

VENDOR NAME:

BACKGROUND/SUMMARY OF PROPOSED ACTION:

This is a resolution to establish a brownfield plan for the Carriage Town Neighborhood Project, located at 412, 417, and 427 W. Second Avenue. The project is estimated to be approximately $2,125,000 and will result in the construction of two duplexes at 412 W. Second Avenue for a total of four (4) for-sale units. It is planned these duplexes will be 3-bedroom, 2-bathroom, walk-up, two-story homes, approximately 1,250 square feet on each side. The parcels at 417 and 427 W. Second Avenue are planned to be redeveloped into single family homes and are anticipated to be two stories and include 3-bedrooms and 2 or 2.5-bathrooms, each totaling approximately 1,500 square feet. The developer requests to be reimbursed up to $651,677 and for the Flint Brownfield Redevelopment Authority to capture up to $34,299 for administration costs. Immediately, this project will have no impact on the City's general fund. Taxes will continue to be collected as normal with the caveat that all tax capture above the established base will be eligible for capture to reimburse the developer.

FINANCIAL IMPLICATIONS: This will reduce the taxes collected for up to 30 years (see attached table)

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Gode	Amount

CITY OF FLINT

		FY 21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☐ NO ☐ REQUISITION NO:

ACCOUNTING APPROVAL: Jennifer Ryan (May 24, 2022 10:39 EDT) **Date:** 05/24/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (*This will depend on the term of the bid proposal)*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION: *(PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: __Samantha Fountain, Economic Development Director
(PLEASE TYPE NAME, TITLE)

CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: *5/19/2022*

BID/PROPOSAL#

AGENDA ITEM TITLE: Set public hearing for Brownfield Plan

PREPARED BY Samantha Fountain
(Please type name and Department)

VENDOR NAME:

BACKGROUND/SUMMARY OF PROPOSED ACTION:

This is a resolution to **SET A PUBLIC HEARING** to establish a brownfield plan for 412, 417, and 427 W. Second Avenue. The project is estimated to be approximately $2,125,000 and will result in the construction of two duplexes at 412 W. Second Avenue for a total of four (4) for-sale units. It is planned these duplexes will be 3-bedroom, 2-bathroom, walk-up, two-story homes, approximately 1,250 square feet on each side. The parcels at 417 and 427 W. Second Avenue are planned to be redeveloped into single family homes and are anticipated to be two stories and include 3-bedrooms and 2 or 2.5-bathrooms, each totaling approximately 1,500 square feet.

The proposed date is July 11th, 2022.

The developer requests to be reimbursed up to $651,677 and for the Flint Brownfield Redevelopment Authority to capture up to $34,299 for administration costs.

Immediately, this project will have no impact on the City's general fund. Taxes will continue to be collected as normal with the caveat that all tax capture above the established base will be eligible for capture to reimburse the developer.

FINANCIAL IMPLICATIONS: This will reduce the taxes collected for up to 30 years (see attachment F of the Brownfield Plan)

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN:

Dept. Name of Account	Account Number	Gode	Grant Amount

©Joyce McClane –COF 02-01-20

CITY OF FLINT

FY21/22 GRAND TOTAL

PRE-ENCUMBERED? YES ☐ NO ☐ REQUISITION NO:

ACCOUNTING APPROVAL: Jennifer Ryan (May 24, 2022 10:39 EDT) **Date:** 05/24/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒ *(If yes, please indicate how many years for the contract)* YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (T*his will depend on the term of the bid proposal)*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION*: (PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: __Samantha Fountain, Economic Development Director
(PLEASE TYPE NAME, TITLE)

©Joyce McClane –COF 02-01-20

NOTICE IS HEREBY GIVEN that the City of Flint will hold a public hearing at 5:30 p.m. in the City Council Chamber on the 3rd floor of City Hall, 1101 South Saginaw Street, Flint, Michigan, on 11th day of July on the Brownfield Redevelopment Plan for the Carriage Town Neighborhood Project.

The project site is comprised of parcels in the Carriage Town Neighborhood at 412, 417, and 427 W. Second Avenue, in Flint Michigan. The brownfield plan, which includes maps, plats, and a description of the brownfield project, is available for public inspection at Flint City Hall, in the Clerk's office and in the Planning and Development - Community of Economic Development Office by appointment. All aspects of the brownfield plan are open for discussion at the public hearing. If there are any questions concerning this notice, please contact Samantha Fountain at 810.237.2013.

Flint Homeownership Initiative

Site Plan, Photos of Current Site Conditions, Proposed Renderings

ZONING:
B: TWO-FAMILY RESIDENTIAL
SETBACKS (FOR 2 STORIES)
FRONT: 25'
REAR: 30'
SIDES: 6' (LEAST ONE)
16' (TOTAL)
ACCESSORY STRUCTURE REGULATIONS:
• NOT IN FRONT YARD
• NOT IN SIDE YARD (EXCEPTION: AT LEAST 60' FROM FRONT LOT LINE AND MUST BE DETACHED)
• MINIMUM 5' FROM ANY DWELLING ON SAME LOT
• MINIMUM 5' FROM ANY OTHER ACCESSORY STRUCTURE
• AT LEAST 10' FROM ANY DWELLING ON ADJ. LOT
N GRAND TRAVERSE ST
W SECOND AVE
W FIRST AVE
MASON ST
412
417
PROPERTIES ARE ZONED "B" (TWO-FAMILY A DISTRICT)
GAZAILI, LEWIS
GL
& ASSOCIATES
ARCHITECTS, INC.
CARRIAGE
TOWN
HOUSING
STUDY

412 2nd Ave.

412 2nd Ave

417 2nd Ave.

417 2nd Ave

427 2nd Ave

427 2nd Ave

Attachment

REQUIRED SETBACKS

FRONT: 25'
REAR: 30'
16' (TOTAL)
SIDES: 6' (LEAST ONE)

PROPOSED PROJECT SETBACKS

412 W. Second Avenue: For the duplex lot, the house structures themselves are within the setback but the front porch on each unit is approx. 19'+/- from the front property line (in lieu of the required 25'). If you draw a line from the front of the houses on either side of the duplex property, our proposed front porch would line up with them.

417 and 427 W. Second Avenue: For both single family lots, again, we have the space/ability to stay within the front setback. I was showing the front porch of the proposed houses lined up with the existing houses on that side of the block, which are all in the front setback. That dimension is approx. 16'+/- in lieu of 25'.

427 W. Second Avenue: The garage is over the side setback line, however, the code allows this by an exception stating that we are at least 60' from the front lot line.

Carriage Town Historic Neighborhood Association
Letter of Support

Carriage Town Historic Neighborhood Association
PO Box 1151
Flint, Michigan 48501
www.ctha.org

To preserve and promote our neighborhood, to encourage future reinvestment in the area, and to build a sense of community, making Carriage Town an attractive, diverse and safe neighborhood to live, work and play.

To: Ms. Heather Burnash, Chairperson
City of Flint
Historic District Commission

Date: 11/15/2021

Re: Uptown Reinvestment Corporation - Carriage Town Infill Project

Dear Ms. Burnash,

The Carriage Town Historic Neighborhood Association is excited for the proposal that Uptown Reinvestment Corporation has presented to us outlining new infill housing on 2nd Avenue in our neighborhood. This plan will help to recover a portion of the density we have lost in past years and will increase the quality of life in our neighborhood. We have had several meetings with Joseph Martin of URC and Eric Kehoe of Michigan Community Capital and are impressed with the renderings they presented along with their willingness to listen and make improvements based on our feedback. We believe that the designs and materials presented to us conform to our goals of new construction being held to high standards of quality so as to add value to the district without detracting from or directly imitating the other homes and structures nearby.

We believe that if these homes are built as presented, that they can act as a fine example of new construction within the district. We are sincerely grateful for what felt like a true desire for neighborhood engagement and buy-in from the developers, and we look forward to working with them on these and future projects.

Sincerely,

Nick Kedovary
President
Carriage Town Historic Neighborhood Association

cc: Joseph Martin; URC, Eric Kehoe; MCC

Architectural Site Elevations

PROPOSED DUPLEX #1
VIEW FROM (SOUTH) SECOND AVE

FRONT ELEVATION

SCALE: 3/16" = 1'-0"

GAZALL, LEWIS & ASSOCIATES ARCHITECTS, INC.

CARRIAGE TOWN HOUSING STUDY

412 W. SECOND AVE.

PROPOSED DUPLEX #2
VIEW FROM (SOUTH) SECOND AVE.

FRONT ELEVATION

SCALE: 3/16" = 1'-0"

GAZALL, LEWIS & ASSOCIATES ARCHITECTS, INC.

CARRIAGE TOWN HOUSING STUDY

412 W. SECOND AVE.

PROPOSED SINGLE FAMILY #1
VIEW FROM (NORTH) SECOND AVE

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

GAZALL, LEWIS & ASSOCIATES ARCHITECTS, INC.

CARRIAGE TOWN HOUSING STUDY

417 & 427 W. SECOND AVE.

PROPOSED SINGLE FAMILY #2
VIEW FROM (NORTH) SECOND AVE

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

GAZALL, LEWIS & ASSOCIATES ARCHITECTS, INC.

CARRIAGE TOWN HOUSING STUDY

417 & 427 W. SECOND AVE.

CITY OF FLINT
HISTORIC DISTRICT COMMISSION

Mayor Sheldon Neeley

NOTICE TO PROCEED

The Flint Historic District Commission, having reviewed the attached plans for:

____ Addition

____ Alteration

____ Demolition

____ Partial

____ Total

____ Moving Structure

__x__ New Construction

____ Reconstruction

____ Rehabilitation

____ Repair

____ Restoration

____ Other

For the district resource located at **412 W Second Ave** in the City of Flint local historic district, at the **December 16, 2021** meeting of the Flint Historic District Commission and hereby issues a

NOTICE TO PROCEED

Issued to: Flint Home Ownership Initiative LLC
503 Saginaw St St. #1500
Flint MI 48502

Currently vacant. New construction of two (2) duplex condominiums and two (2) side x side 1.5 car garages.

Heather Burnash, Chair

12-17-21
Date

Distribution:

__ Owner
Building and Safety Inspections
HDC File

CITY OF FLINT
HISTORIC DISTRICT COMMISSION

Mayor Sheldon Neeley

NOTICE TO PROCEED

The Flint Historic District Commission, having reviewed the attached plans for:

____ Addition

____ Alteration

____ Demolition

____ Partial

____ Total

____ Moving Structure

__x__ New Construction

____ Reconstruction

____ Rehabilitation

____ Repair

____ Restoration

____ Other

For the district resource located at **417 W Second Ave** in the City of Flint local historic district, at the **December 16, 2021** meeting of the Flint Historic District Commission and hereby issues a

NOTICE TO PROCEED

Issued to: Flint Home Ownership Initiative LLC
503 Saginaw St St. #1500
Flint MI 48502

Currently vacant. New construction of a for-sale single-family houses with optional 2 car garage.

Heather Burnash, Chair

12-17-21
Date

Distribution:

Owner
Building and Safety Inspections
HDC File

CITY OF FLINT
HISTORIC DISTRICT COMMISSION

Mayor Sheldon Neeley

NOTICE TO PROCEED

The Flint Historic District Commission, having reviewed the attached plans for:

____ Addition

____ Alteration

____ Demolition

____ Partial

____ Total

____ Moving Structure

__x__ New Construction

____ Reconstruction

____ Rehabilitation

____ Repair

____ Restoration

____ Other

For the district resource located at **427 W Second Ave** in the City of Flint local historic district, at the **December 16, 2021** meeting of the Flint Historic District Commission and hereby issues a

NOTICE TO PROCEED

Issued to: Flint Home Ownership Initiative LLC
503 Saginaw St St. #1500
Flint MI 48502

Currently vacant. New construction of a for-sale single-family houses with optional 2 car garage.

Heather Burnash, Chair

12-17-21
Date

Distribution:

__ Owner
__ Building and Safety Inspections
HDC File

CITY OF FLINT

RESOLUTION NO.: 220223

PRESENTED: JUN - 8 2022

ADOPTED: _____

Resolution Authorizing Change Order #1 to Contract 21-090 with Genesee County Youth Corporation to Add $132,000.00 for a New Total Contract Amount of $413,373.00

BY THE CITY ADMINISTRATOR:

WHEREAS, The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of $2,441,943.00 for ESG. These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

WHEREAS, At its meeting on August 10, 2021, the Flint City Council authorized allocations to several agencies, including $281,373.00 to Genesee County Youth Corporation for shelter operations and essential services and Rapid Rehousing services.

WHEREAS, Genesee County Youth Corporation has indicated a need for additional funds. Staff is recommending an additional $132,000.00 be awarded to Genesee County Youth Corporation for building repairs, cleaning products, N95 masks, sanitizers, carpeting, new bedding and additional costs to cover purchase of new vehicle.

WHEREAS, ESG-CV Shelter operations funding is available to be allocated to eligible agencies/activities.

WHEREAS, Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, The Community and Economic Development Division will publish on the City's website, a notification of CARES Act Award to My Brother's Keeper and how funds will be used.

CITY OF FLINT

WHEREAS, Funding is available in the following accounts:

Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG Shelter Operations	282-733.101-531.000	FHUD-ESGCA	$132,000.00
P&D	ESG Shelter Operations	282-733.101-963.000	FHUD-ESGCA	$132,000.00

IT IS RESOLVED, That the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #1 to Contract 21-090 with Genesee County Youth Corporation in the amount of $132,000 for a new total contract amount of $413,373.00

APPROVED AS TO FORM:

William Kim (May 27, 2022 13:22 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCES:

Robert J.F. Widigan

Robert J.F. Widigan, Chief Financial Officer

ADMINISTRATION:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 31, 2022 14:11 EDT)

Clyde Edwards, City Administrator

CITY COUNCIL:

CITY OF FLINT

RESOLUTION STAFF REVIEW

May 26, 2022

AGENDA ITEM TITLE: Resolution Authorizing Change Order #1 to Contract 21-090 with Genesee County Youth Corporation to Add $132,000.00 for a New Total Contract Amount of $413,373.00

PREPARED BY: Department of Planning and Development – Community and Economic Development Division – K. L. Miller

VENDOR NAME: Genesee County Youth Corporation

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of $2,441,943 for Emergency Solutions Grant funding (ESG). These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

At its meeting on August 10, 2021, the Flint City Council authorized allocations to several agencies (Resolution #210368.1), including $281,373 to Genesee County Youth Corporation for shelter operations and essential services and Rapid Rehousing services. This same resolution allocated $1,372,539 in shelter operations, with agencies to be identified later. The City has been working with shelter agencies to identify uses for these funds and Genesee County Youth Corporation has indicated a need for additional funds. Staff is recommending an additional $132,000 be awarded to Genesee County Youth Corporation for building repairs, cleaning products, N95 masks, sanitizers, carpeting, new bedding and additional costs to cover purchase of new vehicle.

Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, the City has published on its website, on the Community and Economic Development page, how it is using its ESG-CV funds.

FINANCIAL IMPLICATIONS: Funds for this purpose are reserved to provide services to the homeless population in Flint and serve to prevent, prepare for or respond to coronavirus. Funds determined to be ineligible, paid and drawn, must be repaid using general fund dollars.

CITY OF FLINT

BUDGETED EXPENDITURE? YES ☐ NO ☐ IF NO, PLEASE EXPLAIN: N/A

*****Upon Adoption BA will be completed to move from uncommitted accounts to GCYC specific accounts. *****

Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG Shelter Operations TBD	282-733.101-531.000	FHUD-ESGCA	$132,000
P&D	ESG Shelter Operations TBD	282-733.101-963.000	FHUD-ESGCA	$132,000
P&D	Genesee County Youth Corp.	282-733.390-531.000	FHUD-ESGCA	$132,000
P&D	Genesee County Youth Corp.	282-733.390-805.101	FHUD-ESGCA	$132,000

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 220005617

ACCOUNTING APPROVAL: Carissa Dotson, remotely Date: 05/27/22

FINANCE APPROVAL: Martita Moffett-Page
Martita Moffett-Page (May 31, 2022 12:51 EDT) Date: 05/31/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐
(If yes, please indicate how many years for the contract) 1 YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (T*his will depend on the term of the bid proposal) n/a*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*): N/A

STAFF RECOMMENDATION*: (PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:

Suzanne Wilcox

Suzanne Wilcox, Director

CITY OF FLINT

RESOLUTION NO.: 220224

PRESENTED: JUN - 8 2022

ADOPTED: _____

Resolution Authorizing Change Order #2 to Contract 21-091 with My Brother's Keeper of Genesee County to Add $86,097 for a New Total Contract Amount of $303,307

BY THE CITY ADMINISTRATOR:

WHEREAS, The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of $2,441,943 for ESG. These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

WHEREAS, At its meeting on August 10, 2021, the Flint City Council authorized allocations to several agencies, including $167,210 to My Brother's Keeper for shelter operations and essential services. At its meeting on October 20, 2021, the Flint City Council authorized Change Order #1 in the amount of $50,000 to My Brother's Keeper for shelter operations and essential services.

WHEREAS, My Brother's Keeper has indicated a need for additional funding for staff hazard pay, furniture for social distancing, HVAC upgrade and security system. Staff is recommending an additional $86,097 be awarded to My Brother's Keeper.

WHEREAS, ESG-CV Shelter operations funding is available to be allocated to eligible agencies/activities.

WHEREAS, Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, The Community and Economic Development Division will publish on the City's website, a notification of CARES Act Award to My Brother's Keeper and how funds will be used.

CITY OF FLINT

WHEREAS, Funding is available in the following accounts:

Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG Shelter Operations	282-733.101-531.000	FHUD-ESGCA	$86,097
P&D	ESG Shelter Operations	282-733.101-963.000	FHUD-ESGCA	$86,097

IT IS RESOLVED, That the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #2 to Contract 21-091 with My Brother's Keeper of Genesee County in the amount of $86,097 for a new total contract amount of $303,307

APPROVED AS TO FORM:

William Kim (May 25, 2022 11:10 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCES:

Robert J.F. Widigan

Robert J.F. Widigan, Chief Financial Officer

ADMINISTRATION:

CLYDE D EDWARDS

CLYDE D EDWARDS (May 25, 2022 15:54 EDT)

Clyde Edwards, City Administrator

CITY COUNCIL:

CITY OF FLINT

RESOLUTION STAFF REVIEW

May 20, 2022

AGENDA ITEM TITLE: Resolution Authorizing Change Order #2 to Contract 21-091 with My Brother's Keeper of Genesee County to Add $86,097 for a New Total Contract Amount of $303,307

PREPARED BY: Department of Planning and Development – Community and Economic Development Division – K. L. Miller

VENDOR NAME: My Brother's Keeper

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of $2,441,943 for Emergency Solutions Grant funding (ESG). These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

At its meeting on August 10, 2021, the Flint City Council authorized allocations to several agencies (Resolution #210368.1), including $167,210 to My Brother's Keeper for shelter operations and essential services. This same resolution allocated $1,372,539 in shelter operations, with agencies to be identified later. At its meeting on October 20, 2021, the Flint City Council authorized Change Order #1 (Resolution #210519) in the amount of $50,000 to My Brother's Keeper for shelter operations and essential services. The City has been working with shelter agencies to identify uses for these funds and My Brother's Keeper has indicated a need for additional funds. Staff is recommending an additional $86,097 be awarded to My Brother's Keeper for staff hazard pay, furniture for social distancing, HVAC upgrade and security cameras.

Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, the City has published on its website, on the Community and Economic Development page, how it is using its ESG-CV funds.

FINANCIAL IMPLICATIONS: Funds for this purpose are reserved to provide services to the homeless population in Flint and serve to prevent, prepare for or respond to coronavirus. Funds determined to be ineligible, paid and drawn, must be repaid using general fund dollars.

CITY OF FLINT

BUDGETED EXPENDITURE? YES ☐ NO ☐ IF NO, PLEASE EXPLAIN: N/A

*****Upon Adoption, BA will be completed from the UNCOMMITTED to the MBK specific accounts. *****

Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG Shelter Operations TBD	282-733.101-531.000	FHUD-ESGCA	$86,097
P&D	ESG Shelter Operations TBD	282-733.101-963.000	FHUD-ESGCA	$86,097
P&D	My Brother's Keeper	282-733.450-531.000	FHUD-ESGCA	$86,097
P&D	My Brother's Keeper	282-733.450-805.101	FHUD-ESGCA	$86,097

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 220005615

ACCOUNTING APPROVAL: Carissa Dotson, remotely Date: 05/23/2022

FINANCE APPROVAL: Martita Moffett-Page Martita Moffett-Page (May 24, 2022 10:19 EDT) Date: 05/24/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐
(If yes, please indicate how many years for the contract) 1 YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (T*his will depend on the term of the bid proposal) n/a*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*): N/A

STAFF RECOMMENDATION*: (PLEASE SELECT):* ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:

Suzanne Wilcox

Suzanne Wilcox, Director

RESOLUTION NO.: 220229

PRESENTED: JUN 13 2022

ADOPTED:

Resolution Halting the Eviction of House of Esther and the Flint Freedom School Collaborative for 60 days

BY THE CITY COUNCIL:

On May 18, 2022, at a regular Finance Committee meeting of the Flint City Council, Councilperson Lewis, with support from Councilperson Mays, made a motion to halt the eviction of the House of Esther and the Flint Freedom School Collaborative for 60 days.

The vote was:

Aye: 7 – Mays, Lewis, Murphy, Priestley, Winfrey-Carter, Burns, Herkenroder
No: 0
Absent: 2 – Pfeiffer, Worthing

IT IS RESOLVED that the Flint City Council hereby asks the Administration to do all things necessary to halt the eviction of the House of Esther and the Flint Freedom School Collaborative for 60 days from the date of the Council vote, May 18, 2022.

APPROVED AS TO FORM:

APPROVED BY CITY COUNCIL:

William Y. Kim,
Chief Legal Officer

220166

ORDINANCE NO. _____

An Ordinance to amend the Flint Code of Ordinances, Chapter 30, Nuisances, by the addition of Section 30-40.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 30, Nuisances, by adding Section 30-40, Reckless Driving, which shall read in its entirety as follows:

§30-40. RECKLESS DRIVING

(A) ANY MOTOR VEHICLE USED FOR THE PURPOSE OF RECKLESS DRIVING IN A RESIDENTIAL NEIGHBORHOOD IN THE CITY OF FLINT IS DECLARED A NUISANCE. ALL SUCH NUISANCES ARE SUBJECT TO ENJOINMENT AND ABATEMENT AS PROVIDED UNDER STATE AND LOCAL LAW. ANY PERSON, OR HIS AGENT OR EMPLOYEE, WHO OWNS, LEASES, OR OPERATES A MOTOR VEHICLE IN VIOLATION OF THIS SECTION IS GUILTY OF A NUISANCE.

(B) THE CITY ATTORNEY MAY MAINTAIN AN ACTION FOR NUISANCE ABATEMENT EQUITABLE RELIEF IN THE NAME OF THE CITY OF FLINT IN GENESEE COUNTY CIRCUIT COURT, AND MAY SETTLE ANY SUCH ACTION FOR, AT MINIMUM, THE PAYMENT OF AN ADMINISTRATIVE FINE OF NO LESS THAN $900 AND ALL ACCRUED TOWING AND STORAGE CHARGES.

(C) AS SET FORTH IN THIS SECTION, "RECKLESS DRIVING" MEANS CONDUCT THAT VIOLATES MCL 257.626, OR OTHERWISE OPERATING A VEHICLE WITH WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY, INCLUDING BUT NOT LIMITED TO THE USE OF STUNT DRIVING TECHNIQUES SUCH AS FIGURE EIGHTS, SLIDING, DRIFTING, AND DONUTS.

(D) AS SET FORTH IN THIS SECTION, "RESIDENTIAL NEIGHBORHOOD" MEANS ANY STREETS THAT HAVE A POSTED OR UNPOSTED SPEED LIMIT OF 25 MPH OR LESS.

Sec. 2. This ordinance shall become effective immediately upon publication.

Adopted this _____ day of _____ 2022, A.D.

APPROVED AS TO FORM:

_____
William Kim, Chief Legal Officer

_____
Sheldon A. Neeley, Mayor

_____
Inez M. Brown, City Clerk

220192

ORDINANCE NO._____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 18, Taxation; Funds; Purchasing; Article IV, Purchases.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 18, Taxation; Funds; Purchasing; Article IV, by the addition of Section 18-21.14 Sale of City Personal Property which shall read in its entirety as follows:

§ 18-21.14 SALE OF CITY PERSONAL PROPERTY.

(A) The City may dispose by sale at public auction of certain personal property belonging to the City. The procedure for selling personal property of the City at auction shall be set forth in this section.

(B) The Purchasing Director is responsible for the sale, lease, and transfer of all City personal property.

(C) When it has been determined by any Department Head of a department of the City that said department has personal property owned by the City which may in the best interest of the City be disposed of, said Department Head must submit to the Purchasing Director a report of such property which shall be sufficiently detailed listing the items and the estimated fair market value of each item. If the Purchasing Director concurs with the Department Head's recommendation, the Purchasing Director shall find the personal property **EITHER (1)** eligible for sale by auction **OR (2) IMPRACTICAL TO SELL BY AUCTION BECAUSE OF LOW OR OTHERWISE NOMINAL FAIR MARKET VALUE, LIMITED OR RESTRICTED MARKET, LEGAL RESTRICTIONS, OR ANY OTHER REASONABLE BASIS IDENTIFIED BY THE PURCHASING DIRECTOR.**

(D) **IF THE PERSONAL PROPERTY IS ELIGIBLE FOR SALE BY AUCTION**, the Purchasing Director shall appoint or designate a qualified auction company to competitively bid, sale, lease, and transfer personal property owned by the City and maintain records of all sales.

(E) The sales under this section shall be conducted in accordance with the uniform commercial code and any other applicable law of the State of Michigan.

(F) Nothing contained herein is intended to contradict other means of selling personal property owned by the City **AS MAY BE OTHERWISE PERMITTED BY LAW**.

(F) IF IT IS IMPRACTICAL TO SELL THE PERSONAL PROPERTY BY AUCTION, THE PURCHASING DIRECTOR SHALL AUTHORIZE THE DEPARTMENT HEAD TO SELL, TRANSFER, OR OTHERWISE DISPOSE OF THE PERSONAL PROPERTY IN A MANNER REASONABLY CALCULATED TO MINIMIZE THE COST TO THE CITY.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2022, A.D.

Adopted this _____ day of _____, 2022, A.D.

FOR THE CITY:

_____

Sheldon A. Neeley, Mayor

_____

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

_____

William Kim, City Attorney

220225

ORDINANCE NO._____

An Ordinance to amend Chapter 50 of the Flint City Code of Ordinances by removal of the current Chapter 50 and replacing it with the new Chapter 50.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 50, Zoning, by repealing said Ordinance and adopting Chapter 50, Zoning, Articles 1 through 18, which shall read in its entirety as follows:

ARTICLE 1 TITLE, PURPOSE AND SCOPE

§ 50-1. TITLE.

THIS CHAPTER SHALL BE KNOWN AS THE "ZONING CODE" OF THE CITY OF FLINT, MICHIGAN.

§ 50-2. AUTHORITY

THIS CHAPTER IS ENACTED PURSUANT TO THE AUTHORITY GRANTED BY THE MICHIGAN ZONING ENABLING ACT 12 OF THE PUBLIC ACTS OF 2008, AS AMENDED.

§ 50-3. PURPOSE AND INTENT

THIS CHAPTER IS NECESSARY TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE CITY OF FLINT (CITY) AS WELL AS TO:

A. MEET THE NEEDS OF THE CITY'S CITIZENS FOR FOOD, FIBER, ENERGY AND OTHER NATURAL RESOURCES;

B. PROVIDE PLACES FOR RESIDENCE, RECREATION, INDUSTRY, TRADE, SERVICES, AND OTHER USES OF LAND;

C. ENSURE USES OF LAND ARE SITUATED IN APPROPRIATE LOCATIONS;

D. LIMIT INAPPROPRIATE OVERCROWDING OF LAND AND CONGESTION OF POPULATION, TRANSPORTATION SYSTEMS AND NETWORKS, AND OTHER PUBLIC FACILITIES;

E. FACILITATE ADEQUATE, EFFICIENT AND SUSTAINABLE PUBLIC INFRASTRUCTURE AND SYSTEMS FOR TRANSPORTATION, SANITARY AND STORM SEWAGE COLLECTION AND DISPOSAL, POTABLE WATER, RECREATION AND OTHER PUBLIC SERVICES AND AMENITIES FOR ALL OF FLINT;

F. PROMOTES THE SOCIALLY EQUITABLE DEVELOPMENT OF OUR BUILT AND NATURAL ENVIRONMENTS;

G. PROMOTE A BALANCED SUPPLY OF COMMERCIAL, INDUSTRIAL, INSTITUTIONAL AND TRANSPORTATION LAND USES THAT ARE COMPATIBLE WITH ADJACENT LAND USES AND HAVE GOOD ACCESS TO PUBLIC INFRASTRUCTURE;

H. PRESERVE THE OVERALL QUALITY OF LIFE FOR RESIDENTS AND VISITORS;

I. PROTECT THE CHARACTER

AND QUALITY OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS;

J. ALLOW FOR AND ADVANCE INNOVATION IN NEW RESIDENTIAL DEVELOPMENT AND REDEVELOPMENT THAT MEETS THE DEMAND FOR HOUSING WITH A GREATER VARIETY IN THE TYPE AND DESIGN OF DWELLINGS;

K. ALLOW FOR AND ADVANCE INNOVATION IN INDUSTRY AND COMMERCE IN A WAY THAT IS COMPATIBLE WITH EXISTING AND ANTICIPATED FUTURE DEVELOPMENT;

L. MAINTAIN AND ENHANCE ECONOMICALLY VIBRANT AS WELL AS ATTRACTIVE BUSINESS AND COMMERCIAL AREAS;

M. IMPLEMENT THE THEMES, POLICIES AND GOALS CONTAINED IN OFFICIALLY ADOPTED PLANS, INCLUDING THE CITY OF FLINT MASTER PLAN;

N. PROMOTE PEDESTRIAN, BICYCLE AND PUBLIC TRANSIT USE;

O. ENSURE ADEQUATE LIGHT, AIR, PRIVACY, AND ACCESS TO PROPERTY;

P. ENCOURAGE ENVIRONMENTALLY RESPONSIBLE DEVELOPMENT PRACTICES;

Q. PROMOTE REHABILITATION AND REUSE OF OLDER BUILDINGS;

R. ESTABLISH CLEAR, FAIR AND EFFICIENT DEVELOPMENT REVIEW AND APPROVAL PROCEDURES; AND

S. ACCOMMODATE GROWTH AND DEVELOPMENT THAT COMPLIES WITH THE PREVIOUSLY STATED PURPOSES.

§ 50-4. EFFECTIVE DATE

THIS CHAPTER SHALL TAKE EFFECT AND BE IN FORCE ON AND AFTER NINETY DAYS AFTER FLINT CITY COUNCIL ADOPTION.

§ 50-5. APPLICABILITY

THIS CHAPTER IS APPLICABLE TO ALL LAND LOCATED WITHIN THE CITY. ZONING AFFECTS EVERY BUILDING, STRUCTURE AND USE AND EXTENDS VERTICALLY. NO BUILDING OR STRUCTURE, OR PART THEREOF, SHALL HEREAFTER BE ERECTED, CONSTRUCTED, ALTERED, MAINTAINED OR USED, AND NO NEW USE OR CHANGE SHALL BE MADE TO ANY BUILDING, STRUCTURE OR LAND, OR PART THEREOF, EXCEPT IN CONFORMITY WITH THIS CHAPTER. ALL LANDS, BUILDINGS, AND USES IN A ZONE DISTRICT SHALL BE SUBJECT, WHERE APPLICABLE, TO THE PROVISIONS OF THIS CHAPTER.

§ 50-6. VESTED RIGHTS

NOTHING IN THIS CHAPTER SHALL BE INTERPRETED OR CONSTRUED TO GIVE RISE TO PERMANENT VESTED RIGHTS IN THE CONTINUATION OF ANY PARTICULAR USE, DENSITY, ZONE DISTRICT OR PERMISSIBLE

ACTIVITY THEREIN. ALL LAND, BUILDINGS, STRUCTURES, USES AND DESIGNATIONS ARE HEREBY DECLARED TO BE SUBJECT TO SUCH SUBSEQUENT AMENDMENT, CHANGE OR MODIFICATION AS MAY BE NECESSARY FOR THE PRESERVATION OR PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

§ 50-7. RELATIONSHIP TO THE CITY MASTER PLAN

THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF THIS CHAPTER SHALL BE CONSISTENT WITH THE CITY MASTER PLAN, AND ANY ADOPTED AREA SPECIFIC PLANS. IN THE EVENT THIS CHAPTER BECOMES INCONSISTENT WITH THE AFOREMENTIONED PLANS, THEN THIS CHAPTER SHALL BE AMENDED WITHIN A REASONABLE TIME TO BECOME OR REMAIN CONSISTENT IN COMPLIANCE WITH STATE LAW.

§ 50-8. RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

A. OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS OR PERMITS. THIS CHAPTER IS INTENDED TO COMPLEMENT OTHER MUNICIPAL, STATE AND FEDERAL REGULATIONS THAT AFFECT LAND USE. WHERE CONDITIONS, STANDARDS OR REQUIREMENTS IMPOSED BY ANY PROVISION OF THIS CHAPTER ARE MORE RESTRICTIVE THAN COMPARABLE STANDARDS IMPOSED BY OTHER REGULATIONS, THE PROVISIONS OF THIS CHAPTER SHALL GOVERN.

B. PRIVATE AGREEMENTS. THIS CHAPTER IS NOT INTENDED TO REVOKE OR REPEAL ANY EASEMENT, COVENANT OR OTHER PRIVATE AGREEMENT; PROVIDED, HOWEVER, THAT WHERE THIS CHAPTER IMPOSES A GREATER RESTRICTION OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS, THE PROVISIONS OF THIS CHAPTER SHALL CONTROL. NOTHING IN THIS CHAPTER SHALL MODIFY OR REPEAL ANY PRIVATE COVENANT OR DEED RESTRICTION, BUT SUCH COVENANT OR RESTRICTION SHALL NOT EXCUSE ANY FAILURE TO COMPLY WITH THIS CHAPTER. THE CITY SHALL NOT BE OBLIGATED TO ENFORCE THE PROVISIONS OF ANY EASEMENTS, COVENANTS, OR AGREEMENTS BETWEEN PRIVATE PARTIES.

§ 50-9. CONFLICTS BETWEEN CHAPTER STANDARDS

IN CASES WHERE TWO OR MORE STANDARDS IN THIS CHAPTER CONFLICT WITH ONE ANOTHER, THE MORE RESTRICTIVE STANDARD SHALL NOT NECESSARILY CONTROL. RATHER, THE DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE, SHALL DETERMINE WHICH STANDARD CONTROLS BASED ON THE DEGREE TO WHICH A PARTICULAR STANDARD RESULTS IN:

A. GREATER CONSISTENCY

WITH THE GOALS AND OBJECTIVES CONTAINED WITHIN THE ADOPTED CITY MASTER PLAN;

B. MORE SUPPORTIVE OF THE PURPOSES OF THIS CHAPTER AS DESCRIBED IN SECTION 50-3.

C. INCREASED COMPATIBILITY WITH ADJACENT DEVELOPMENT AND SURROUNDING COMMUNITY CHARACTER;

D. ENHANCED ENVIRONMENTAL QUALITY AND NATURAL RESOURCES PROTECTION;

E. GREATER PROTECTION AND PRESERVATION OF HISTORIC AND CULTURAL RESOURCES; AND

F. HIGHER QUALITY OF BUILDING FORM, DESIGN AND/OR ARCHITECTURE.

§ 50-10. HEADINGS AND ILLUSTRATIONS

HEADINGS AND ILLUSTRATIONS ARE PROVIDED FOR CONVENIENCE AND REFERENCE ONLY AND DO NOT DEFINE OR LIMIT THE SCOPE OF ANY PROVISION OF THIS CHAPTER. IN THE CASE OF ANY DIFFERENCE OF MEANING OR IMPLICATION BETWEEN THE TEXT OF THIS CHAPTER AND ANY HEADING, DRAWING, TABLE, FIGURE, OR ILLUSTRATION, THE TEXT SHALL GOVERN.

§ 50-11. SEVERABILITY

A. IF ANY COURT OF COMPETENT JURISDICTION INVALIDATES ANY PROVISION OF THIS CHAPTER, THEN SUCH JUDGMENT SHALL NOT AFFECT THE VALIDITY AND CONTINUED ENFORCEMENT OF ANY OTHER PROVISION OF THIS CHAPTER.

B. IF ANY COURT OF COMPETENT JURISDICTION INVALIDATES THE APPLICATION OF ANY PROVISION OF THIS CHAPTER TO A PARTICULAR PROPERTY, STRUCTURE, OR SITUATION, THEN SUCH JUDGMENT SHALL NOT AFFECT THE APPLICATION OF THAT PROVISION TO ANY OTHER BUILDING, STRUCTURE, OR SITUATION NOT SPECIFICALLY INCLUDED IN THAT JUDGMENT.

C. IF ANY COURT OF COMPETENT JURISDICTION JUDGES INVALID ANY CONDITION ATTACHED TO THE APPROVAL OF A DEVELOPMENT REVIEW APPLICATION, THEN SUCH JUDGMENT SHALL NOT AFFECT ANY OTHER CONDITIONS OR REQUIREMENTS ATTACHED TO THE SAME APPROVAL THAT ARE NOT SPECIFICALLY INCLUDED IN THAT JUDGMENT.

D. WHENEVER A CONDITION OR LIMITATION IS INCLUDED IN AN ADMINISTRATIVE ACTION AUTHORIZING REGULATORY ACTIVITY, THEN IT SHALL BE CONCLUSIVELY PRESUMED THAT THE AUTHORIZING OFFICER, COMMISSION, OR BOARD CONSIDERED SUCH CONDITION OR LIMITATION

NECESSARY TO CARRY OUT THE SPIRIT AND INTENT OF THIS CHAPTER, AND THAT THE OFFICER, COMMISSION, OR BOARD WOULD NOT HAVE GRANTED THE AUTHORIZATION TO WHICH THE CONDITION OR LIMITATION PERTAINED EXCEPT IN BELIEF THAT THE CONDITION OR LIMITATION WAS LAWFUL.

§ 50-12. TRANSITIONAL PROVISIONS

THE PURPOSE OF TRANSITIONAL PROVISIONS IS TO RESOLVE THE STATUS OF PROPERTIES WITH PENDING APPLICATIONS OR RECENT APPROVALS AND PROPERTIES WITH OUTSTANDING VIOLATIONS PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER.

A. PROCESSING OF APPLICATIONS. APPLICATIONS, RE-APPLICATIONS OR REQUESTS THAT WERE SUBMITTED IN COMPLETE FORM AND ARE PENDING APPROVAL BEFORE [INSERT ADOPTION DATE OF NEW CODE], SHALL BE GOVERNED EXCLUSIVELY BY THE PREVIOUS CHAPTER ORIGINALLY ENACTED ON [INSERT ADOPTION DATE OF CURRENT ORDINANCE] (KNOWN AS "PREVIOUS CHAPTER") UNTIL [INSERT ADOPTION DATE OF NEW CODE], AND ON THAT DATE AND THEREAFTER EXCLUSIVELY BY THIS CHAPTER. ALL DEVELOPMENT APPLICATIONS, RE-APPLICATIONS OR REQUESTS SUBMITTED ON OR AFTER [INSERT ADOPTION DATE OF NEW CODE], SHALL BE SUBJECT TO AND REVIEWED WHOLLY UNDER THE TERMS OF THIS CHAPTER.

B. APPROVED PROJECT. ANY BUILDING, DEVELOPMENT OR STRUCTURE FOR WHICH A FINAL BUILDING PERMIT WAS ISSUED BEFORE [INSERT ADOPTION DATE OF NEW CODE] MAY BE COMPLETED IN CONFORMANCE WITH THE ISSUED BUILDING PERMIT AND OTHER APPLICABLE PERMITS AND CONDITIONS, EVEN IF SUCH BUILDING, DEVELOPMENT OR STRUCTURE DOES NOT FULLY COMPLY WITH PROVISIONS OF THIS CHAPTER. IF CONSTRUCTION IS NOT COMMENCED AND DILIGENTLY PURSUED WITHIN THE TIME ALLOWED UNDER THE ORIGINAL PERMIT OR ANY EXTENSION GRANTED, THEN THE BUILDING, DEVELOPMENT OR STRUCTURE MUST BE CONSTRUCTED, COMPLETED AND OCCUPIED ONLY IN STRICT COMPLIANCE WITH THE STANDARDS OF THIS CHAPTER.

C. VIOLATION CONTINUES. ANY VIOLATION IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER SHALL CONTINUE TO BE A VIOLATION UNDER THIS CHAPTER AND BE SUBJECT TO PENALTIES AND ENFORCEMENT. HOWEVER, IF THE USE, DEVELOPMENT, CONSTRUCTION OR OTHER ACTIVITY THAT WAS A

VIOLATION PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER COMPLIES WITH THE EXPRESS TERMS OF THIS CHAPTER, ENFORCEMENT ACTION SHALL CEASE, EXCEPT TO THE EXTENT OF COLLECTING PENALTIES FOR VIOLATIONS THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER. THE ADOPTION OF THIS CHAPTER DOES NOT AFFECT NOR PREVENT ANY PENDING OR FUTURE PROSECUTION OF, OR ACTION TO ABATE, VIOLATIONS THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER.

D. NONCONFORMITY. ANY NONCONFORMITY IN EXISTENCE PRIOR TO THE EFFECTIVE DATE ON THIS CHAPTER SHALL ALSO BE A NONCONFORMITY UNDER THIS CHAPTER, AS LONG AS THE SITUATION THAT RESULTED IN THE NONCONFORMING STATUS CONTINUES TO EXIST. IF, HOWEVER, A NONCONFORMING SITUATION IN EXISTENCE PRIOR TO THE EFFECTIVE DATE ON THIS CHAPTER BECOMES CONFORMING BECAUSE OF THE ADOPTION OF THIS CHAPTER, OR ANY SUBSEQUENT AMENDMENT, THEN THE SITUATION SHALL NO LONGER BE CONSIDERED A NONCONFORMITY. A SITUATION THAT DID NOT CONSTITUTE A NONCONFORMING SITUATION PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER DOES NOT ACHIEVE NONCONFORMING STATUS UNDER THIS CHAPTER MERELY BY REPEAL OF THE PREVIOUS CHAPTER.

E. EXISTING USE.

1. WHEN A USE CLASSIFIED AS A SPECIAL LAND USE UNDER THIS CHAPTER EXISTED AS AN APPROVED CONDITIONAL USE OR PERMITTED USE PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER, SUCH USE SHALL BE CONSIDERED A LEGAL SPECIAL LAND USE EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SECTION.

2. WHEN ANY AMENDMENT TO THIS CHAPTER ALTERED THE CLASSIFICATION OF A PERMITTED USE TO A SPECIAL LAND USE, ANY USE LEGALLY ESTABLISHED BEFORE SUCH AMENDMENT SHALL BE CONSIDERED A LEGAL SPECIAL LAND USE ON AND AFTER THE EFFECTIVE DATE OF SUCH AMENDMENT.

3. **A LAWFULLY ESTABLISHED, EXISTING USE THAT IS NOT ALLOWED AS A SPECIAL LAND USE OR A PERMITTED USE IN THE ZONE DISTRICT IN WHICH THE USE IS NOW LOCATED SHALL BE CONSIDERED A NONCONFORMING USE AND SHALL BE SUBJECT TO ALL APPLICABLE REGULATIONS.**

ARTICLE 2 MAPPED ZONE DISTRICTS

§ 50-13. PURPOSE AND INTENT

THIS ARTICLE ESTABLISHES SEVENTEEN (17) ZONING DISTRICTS THAT CORRESPOND TO DEVELOPMENT REGULATIONS INCLUDED THROUGHOUT THIS CHAPTER. DEVELOPMENT REGULATIONS DESCRIBED IN THIS ARTICLE OR SUBSEQUENT ARTICLES SHALL BE APPLIED TO THE ZONING DISTRICT(S) IDENTIFIED AS APPLICABLE FOR THAT REGULATION. IN INSTANCES WHERE A REGULATION IS NOT DESCRIBED AS APPLICABLE TO ONE OR MORE SPECIFIC ZONING DISTRICTS, IT SHALL BE APPLICABLE TO DEVELOPMENT IN ALL ZONING DISTRICTS.

§ 50-14. ZONE DISTRICTS

THE CITY OF FLINT IS HEREBY DIVIDED INTO THE FOLLOWING ZONING DISTRICTS:

Table 50-14. Zone Districts		
Abbre	Zone District Name	§
Residential Zoning Districts		
GN-1	Green Neighborhood-Low Density	50-16
GN-2	Green Neighborhood-Medium Density	50-17
TN-1	Traditional Neighborhood – Low Density	50-18
TN-2	Traditional Neighborhood – Medium Density	50-19
MR-1	Mixed-Residential – Low Density	50-20
MR-2	Mixed-Residential – Medium Density	50-21
MR-3	Mixed-Residential – High Density	50-22
Commercial Zoning Districts		
NC	Neighborhood Center	50-23
CC	City Corridor	50-24
DE	Downtown – Edge	50-25
DC	Downtown – Core	50-26
Employment Districts		
CE	Commerce and Employment	50-27
PC	Production Center	50-28
GI-2	Green Innovation – High Intensity	50-29
Institutional/Innovation Districts		
IC	Institutional Campus	50-30
UC	University Core	50-31
GI-1	Green Innovation – Medium Intensity	50-32
Open Space Districts		
OS	Open Space	50-33

§ 50-15. ZONING MAP

A. BOUNDARIES. THE BOUNDARIES OF THESE CLASSIFICATIONS ARE

HEREBY ESTABLISHED AS SHOWN ON A MAP ENTITLED "THE ZONING MAP OF THE CITY OF FLINT, MICHIGAN," WHICH IS INCORPORATED INTO AND MADE A PART OF THIS CHAPTER AND WHICH IS MAINTAINED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT.

B. INTERPRETATION OF BOUNDARIES. WHERE UNCERTAINTY EXISTS REGARDING THE BOUNDARIES OF A ZONE DISTRICT AS SHOWN ON THE OFFICIAL ZONING MAP, THE FOLLOWING RULES SHALL APPLY:

1. BOUNDARIES INDICATED AS APPROXIMATELY FOLLOWING THE CENTERLINES OF STREETS, HIGHWAYS OR ALLEYS SHALL BECONSTRUED TO FOLLOW THO SECENTERLINES;
2. BOUNDARIES INDICATED AS APPROXIMATELY FOLLOWING PLATTED LOT LINES SHALL BE CONSTRUED AS FOLLOWING THE LOT LINES;
3. BOUNDARIES INDICATED AS APPROXIMATELY FOLLOWING CITY LIMITS SHALL BE CONSTRUED AS FOLLOWING CITY LIMITS; AND
4. BOUNDARIES INDICATED ASFOLLOWING SHORELINES SHALL BE CONSTRUED AS FOLLOWING THE SHORELINE, AND IN THE EVENT OF CHANGEIN SHORELINE SHALL BE CONSTRUED AS MOVING WITH THESHORELINE.
5. IN CIRCUMSTANCES NOT COVERED BYSUBSECTIONS B.1.THROUGH B.4. ABOVE, THE DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE,SHALL INTERPRET A ZONE DISTRICTBOUNDARY AFTERREVIEW OF THE FOLLOWING:
   I. LOT LINE AND ZONE DISTRICT PLACEMENT;
   II. EXISTING LAND USES;
   III. STAFF MEMOS, MINUTES AND OTHER INFORMATION WHEN THE DESIGNATION WAS MADE; AND
   IV. HISTORICAL CONTEXT IN THE UNDERSTANDING AND TREATMENT OF DISTRICT LINES.

C. **WHERE CHANGES ARE MADE IN A ZONE DISTRICT, THOSE CHANGES SHALL BE ENTERED ON THE OFFICIAL ZONING MAP PROMPTLY AFTER THE AMENDMENT TO THIS CHAPTER HAS BEEN APPROVED BY THE CITY COUNCIL.**

D. **IN ANY CASE WHERE A PROPERTY HAS NOT BEEN SPECIFICALLY INCLUDED WITHIN A ZONE DISTRICT, IT IS HEREBY DECLARED TO BE IN THE GN-1 (GREEN NEIGHBORHOOD – LOW DENSITY) DISTRICT. PROVIDED, HOWEVER, THATWHERE PROPERTY ANNEXED TO THE CITY HAS**

BEEN RESTRICTED BY PREVIOUS ZONING REGULATIONS OF THE FORMER MUNICIPALITY, THOSE PROVISIONS SHALL APPLY PENDING THE ADOPTION OF CITY ZONING REGULATIONS FOR THE PROPERTY.

ARTICLE 3 RESIDENTIAL ZONE DISTRICTS

§ 50-16. GN-1 GREEN NEIGHBORHOOD-LOW DENSITY: PURPOSE AND INTENT

THE GN-1 GREEN NEIGHBORHOOD-LOW DENSITY DISTRICT IS INTENDED TO PROVIDE FOR THE INTEGRATION OF THE SIGNIFICANT AMOUNT OF LAND DEDICATED TO GREEN USES INCLUDING COMMUNITY GARDENS, SMALL-SCALE URBAN AGRICULTURE, AND SMALL OPEN SPACE AREAS. POCKETS OF TRADITIONALSINGLE-FAMILY HOUSING MAY EXIST THROUGHOUT THE DISTRICT, INCLUDING SINGLE-FAMILY HOMES AND ESTATES THAT SIT ON LARGER LOTS CREATED BY ASSEMBLING TYPICALLY SIZED RESIDENTIAL LOTS IN THE DISTRICT.

§ 50-17. GN-2 GREENNEIGHBORHOOD-MEDIUM DENSITY: PURPOSE AND INTENT

THE GN-2 GREEN NEIGHBORHOOD- MEDIUM DENSITY DISTRICT IS INTENDED TO ACCOMMODATE EXISTING RESIDENTIAL DEVELOPMENT ON EXISTING TYPICALLY SIZED LOTS, WHILE ALSO PROVIDING FOR THE INTEGRATION OF GREEN USES INCLUDING COMMUNITY GARDENS,SMALL-SCALE URBAN AGRICULTURE, AND SMALL OPEN SPACE AREAS. INDIVIDUAL RESIDENTIAL LOTS CAN BE CONSOLIDATED TO CREATE LARGER LOTS, OR REDEVELOPED WITH HOUSING THAT IS APPROPRIATE FOR THE SURROUNDING CONTEXT.

§ 50-18. TN-1 TRADITIONAL NEIGHBORHOOD-LOW DENSITY: PURPOSE AND INTENT

THE TN-1 TRADITIONAL NEIGHBORHOOD–LOW DENSITY DISTRICT IS INTENDED TO ACCOMMODATE LOW DENSITY NEIGHBORHOODS WHERE SINGLE-FAMILY HOMES ARE LOCATED UPON LARGER LOTS THAN IS TYPICAL OF THE DEVELOPMENT THAT PREDOMINATES IN THE COMMUNITY'S OTHER SINGLE-FAMILY NEIGHBORHOODS. VARIOUS NON-RESIDENTIAL USES THAT COMPLEMENT THE TRADITIONAL NEIGHBORHOOD INCLUDING SCHOOLS, COMMUNITY CENTERS, RELIGIOUS INSTITUTIONS, AND PARKS ARE PERMITTED ON A LIMITED SCALE.

§ 50-19. TN-2 TRADITIONAL NEIGHBORHOOD-MEDIUM DENSITY: PURPOSE AND INTENT

THE TN-2 TRADITIONAL NEIGHBORHOOD-MEDIUM DENSITY DISTRICT IS INTENDED TO ACCOMMODATE NEIGHBORHOODS OF MODERATE DENSITY, WHERE SINGLE-FAMILY HOMES ARE LOCATED UPON LOTS COMPARABLE IN DIMENSION TO THOSE TYPICALLY FOUND IN THE COMMUNITY'S OLDER ESTABLISHED NEIGHBORHOODS. SINGLE-FAMILY HOMES ARE THE PREDOMINANT USE, BUT TWO-FAMILY AND SINGLE-FAMILY ATTACHED DEVELOPMENT IS ALSO PERMITTED. VARIOUS NON-RESIDENTIAL USES THAT COMPLEMENT THE TRADITIONAL NEIGHBORHOOD INCLUDING SCHOOLS, COMMUNITY CENTERS, RELIGIOUS INSTITUTIONS, AND PARKS ARE PERMITTED ON A LIMITED SCALE.

§ 50-20. MR-1 MIXED RESIDENTIAL-LOW DENSITY: PURPOSE AND INTENT

THE MR-1 MIXED RESIDENTIAL-LOW DENSITY DISTRICT IS INTENDED TO ACCOMMODATE NEIGHBORHOODS WITH SMALL-LOT SINGLE-FAMILY DETACHED HOUSING, DUPLEXES, OR TOWNHOUSES. VARIOUS NON-RESIDENTIAL USES THAT COMPLEMENT THE TRADITIONAL NEIGHBORHOOD INCLUDING SCHOOLS, COMMUNITY CENTERS, RELIGIOUS INSTITUTIONS, AND PARKS ARE PERMITTED ON A LIMITED BASIS.

§ 50-21. MR-2 MIXED RESIDENTIAL-MEDIUM DENSITY: PURPOSE AND INTENT

THE MR-2 MIXED RESIDENTIAL-MEDIUM DENSITY DISTRICT IS INTENDED TO ACCOMMODATE A HIGHER DENSITY DEVELOPMENT PRIMARILY CONSISTING OF ONE OR TWO-STORY MULTI-FAMILY STRUCTURES. IN MANY CASES, THIS MAY INCLUDE MULTI-FAMILY DEVELOPMENTS WITH SEVERAL STRUCTURES MAKING UP A "CAMPUS" WITH INTERNAL CIRCULATION, COMMON OPEN SPACE, AND OTHER SHARED AMENITIES. LIMITED COMMERCIAL USES MAY BE PERMITTED THAT SUPPORT THE DAY-TO-DAY NEEDS OF RESIDENTS. VARIOUS NON-RESIDENTIAL USES THAT COMPLEMENT THE MIXED RESIDENTIAL NEIGHBORHOOD INCLUDING SCHOOLS, COMMUNITY CENTERS, RELIGIOUS INSTITUTIONS, AND PARKS ARE PERMITTED ON A LIMITED SCALE.

§ 50-22. MR-3 MIXED RESIDENTIAL-HIGH DENSITY: PURPOSE AND INTENT

THE MR-3 MIXED RESIDENTIAL-HIGH DENSITY DISTRICT IS INTENDED TO ACCOMMODATE NEIGHBORHOODS OF THE HIGHEST DENSITY WITHIN THE COMMUNITY. MIXED-USE, MULTI-FAMILY STRUCTURES OF THREE OR MORE STORIES ARE THE PRIMARY USE. THIS DISTRICT IS CONCENTRATED IN AREAS SURROUNDING THE

DOWNTOWN AND IN AREAS WITH SIGNIFICANT ACCESS TO ALTERNATIVE MODES OF TRANSPORTATION AND TRANSIT-ORIENTED DEVELOPMENT IS ENCOURAGED. THIS DISTRICT CAN ALSO SERVE AS A TRANSITION BETWEEN LESS INTENSE RESIDENTIAL DEVELOPMENT AND MORE INTENSE COMMERCIAL AND EMPLOYMENT DISTRICTS. THESE AREAS MAY INCLUDE SMALLER RETAILERS AND SERVICE PROVIDERS THAT CLUSTER AT KEY INTERSECTIONS IN THE DISTRICT OR LOCATE ON THE GROUND FLOOR WITHIN MORE PROMINENT MULTI-FAMILY BUILDINGS. VARIOUS NON-RESIDENTIAL USES THAT COMPLEMENT THE MIXED RESIDENTIAL NEIGHBORHOOD INCLUDING SCHOOLS, COMMUNITY CENTERS, RELIGIOUS INSTITUTIONS, AND PARKS ARE PERMITTED ON A LIMITED SCALE.

§ 50-23. PERMITTED USES

ARTICLE 16 DEFINITIONS SHALL BE REFERRED TO FOR CLARITY ON THE USES AS LISTED.

A. LAND USES. USES ARE ALLOWED IN RESIDENTIAL ZONE DISTRICTS IN ACCORDANCE WITH TABLE 50-22 USES: RESIDENTIAL ZONE DISTRICTS. THE FOLLOWING KEY IS TO BE USED IN CONJUNCTION WITH THE USE TABLE.

1. PERMITTED USES. USES PERMITTED BY RIGHT IN THE ZONE DISTRICT, SUBJECT TO COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH A "P."

2. SPECIAL LAND USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "S."

3. ADDITIONALLY REGULATED USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING LIMITING CONDITIONS SPECIFIED IN ARTICLE 9. THESE

USES ARE IDENTIFIED WITH "ARU".

4. ACCESSORY USES. USES WHICH ARE PERMITTED BY RIGHT, ASSUMING THEY ARE NOT THE PRIMARY USE ON THE SIGHT AND THAT THEY ARE IN COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "A."

5. USES NOT ALLOWED. A CELL WHICH IS LEFT BLANK INDICATES THAT THE LISTED USE IS NOT ALLOWED IN THAT ZONE DISTRICT.

6. USE REGULATIONS. MANY ALLOWED USES, WHETHER PERMITTED BY RIGHT OR AS A SPECIAL LAND USE, ARE SUBJECT TO COMPLIANCE WITH ARTICLE 9.

7. UNLISTED USES. IN GENERAL UNLISTED USES ARE PROHIBITED. HOWEVER, IF AN APPLICATION IS SUBMITTED FOR A USE NOT LISTED, THE ZONING COORDINATOR SHALL MAKE A DETERMINATION AS TO THE PROPER ZONE DISTRICT AND USE CLASSIFICATION FOR THE NEW OR UNLISTED USE. IF THE UNLISTED USE IS SIMILAR TO AN EXISTING PERMITTED USE IN THE SAME ZONE DISTRICT AND FITS THE INTENT OF THE ZONE DISTRICT, THE ZONING COORDINATOR MAY DETERMINE THAT THE UNLISTED USE IS PERMITTED.

8. PARKING STANDARDS. PARKING REQUIREMENTS ARE LOCATED IN ARTICLE 12 PARKING, LOADING AND CIRCULATION.

9. LEVEL OF REVIEW FOR MIXED-USE PROJECTS. THE LEVEL OF REVIEW FOR A PROJECT WITH MULTIPLE USES BEING DEVELOPED SIMULTANEOUSLY SHALL BE THE SAME AS THE HIGHEST LEVEL OF REVIEW OF THE INDIVIDUAL USES.

ATTACHMENT:
TABLE 50-23 (EXHIBIT 1)

§ 50-24. SITE, BUILDING PLACEMENT, AND BULK STANDARDS

SITE DIMENSIONS TABLE. ALL DEVELOPMENT IN RESIDENTIAL ZONE DISTRICTS MUST COMPLY WITH THE REQUIREMENTS IN TABLES 50.3.09A-D AND DIAGRAMS 50.3.09A-D UNLESS OTHERWISE EXPRESSLY STATED.

ATTACHMENTS:
TABLE 50-24A (EXHIBIT 2);
DIAGRAM 50-24A (EXHIBIT 3);
TABLE 50-24B (EXHIBIT 4);
DIAGRAM 50-24B (EXHIBIT 5);
TABLE 50-24C (EXHIBIT 6);
DIAGRAM 50-24C (EXHIBIT 7);
TABLE 50-24D (EXHIBIT 8);
DIAGRAM 50-24D (EXHIBIT 9)

§ 50-25. GENERAL RESIDENTIAL ZONING DISTRICT REQUIREMENTS

A. MATERIALS.

1. BUILDING MATERIALS. DURABLE BUILDING MATERIALS, SIMPLE CONFIGURATIONS AND SOLID CRAFTSMANSHIP ARE REQUIRED.

I. WALLS VISIBLE FROM PUBLIC STREETS, EXCLUSIVE OF WALL AREAS DEVOTED TO TRANSPARENCY, SHALL BE CONSTRUCTED OF MATERIALS THAT ARE DURABLE AND CONSISTENT WITH SURROUNDING COMMUNITY CHARACTER. EXTERIOR INSULATED FINISHING SYSTEMS (EIFS) AND OTHER FINISHES THAT ARE SUSCEPTIBLE TO DAMAGE ARE PERMITTED FOR ACCENTS ONLY.

2. ROOFING MATERIALS SHALL BE THOSE USED AND INSTALLED IN A MANNER CUSTOMARY FOR RESIDENTIAL CONSTRUCTION, SHALL BE COMPATIBLE IN CHARACTER AND SCALE WITH THE RESIDENTIAL STRUCTURE ON WHICH IT IS BEING INSTALLED, SHALL BE INSTALLED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS, SHALL HAVE NO VISIBLE

FASTENERS, AND SHALL BE UNIFORM IN TYPE AND APPEARANCE WITHIN EACH UNINTERRUPTED ROOF PLANE. REPAIRS SHALL BE COMPLETED WITH MATERIALS SIMILAR IN COLOR AND APPEARANCE TO THE EXISTING MATERIALS.

B. FAÇADE VARIATION. THE FOLLOWING REQUIREMENTS SHALL APPLY TO MULTIPLE-FAMILY DWELLINGS OR NON-RESIDENTIAL BUILDINGS IN TN AND MR ZONE DISTRICTS.

1. UNINTERRUPTED FAÇADE. THE MAXIMUM LINEAR LENGTH OF AN UNINTERRUPTED BUILDING FAÇADE FACING A PUBLIC STREET AND/OR PARK SHALL BE THIRTY (30) FEET. BUILDING WALL OFFSETS (PROJECTIONS AND RECESSES), CORNICES, VARYING BUILDING MATERIALS OR PILASTERS SHALL BE USED TO BREAK UP THE MASS OF A SINGLE BUILDING.

2. ADMINISTRATIVE DEPARTURES. ADMINISTRATIVE DEPARTURES MAY BE GRANTED BY THE ZONING COORDINATOR FOR:

I. AN ADDITION OF UP TO FIVE (5) FEET OF THE THIRTY (30) FOOT REQUIREMENT MAY BE APPROVED, DEPENDING ON ACTUAL BUILDING DESIGN, ENTRANCE PLACEMENT, AND OTHER FACTORS THAT MAKE THE THIRTY (30) FOOT REQUIREMENT IMPRACTICAL; OR

II. OTHER METHODS TO PROVIDE ADEQUATE ARTICULATION, PROVIDED THAT THE VISUAL EFFECT OF ARTICULATION IS MAINTAINED. EXAMPLES OF ACCEPTABLE VARIATIONS MAY INCLUDE ARCHITECTU

RAL OR ARTISTIC DETAILS OR FEATURES, A VARIATION IN COLOR OR MATERIALS AND ENHANCED ORNAMENTATION AROUND BUILDING ENTRANCEWAYS.

C. BUILDING ORIENTATION.

1. ORIENTATION. RESIDENTIAL STRUCTURES SHALL BE ORIENTED TOWARD THE PUBLIC STREET. IN THE CASE OF HOUSING DEVELOPMENTS WITH SEVERAL RESIDENTIAL STRUCTURES, RESIDENTIAL STRUCTURES CAN BE ORIENTED TOWARD INTERNAL OPEN SPACES OR OTHER ON-SITE RESIDENT AMENITIES, AS APPROVED BY THE ZONING COORDINATOR.

2. INTERIOR LOTS. FOR INTERIOR LOTS, THE PRIMARY BUILDING ENTRANCE SHALL BE LOCATED IN THE FRONT FAÇADE PARALLEL TO THE STREET OR URBAN OPEN SPACE.

3. CORNER LOTS. FOR CORNER LOTS, THE PRIMARY ENTRANCE SHALL FACE THE STREET FROM WHICH THE STRUCTURE DERIVES ITS STREET ADDRESS.

4. ADMINISTRATIVE DEPARTURE. ALTERNATIVE ORIENTATIONS MAY BE CONSIDERED BY THE ZONING COORDINATOR IN CASES WHERE SUCH ALTERNATIVE ORIENTATIONS ARE CONSISTENT WITH EXISTING ADJACENT DEVELOPMENT.

D. CONVERSION OF NON-RESIDENTIAL BUILDINGS. THE CONVERSION OF ANY NON-RESIDENTIAL BUILDING INTO A RESIDENTIAL STRUCTURE, OR AN EXISTING RESIDENTIAL BUILDING INTO A STRUCTURE CONTAINING MORE HOUSING UNITS THAN ITS CURRENT USE, IS ONLY PERMITTED WHEN THE PROPOSED STRUCTURE AND NUMBER OF DWELLING UNITS MEETS THE REQUIREMENTS OF THIS CHAPTER, OR IS OTHERWISE

APPROVED ACCORDING TO THE PROVISIONS OF THIS CHAPTER. SEE ARTICLE 9: USE REGULATIONS.

E. STATE-LICENSED RESIDENTIAL FACILITIES. A "STATE-LICENSED RESIDENTIAL FACILITY," AS DEFINED BY ACT 28, OF THE PUBLIC ACTS OF 1977, BEING MSA 5.2933(2), AS AMENDED, WHICH PROVIDES SUPERVISION OR CARE OR BOTH TO SIX OR LESS PERSONS SHALL BE CONSIDERED A RESIDENTIAL USE OF PROPERTY FOR THE PURPOSES OF THIS CHAPTER. IT SHALL BE A PERMITTED USE IN ALL RESIDENTIAL ZONES, INCLUDING THOSE FOR SINGLE-FAMILY DWELLINGS AND SHALL NOT BE SUBJECT TO SPECIAL LAND USE OR CONDITIONAL USE PERMITS OR PROCEDURES DIFFERENT FROM THOSE REQUIRED FOR OTHER DWELLINGS OF SIMILAR DENSITY IN THE SAME ZONE; PROVIDED, THAT SUCH USES, WITH THE EXCEPTION OF "FOSTER FAMILY HOMES," AS DEFINED IN ACT 116 OF THE PUBLIC ACTS OF 1973, BEING MCLA §§ 722.111 THROUGH 722.128, AND MSA §§ 25.358(11), AS AMENDED, AS PROHIBITED, WITHIN A 1,500 FOOT RADIUS OF EACH OTHER. AND PROVIDED FURTHER, THAT THE FACILITIES WHICH PROVIDE THE CARE TO MORE THAN SIX PERSONS AND ARE OTHERWISE PERMITTED IN ANY RESIDENTIAL DISTRICT ARE ALSO PROHIBITED WITHIN A 1,500 FOOT RADIUS OF EACH OTHER.

F. EXPRESSION LINE (EL).

1. A HORIZONTAL LINE ON THE FAÇADE KNOWN AS THE EXPRESSION LINE (EL) SHALL DISTINGUISH THE BASE OF THE BUILDING FROM THE REMAINDER TO ENHANCE THE PEDESTRIAN ENVIRONMENT. THE EL SHALL BE CREATED BY A CHANGE IN MATERIAL, A CHANGE IN DESIGN, OR BY A CONTINUOUS SETBACK, RECESS, OR PROJECTION ABOVE OR BELOW THE EXPRESSION LINE. SUCH ELEMENTS AS CORNICES, BELT COURSES, CORBELLING, MOLDING, STRINGCOURSES, ORNAMENTATION, AND CHANGES IN MATERIAL OR COLOR OR OTHER SCULPTURING OF THE BASE, ARE APPROPRIATE DESIGN ELEMENTS FOR ELS.

2. IF APPLICABLE, THE HEIGHT OF THE EXPRESSION LINE SHALL BE

RELATED TO THE PREVAILING SCALE OF DEVELOPMENT IN THE AREA. A CHANGE OF SCALE MAY REQUIRE A TRANSITIONAL DESIGN ELEMENT BETWEEN EXISTING AND PROPOSED FEATURES.

ATTACHMENT:
DIAGRAM 50-25F (EXHIBIT 10)

G. TRANSPARENCY.

1. APPLICABILITY.

I. THE MINIMUM TRANSPARENCY REQUIREMENT SHALL APPLY TO ALL SIDES OF A BUILDING THAT ABUT AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY. TRANSPARENCY REQUIREMENTS SHALL NOT APPLY TO SIDES WHICH ABUT AN ALLEY.

II. WINDOWS FOR BUILDING SIDES (NON-FRONT) SHALL BE CONCENTRATED TOWARD THE FRONT EDGE OF THE BUILDING, IN LOCATIONS MOST VISIBLE FROM AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY.

2. WINDOWS AND DISPLAYS.

I. GROUND LEVEL STOREFRONT TRANSPARENCY SHALL BE HORIZONTALLY ORIENTED OVERALL, DIVIDED INTO VERTICAL SEGMENTS.

II. PRODUCT DISPLAY WINDOWS SHALL BE INTERNALLY LIT.

III. INTERIOR DISPLAYS SHALL BE SET BACK A MINIMUM OF ONE (1) FOOT FROM THE WINDOW AND SHALL NOT COVER MORE THAN FIFTY (50) PERCENT OF THE WINDOW OPENING.

IV. NO WINDOW COVERING OR SCREENING SHALL COVER MORE THAN TWENTY-FIVE (25) PERCENT OF WINDOWS OR DOORS THAT ARE

USED TO MEET TRANSPARENCY REQUIREMENTS.

3. PERCENTAGE OF REQUIRED TRANSPARENCY

I. GROUND-FLOOR TRANSPARENCY PERCENTAGES MUST BE APPLIED BETWEEN TWO (2) FEET AND EIGHT (8) FEET FROM THE GROUND. THE AREA OF WINDOWS IN DOORS MAY COUNT TOWARDS THE TRANSPARENCY PERCENTAGE.

II. STRUCTURES IN THE MR-2 AND MR-3 DISTRICTS SHALL COMPLY WITH TABLE 50-25G BELOW WITH REGARDS TO THE AMOUNT OF TRANSPARENT MATERIALS THAT IS REQUIRED FOR GROUND-FLOOR AND UPPER FLOOR FACADES. WINDOWS MUST BE CLEAR AND ALLOW VIEWS OF THE INDOOR SPACE OR DISPLAY AREAS.

ATTACHMENTS:

TABLE 50-25G (EXHIBIT 11)

DIAGRAM 50-25G (EXHIBIT 12)

§ 50-23. Permitted Uses

Table 50-23 (Exhibit 1):

Table 50-23. Uses: Residential Zone Districts								
	GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
RESIDENTIAL								
Household Living								
Single-Family Detached Dwelling	P	P	P	P	P	S		50-59
Two-Family Dwelling (duplex)	S	S	S	S	P	P		50-85
Single-Family Attached Dwelling		S		S	P	P	P	50-85
Multi-Family Dwelling (all floors)					S	P	P	50-104
Multi-Family Dwelling (above first floor)						P	P	50-104
Manufactured Housing Communities				S				50-102
Accessory Dwelling Unit	A	A	A	A	A	A		50-79
Mixed-Use						P	P	
Group Living								
State Licensed Residential Facility (1-6 residents)	P	P	P	P	P	P		
Convalescent or Nursing Home					S	S	S	
Boarding House	S	S	S	S	S	S		50-112
Transitional or Emergency Shelter						S	S	50-119
Residential Rehab Center (1-6)	S	S	S	S	S			50-111
Residential Rehab Center (7-20)						S	S	50-111
Adult Foster Care Family Home (1-6)	P	P	P	P	P	P		50-81
Adult Foster Care Small Group Home (1-6)	P	P	P	P	P	P		
Adult Foster Care Small Group Home (7-12)	S	S	S	S	S	P	P	50-81
Adult Foster Care Large Group Home (13-20)							P	50-81
RECREATIONAL								
Community Center	P	P	P	P	P	P	S	
AGRICULTURAL								
Aquaculture	A	A	A	A	A			50-84
Aquaponics	A	A	A	A	A			50-84
Produce Stand	A	A	A	A	A	A	A	50-109
Farmers' Market (Temporary)						P	P	50-118
Greenhouse	A	A	A	A	A	A	A	50-98
Hoophouse	A	A		A				50-100
Hydroponics	A	A	A	A	A	A		
Apiary/Beekeeping	A	A	A	A	A	A		50-88
Chicken Keeping	A	A		A				50-89
Urban Agriculture	P	P		P				50-120
Community Garden	P	P	P	P	A	A	A	50-91
INSTITUTIONAL AND CULTURAL								
Religious								
Place of Worship	S	S	S	S	S	P		
Cemetery	P	S		S				
Government and Educational								
Elementary/Middle School	P	P		P	P	S	S	
High School	P	P		S	S	S	S	
College or University or Vocational Training							P	
Other Governmental Use or Facility					P	P	P	
Other Institutional, and Cultural								
Social Service Facility (w/o residential care) (In MR-2 and MR-3: permitted only as part of a mixed-use development with residential				S	S	P	P	
Civil or Charitable Organization				S	S	P	P	
Art Gallery					S	P	P	

		GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
	units and only on the ground floor)								
Library			P		P	P	P	P	
Museum						S	P	P	
COMMERCIAL									
Temporary Lodging									
Bed and Breakfast			S	S	S	S	P		50-87
Hotel								S	
Offices									
Financial Services	(In MR-2: permitted only as part of a mixed-use development with residential units and only on the ground floor)						P	P	
Physician or Dentist Office or Medical Clinic							P	P	
General or Professional Office							P	P	
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station							P	P	
Film Production, Photography, Radio, TV Studio							P	P	
Live/Work Unit			S				P	S	50-101
Personal Service Establishments									
Personal Service Establishments	(In MR-2: permitted only as part of a mixed-use development with residential units and only on the ground floor)						P	P	
Gym or Fitness Center							P	P	
Residential Day Care Services									
Adult Day Care or Day Services Center								S	50-81
Group Day Care Home								S	
Child Care Center	(In MR-2: Special Land Use only as part of a mixed-use development with residential units and only on the ground floor)		S	S	S	S	S	P	50-90
Retail and Service									
Restaurant without Alcohol	(In MR-2: permitted only as part of a mixed-use development with residential units and only on the ground floor)						P	P	
Retail Sales, General							P	P	
Grocery Store							P	P	
Convenience Store							P	P	50-83
Commercial Art Gallery								P	

		GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
Restaurant with Alcohol	(In MR-2: Special Land Use permitted only as part of a mixed-use development with residential units and only on the ground floor)						S	S	50-83
Bar, Tavern, Taproom, or Tasting Room							S	S	50-83
Brewpub							S	S	50-83
Craft Winery/Distillery							S	S	50-83
Instruction Studio							S	P	
Catering Business								P	
Automotive Services									
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-store)								S	50-121
Entertainment and Hospitality									
Bowling Alley, Skating Rink							S	S	
Dance Club, Night Club								S	50-94
Entertainment, Live (Not including ARUs)							S	S	
INDUSTRIAL									
Transportation									
Stand Alone Parking, Surface Lots						S	S		
Utilities									
Electrical Substations and Private Utilities		S	S	S	S	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Towers		P	P	P	P	P	P	P	50-126
Small-Scale Solar Energy Production		A	A	A	A	A	A	A	50-117
Small-Scale Wind Energy Production		A	A	A	A	A	A	A	50-125
Additionally Regulated Uses									
Tattoo Establishment								ARU	50-80

§ 50-24. Site, Building Placement, and Bulk Standards*

***All development in Residential Zone Districts must comply with the requirements in Tables 50-24A-D and Diagrams 50-24A-D unless otherwise expressly stated.**

Table 50-24A (Exhibit 2):

Table 50-24A. Bulk and Site Standards: GN Districts

District	Max. Height	Lot Area			Max. Impervious Lot Coverage	Min. Front Setback (F)	Min. Corner Side Setback(C)	Min. Interior Side Setback		Min. Rear Setback (R)
		Min. Lot Width (W)	Min. Lot Area	Min. Lot Area Per Dwelling Unit				Width of Smaller Side Yard (S1)	Aggregate Width of Both Side Yards (S1+S2)	
GN-1	2-1/2 stories /35'	120', unless a non-residential use, then 80'	13,500 sq. ft., unless a non-residential use, then 8,000 sq. ft.	15,000 sq. ft.	30%, unless a non-residential use, then 80%	25', or consistent with the average front setback of residential structures on the same block	15'	15'	50'	25'
GN-2	2-1/2 stories /35'	40',unless a non-residential use, then 80'	4,500 sq. ft., unless a non-residential use, then 8,000 sq. ft.	5,000 sq. ft.	60%, unless a non-residential use, then 80%	25', or consistent with the average front setback of residential structures on the same block	10', unless a non-residential use, then 15'	5', unless a non-residential use, then 10'	15', unless a non-residential use, then 25'	25', unless a non-residential use abutting another non-residential use, then 10'

Diagram 50-24A (Exhibit 3):

Residential Zone Bulk Standards

GN-1, GN-2 Districts

GN-1

GN-2

Table 50-24B (Exhibit 4):

Table 50-24B. Bulk and Site Standards: TN Districts

District	Max. Height	Lot Area			Max Impervious Lot Coverage	Min. Front Setback (F)	Min. Corner Side Setback (C)	Min. Interior Side Setback		Min. Rear Setback (R)
		Min. Lot Width (W)	Min. Lot Area	Min. Lot Area Per Dwelling Unit				Width of Smaller Side Yard (S1)	Aggregate Width of Both Side Yards (S1+S2)	
TN-1	2½ stories /35'	70'	9,000 sq. ft.	4,500 sq. ft.	45%	30'	15'	10'	20'	35'
TN-2	2½ stories /35'	40'	4,500 sq. ft.	2,250 sq. ft.	60%	20'	10'	5'	15'	25'

Diagram 50-24B (Exhibit 5):

Residential Zone Bulk Standards

TN-1, TN-2 Districts

TN-1 TN-2

Table 50-24C (Exhibit 6):

Table 50-24C. Bulk and Site Standards: MR-1 District

District	Max. Height	Lot Area			Max. Impervious Lot Coverage	Min. Front Setback (F)	Min. Corner Side Setback (C)	Min. Interior Side Setback		Min. Rear Setback (R)
		Min. Lot Width (W)	Min. Lot Area	Min. Lot Area Per Dwelling Unit				Width of Smaller Side Yard (S1)	Aggregate Width of Both Side Yards (S1+S2)	
MR-1										
Detached Single-Family or Two-family Dwelling	2½ stories /35'	25'	3,000 sq. ft.	1,500 sq. ft.	70%	20'	5'	2'	7'	25'
Attached Residential	2½ stories /35'	18'	1,500 sq. ft.	1,500 sq. ft.	70%	20'	5'	0'	0"	25'

Residential Zone Bulk Standards

MR-1 Districts

MR-1 Detached Residential

MR-1 Attached Residential

Diagram 50-24C (Exhibit 7):

Table 50-24D (Exhibit 8):

Table 50-24D. Bulk Site Standards: MR-2 and MR-3 Districts											
District	Height		Lot Area			Max. Impervious Lot Coverage	Front /Setback (F)	Min. Corner Side Setback (C)	Min. Interior Side Setback		Min. Rear Set-back (R)
			Min. Lot Width (W)	Min. Lot Area	Min. Lot Area per Dwelling Unit				Width of Smaller Side Yard (S1)	Aggregate width of Both Side Yards (S1+S2)	
MR-2											
Detached Single-Family or Two-Family	Max. 2 ½ stories/35'		30'	3,000 sq. ft.	1,500 sq. ft.	80%	10' min. w/ ground floor residential, 20' max. 0' min. w/ ground floor commercial, 10' max.	5' residential, 0' w/ground floor commercial	2'	5'	20'
Attached Housing	Max. 4 stories/45'		20'	1,500 sq. ft.					0'	5'	20'
Multifamily/ Mixed use			20'	2,000 sq. ft	1,000 sq. ft.				0'	5'	20'
MR-3	Max. 100'	Min. 2 stories	40'	10,000 sq. ft	800 sq. ft. per efficiency or one bedroom apartment; 1,000 sq. ft. per two or more bedroom apartment	90%	0' min., 15' max.	10' residential, 0' w/ ground floor commercial	0'	0'	20'

Diagram 50-24D (Exhibit 9):

§ 50-25. General Residential Zoning District Requirements

Diagram § 50-25F (Exhibit 10):

Expression Line

§ 50-25F

Table § 50-25G (Exhibit 11):

Table 50-25G Façade Transparency in MR-2 and MR-3 Districts		
	Commercial Use	Residential Use
Ground-floor	70%	40%
Upper floors	30%	30%

Diagram 50-25G (Exhibit 12):

Transparency Requirements

§ 50-25G

ARTICLE 4 – COMMERCIAL ZONE DISTRICTS

§ 50-26. CC CITY CORRIDOR: PURPOSE AND INTENT

THE CC CITY CORRIDOR DISTRICT IS INTENDED TO ACCOMMODATE A WIDE RANGE OF COMMERCIAL AND INSTITUTIONAL USES STRUNG ALONG FLINT'S MAJOR ROADWAYS. RETAIL, SERVICE, AND EMPLOYMENT ARE THE PRIMARY USES WITH STRUCTURES ORIENTED TOWARD THE ROADWAY. DEVELOPMENT MAY BE AUTO-ORIENTED IN NATURE, BUT WITH AMENITIES SUCH AS SIDEWALKS, BENCHES, PEDESTRIAN-SCALE LIGHTING, AND LANDSCAPING THAT MAKE IT EASY FOR RESIDENTS AND VISITORS TO TRAVERSE THE CORRIDOR. MULTI-FAMILY RESIDENTIAL AND MIXED-USE DEVELOPMENT WITH RESIDENTIAL ON THE UPPER FLOORS IS ALSO PERMITTED. DUPLEXES AND ATTACHED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT SUCH AS ROWHOMES ARE ALLOWED AS A SPECIAL LAND USE WHERE THEY WILL SERVE AS A TRANSITION BETWEEN CITY CORRIDOR AND A LOWER DENSITY RESIDENTIAL DISTRICT.

§ 50-27. NC NEIGHBORHOOD CENTER: PURPOSE AND INTENT

THE NC NEIGHBORHOOD CENTER DISTRICT IS INTENDED TO ACCOMMODATE A VARIETY OF LOCAL-SERVING COMMERCIAL USES THAT PROVIDE DAILY GOODS AND SERVICES TO SURROUNDING NEIGHBORHOODS. STAND-ALONE RETAILERS AND SMALL MIXED-USE BUILDINGS ARE THE PREDOMINANT COMMERCIAL USE WITHIN A NEIGHBORHOOD CENTER, WHILE RETAIL CENTERS ARE PERMITTED ON A LIMITED SCALE. INSTITUTIONAL AND CULTURAL USES, INCLUDING SCHOOLS, CHURCHES, AND COMMUNITY CENTERS, AS WELL AS MULTI-FAMILY RESIDENTIAL USES MAY ALSO BE PERMITTED. ALL NEIGHBORHOOD CENTER USES MUST BE COMPATIBLE WITH THE ADJACENT AND SURROUNDING RESIDENTIAL AREAS AND CONTRIBUTE TO NEIGHBORHOOD CHARACTER, VIABILITY, AND ATTRACTIVENESS.

§ 50-28. D-E DOWNTOWN EDGE: PURPOSE AND INTENT

THE D-E DOWNTOWN EDGE DISTRICT IS INTENDED TO ACCOMMODATE A DYNAMIC MIX OF COMMERCIAL, EMPLOYMENT, RESIDENTIAL, AND PUBLIC USES THAT TOGETHER FOSTER AN ACTIVE PEDESTRIAN-ORIENTED AREA. COMMERCIAL USES ARE PREDOMINANT, BUT MIXED-USE BUILDINGS ARE ALSO COMMON. THE D-E DISTRICT MAKES UP THE MAJORITY OF THE COMMUNITY'S CENTRAL BUSINESS DISTRICT AND SURROUNDS THE SMALLER D-C DOWNTOWN CORE DISTRICT. DEVELOPMENT IN THE D-E DISTRICT IS GENERALLY LESS INTENSE THAN WHAT IS TYPICAL FOR THE ADJACENT D-C DISTRICT, PROVIDING A TRANSITION TO SURROUNDING MIXED RESIDENTIAL AND COMMERCIAL AREAS.

§ 50-29. D-C DOWNTOWN CORE: PURPOSE AND INTENT

THE D-C DOWNTOWN CORE DISTRICT IS INTENDED TO ACCOMMODATE THE UNIQUE AND VIBRANT MIXED-USE AREA LOCATED ALONG SAGINAW STREET ROUGHLY BETWEEN THE FLINT RIVER AND INTERSTATE 69. SINGLE-PURPOSE BUILDINGS MAY EXIST, BUT MIXED-USE BUILDINGS SHOULD PREDOMINATE, TYPICALLY CONSISTING OF DINING OR RETAIL USES ON THE GROUND FLOOR, AND OFFICE OR MULTI-FAMILY RESIDENTIAL USES ABOVE. THIS DISTRICT IS THE HIGHEST INTENSITY DISTRICT WITHIN THE COMMUNITY AND ALL DEVELOPMENT SHOULD BE PEDESTRIAN-ORIENTED WITH BUILDINGS LOCATED AT OR NEAR THE SIDEWALK'S EDGE.

§ 50-30. PERMITTED USES

ARTICLE 16 DEFINITIONS SHALL BE REFERRED TO FOR CLARITY ON THE USES AS LISTED.

A. LAND USES. USES ARE ALLOWED IN RESIDENTIAL ZONE DISTRICTS IN ACCORDANCE WITH TABLE 50-30. USES: COMMERCIAL ZONE DISTRICTS. THE FOLLOWING KEY IS TO BE USED IN CONJUNCTION WITH THE USE TABLE.

1. PERMITTED USES. USES PERMITTED BY RIGHT IN THE ZONE DISTRICT, SUBJECT TO COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH A "P."

2. SPECIAL LAND USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE

WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "S."

3. ADDITIONALLY REGULATED USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING LIMITING CONDITIONS SPECIFIED IN ARTICLE 9. THESE USES ARE IDENTIFIED WITH "ARU".

4. ACCESSORY USES. USES WHICH ARE PERMITTED BY RIGHT, ASSUMING THEY ARE NOT THE PRIMARY USE ON THE SIGHT AND THAT THEY ARE IN COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "A."

5. USES NOT ALLOWED. A CELL WHICH IS LEFT BLANK INDICATES THAT THE LISTED USE IS NOT ALLOWED IN THAT ZONE DISTRICT.

6. USE REGULATIONS. MANY ALLOWED USES, WHETHER PERMITTED BY RIGHT OR AS A SPECIAL LAND USE, ARE SUBJECT TO COMPLIANCE WITH ARTICLE 9.

7. UNLISTED USES. IN GENERAL UNLISTED USES ARE PROHIBITED. HOWEVER, IF AN APPLICATION IS SUBMITTED FOR A USE NOT LISTED, THE ZONING COORDINATOR SHALL MAKE A DETERMINATION AS TO THE PROPER ZONE DISTRICT AND USE CLASSIFICATION FOR THE NEW OR UNLISTED USE. IF THE UNLISTED USE IS SIMILAR TO AN EXISTING PERMITTED USE IN THE SAME ZONE DISTRICT AND FITS THE INTENT OF THE ZONE DISTRICT, THE

ZONING COORDINATOR MAY DETERMINE THAT THE UNLISTED USE IS PERMITTED.

8. PARKING STANDARDS. PARKING REQUIREMENTS ARE LOCATED IN ARTICLE 12 PARKING, LOADING AND CIRCULATION.

9. LEVEL OF REVIEW FOR MIXED-USE PROJECTS. THE LEVEL OF REVIEW FOR A PROJECT WITH MULTIPLE USES BEING DEVELOPED SIMULTANEOUSLY SHALL BE THE SAME AS THE HIGHEST LEVEL OF REVIEW OF THE INDIVIDUAL USES.

ATTACHMENT:
TABLE 50-30A (EXHIBIT 13)

§ 50-31. SITE, BUILDING PLACEMENT, AND BULK STANDARDS

A. SITE DIMENSIONS TABLE. ALL DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS MUST COMPLY WITH THE REQUIREMENTS IN TABLES 50-31A-B AND DIAGRAMS 50-31A-B UNLESS OTHERWISE EXPRESSLY STATED.

ATTACHMENTS:
TABLE 50-31A (EXHIBIT 14)
DIAGRAM 50-31A (EXHIBIT 15)
TABLE 50-31B (EXHIBIT 16)
DIAGRAM 50-31B (EXHIBIT 17)

§ 50-32. GENERAL COMMERCIAL REQUIREMENTS

A. REQUIRED CONDITIONS. ALL USES AUTHORIZED IN THIS ARTICLE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. ENCLOSED BUILDINGS. ALL BUSINESS, SERVICE, REPAIR, PROCESSING, STORAGE OR DISPLAY OF MERCHANDISE SHALL BE CONDUCTED WHOLLY WITHIN AN ENCLOSED BUILDING, EXCEPT OFF-STREET PARKING STRUCTURES AND LOTS, FOOD TRUCKS/CARTS, PRODUCE STANDS, CAR AND TRUCK SALES LOTS, OFF-STREET LOADING AREAS, GASOLINE STATIONS AND OUTDOOR ADVERTISING, OR OTHER USES SPECIFICALLY ALLOWED IN THIS CHAPTER. HOWEVER, FOOD, BEVERAGES (INCLUDING ALCOHOL WITH

PROPER LICENSING) AND MERCHANDISE MAY BE DISPLAYED AND SOLD BY AN OWNER OR TENANT OUTSIDE OF A COMPLETELY ENCLOSED BUILDING SUBJECT TO ZONING COORDINATOR APPROVAL AND THE CONDITIONS IN SECTION 50-105 OUTDOOR ACTIVITIES OF ARTICLE 9.

2. USE TO BE NON-OBJECTIONABLE. PROCESSES AND EQUIPMENT EMPLOYED AND GOODS SOLD SHALL BE LIMITED TO THOSE WHICH ARE NON-OBJECTIONABLE BY REASON OF ODOR, HEAT, DUST, SMOKE, CINDERS, GAS, FUMES, NOISE, VIBRATION, RADIATION, REFUSE MATTER OR WATER-CARRIED WASTE.

3. HOURS OF BUSINESS. NO BUSINESS, SERVICE OR PROCESSING SHALL CONDUCT ITS OPERATION AT ANY POINT IN TIME BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 6:00 A.M. IF IT IS ADJACENT TO A GN OR TN DISTRICT UNLESS IT IS ENCLOSED ON ALL SIDES ADJOINING SAID RESIDENTIAL DISTRICT BY SCREENING AND FENCING.

4. IMPROVEMENT OF AUTO STORAGE AREAS. AREAS WHICH ARE IN THE NORMAL CONDUCT OF BUSINESS FREQUENTLY USED BY AUTOMOBILES, TRUCKS, OR TRAILERS SHALL BE GRADED, DRAINED AND SURFACED AND OTHERWISE COMPLY WITH THE REQUIREMENTS OF THE OFF-STREET PARKING AND LOADING REGULATIONS OF THIS CHAPTER.

§ 50-33. BUILDING ELEMENT REQUIREMENTS

A. PURPOSE. THE INTENT OF THESE REQUIREMENTS IS TO PROMOTE MIXED-USE DEVELOPMENT AND REHABILITATION IN FLINT'S MOST VIBRANT COMMERCIAL AREAS THAT SHALL:

1. ESTABLISH A DEVELOPMENT PATTERN IN WHICH NEW BUILDINGS AND BUILDING

MODIFICATIONS ENHANCE THE CHARACTER OF THE EXISTING BUILT ENVIRONMENT;

2. INCREASE TRANSPARENCY (WINDOWS) TO ADD VISUAL INTEREST, INCREASE PEDESTRIAN TRAFFIC AND TO REDUCE CRIME THROUGH INCREASED SURVEILLANCE;

3. ENHANCE A SENSE OF PLACE AND CONTRIBUTE TO THE SUSTAINABILITY OF THE CITY;

4. ORIENT BUILDING ENTRANCES AND STOREFRONTS TO THE STREET;

5. ARTICULATE LONGER BUILDING FAÇADES INTO MORE HUMAN-SCALE INCREMENTS;

6. DISTINGUISH COMMERCIAL USES BASED ON SCALE AND AUTO-ORIENTATION; AND

7. ENCOURAGE TRANSPORTATION ALTERNATIVES (WALKING, BIKING AND TRANSIT) TO REDUCE AUTOMOBILE DEPENDENCE AND FUEL CONSUMPTION.

B. APPLICABILITY. ALL DEVELOPMENT IN THE NC, CC, D-E, AND D-C DISTRICTS SHALL COMPLY WITH THE REQUIREMENTS INCLUDED IN THIS SECTION UNLESS OTHERWISE EXPRESSLY STATED.

C. MATERIALS.

1. DURABLE BUILDING MATERIALS, SIMPLE CONFIGURATIONS AND SOLID CRAFTSMANSHIP ARE REQUIRED. A MINIMUM FIFTY (50) PERCENT OF WALLS VISIBLE FROM PUBLIC STREETS, EXCLUSIVE OF WALL AREAS DEVOTED TO MEETING TRANSPARENCY REQUIREMENTS SHALL BE CONSTRUCTED OF: BRICK, GLASS; FIBER CEMENT SIDING, METAL (BEAMS, LINTELS, TRIM ELEMENTS AND ORNAMENTATION ONLY); WOOD LAP, STUCCO, SPLIT-FACED BLOCK, OR

STONE. EXTERIOR INSULATED FINISHING SYSTEMS (EIFS), AND VINYL OR ALUMINUM SIDING SHOULD ONLY BE USED FOR ACCENTS AND ARE PROHIBITED ON THE FIRST STORY. METAL SIDING MAY BE USED AS A PRIMARY BUILDING MATERIAL IF ALLOWED BY THE PLANNING COMMISSION WITH SPECIAL LAND USE APPROVAL.

D. FAÇADE PRESERVATION AND VARIATION.

1. EXTERIOR ALTERATIONS. EXTERIOR CHANGES AND FAÇADE RENOVATIONS SHALL NOT DESTROY OR COVER ORIGINAL DETAILS ON A BUILDING, WHEREVER PRACTICABLE. BRICK AND STONE FAÇADES SHALL NOT BE COVERED WITH ARTIFICIAL SIDING OR PANELS.

2. WINDOW AND DOOR OPENINGS. EXISTING WINDOW AND DOOR OPENINGS SHALL BE MAINTAINED WHEREVER PRACTICABLE. NEW WINDOW AND DOOR OPENINGS SHALL MAINTAIN A SIMILAR HORIZONTAL AND VERTICAL RELATIONSHIP AS THE ORIGINALS.

3. VERTICAL AND HORIZONTAL LINES. THE VERTICAL LINES OF COLUMNS AND PIERS, AND THE HORIZONTAL DEFINITION OF SPANDRELS AND CORNICES, AND OTHER PRIMARY STRUCTURAL ELEMENTS SHALL BE MAINTAINED WHEREVER PRACTICABLE.

4. UNINTERRUPTED FAÇADE ON NEW CONSTRUCTION. THE MAXIMUM LINEAR LENGTH OF AN UNINTERRUPTED BUILDING FAÇADE FACING PUBLIC STREETS AND/OR PARKS SHALL BE THIRTY (30) FEET. FAÇADE ARTICULATION OR ARCHITECTURAL DESIGN VARIATIONS FOR BUILDING WALLS FACING THE STREET ARE

REQUIRED TO ENSURE THAT THE BUILDING IS NOT MONOTONOUS IN APPEARANCE. BUILDING WALL OFFSETS (PROJECTIONS AND RECESSES), CORNICES, VARYING BUILDING MATERIALS OR PILASTERS SHALL BE USED TO BREAK UP THE MASS OF A SINGLE BUILDING.

5. ADMINISTRATIVE DEPARTURES. AN ADMINISTRATIVE DEPARTURE, APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE, MAY BE APPROVED TO ALLOW THE FOLLOWING:

   I. TO REDUCE UP TO FIVE (5) FEET OF THE THIRTY (30) FOOT REQUIREMENT MAY BE APPROVED, DEPENDING ON ACTUAL BUILDING DESIGN, ENTRANCE PLACEMENT, AND OTHER FACTORS THAT MAKE THE THIRTY (30) FOOT REQUIREMENT IMPRACTICAL; OR

   II. OTHER METHODS TO PROVIDE ADEQUATE ARTICULATION, PROVIDED THAT THE VISUAL EFFECT OF ARTICULATION IS MAINTAINED. EXAMPLES OF ACCEPTABLE VARIATIONS MAY INCLUDE ARCHITECTURAL OR ARTISTIC DETAILS OR FEATURES, A VARIATION IN COLOR OR MATERIALS AND ENHANCED ORNAMENTATION AROUND BUILDING ENTRANCEWAYS.

E. ENTRANCES.

1. RECESSED DOORWAYS. WHERE THE BUILDING ENTRANCE IS LOCATED ON OR

WITHIN FIVE (5) FEET OF A LOT LINE, DOORWAYS SHALL BE RECESSED INTO THE FACE OF THE BUILDING TO PROVIDE A SENSE OF ENTRANCE AND TO ADD VARIETY TO THE STREETSCAPE.

I. THE ENTRANCE RECESS SHALL NOT BE LESS THAN THE WIDTH OF THE DOOR(S) WHEN OPENED OUTWARD.

II. THE ENTRANCE RECESS MAY NOT EXCEED THE ENTRANCE WIDTH; AND

III. THE ENTRANCE MAY NOT EXCEED TWO (2) STORIES IN HEIGHT

IV. ADMINISTRATIVE DEPARTURE. AN ADMINISTRATIVE DEPARTURE APPROVED BY THE ZONING COORDINATOR MAY BE GRANTED TO PERMIT NON-RECESSED SERVICE DOORS WHERE NO SAFETY HAZARD EXISTS.

2. RESIDENTIAL DWELLINGS. ENTRANCES FOR ALL RESIDENTIAL DWELLINGS SHALL BE CLEARLY DEFINED BY AT LEAST ONE (1) OF THE FOLLOWING:

I. PROJECTING OR RECESSED ENTRANCE. A RECESSED ENTRANCE IS REQUIRED IF THE BUILDING ENTRANCE IS LOCATED ON OR WITHIN FIVE (5) FEET OF THE LOT LINE.

II. STOOP OR ENCLOSED OR COVERED PORCH.

III. TRANSOM AND/OR SIDE LIGHT WINDOW PANELS FRAMING

THE DOOR OPENING.

IV. ARCHITECTURAL TRIM FRAMING THE DOOR OPENING.

V. ADMINISTRATIVE DEPARTURE. AN ADMINISTRATIVE DEPARTURE APPROVED BY THE ZONING COORDINATOR MAY BE PERMITTED FOR OTHER METHODS, SUCH AS UNIQUE COLOR TREATMENTS, PROVIDED THE SAME EFFECT IS ACHIEVED.

3. BUILDING ORIENTATION.

I. PRIMARY ENTRANCE. THE MAIN BUILDING ENTRANCE SHALL BE LOCATED IN THE FRONT FAÇADE PARALLEL TO THE PRIMARY STREET.

II. ADMINISTRATIVE DEPARTURE. ALTERNATIVE ORIENTATIONS MAY BE PERMITTED BY THE ZONING COORDINATOR WHERE SUCH ALTERNATIVE ORIENTATIONS ARE CONSISTENT WITH EXISTING ADJACENT DEVELOPMENT.

F. EXPRESSION LINE (EL).

1. A HORIZONTAL LINE ON THE FAÇADE KNOWN AS THE EXPRESSION LINE (EL) SHALL DISTINGUISH THE BASE OF THE BUILDING FROM THE REMAINDER TO ENHANCE THE PEDESTRIAN ENVIRONMENT. THE EL SHALL BE CREATED BY A CHANGE IN MATERIAL, A CHANGE IN DESIGN, OR BY A CONTINUOUS SETBACK, RECESS, OR PROJECTION ABOVE OR BELOW THE EXPRESSION

LINE. SUCH ELEMENTS AS CORNICES, BELT COURSES, CORBELLING, MOLDING, STRINGCOURSES, ORNAMENTATION, AND CHANGES IN MATERIAL OR COLOR OR OTHER SCULPTURING OF THE BASE, ARE APPROPRIATE DESIGN ELEMENTS FOR ELS.

2. IF APPLICABLE, THE HEIGHT OF THE EXPRESSION LINE SHALL BE RELATED TO THE PREVAILING SCALE OF DEVELOPMENT IN THE AREA. A CHANGE OF SCALE MAY REQUIRE A TRANSITIONAL DESIGN ELEMENT BETWEEN EXISTING AND PROPOSED FEATURES.

ATTACHMENT:
DIAGRAM 50-33F

G. TRANSPARENCY.

1. PURPOSE. THE FIRST FLOORS OF ALL BUILDINGS SHALL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN-SCALE ACTIVITY AND CRIME PREVENTION TECHNIQUES. IT IS INTENDED THAT THIS BE ACCOMPLISHED PRINCIPALLY BY THE USE OF WINDOWS AND DOORS ARRANGED SO THAT ACTIVE USES WITHIN THE BUILDING ARE VISIBLE FROM OR ACCESSIBLE TO THE STREET, AND PARKING AREAS ARE VISIBLE TO OCCUPANTS OF THE BUILDING.

2. APPLICABILITY.

I. THE MINIMUM TRANSPARENCY REQUIREMENT SHALL APPLY TO ALL SIDES OF A BUILDING THAT ABUT AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY. TRANSPARENCY REQUIREMENTS SHALL NOT APPLY TO SIDES WHICH ABUT AN ALLEY.

II. WINDOWS FOR BUILDING

SIDES (NON-FRONT) SHALL BE CONCENTRATED TOWARD THE FRONT EDGE OF THE BUILDING, IN LOCATIONS MOST VISIBLE FROM AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY.

3. WINDOWS AND DISPLAYS.

   I. GROUND LEVEL STOREFRONT TRANSPARENCY SHALL BE HORIZONTALLY ORIENTED OVERALL, DIVIDED INTO VERTICAL SEGMENTS.

   II. PRODUCT DISPLAY WINDOWS SHALL BE INTERNALLY LIT.

   III. INTERIOR DISPLAYS SHALL BE SET BACK A MINIMUM OF ONE (1) FOOT FROM THE WINDOW AND SHALL NOT COVER MORE THAN FIFTY (50) PERCENT OF THE WINDOW OPENING.

   IV. NO WINDOW COVERING OR SCREENING SHALL COVER MORE THAN TWENTY-FIVE (25) PERCENT OF WINDOWS OR DOORS THAT ARE USED TO MEET TRANSPARENCY REQUIREMENTS.

4. PERCENTAGE OF REQUIRED TRANSPARENCY

   I. GROUND-FLOOR TRANSPARENCY PERCENTAGES MUST BE APPLIED BETWEEN TWO (2) FEET AND EIGHT (8) FEET FROM THE GROUND. THE AREA OF WINDOWS IN DOORS MAY COUNT TOWARDS

THE TRANSPARENCY PERCENTAGE.

II. STRUCTURES IN THE NC, DE, AND DC DISTRICTS SHALL COMPLY WITH TABLE 50-33G BELOW WITH REGARDS TO THE AMOUNT OF TRANSPARENT MATERIALS THAT IS REQUIRED FOR GROUND-FLOOR AND UPPER FLOOR FACADES. WINDOWS MUST BE CLEAR AND ALLOW VIEWS OF THE INDOOR SPACE OR DISPLAY AREAS.

ATTACHMENTS:
TABLE 50-33 (EXHIBIT 19)
DIAGRAM 50-33G (EXHIBIT 20)

H. TRANSITIONAL FEATURES.

1. PURPOSE. TRANSITIONAL FEATURES ARE ARCHITECTURAL ELEMENTS, SITE FEATURES OR ALTERATIONS TO BUILDING MASSING THAT ARE USED TO PROVIDE A TRANSITION BETWEEN HIGHER INTENSITY USES AND LOW- OR MODERATE-DENSITY RESIDENTIAL AREAS. IT IS THE INTENT OF THESE STANDARDS TO:

I. REDUCE LAND CONSUMPTION;

II. CREATE A COMPATIBLE MIXED-USE ENVIRONMENT;

III. LIMIT INTERRUPTIONS IN VEHICULAR AND PEDESTRIAN CONNECTIONS CREATED BY EFFORTS TO SEGREGATE USES; AND

IV. ESTABLISH OR MAINTAIN VIBRANT PEDESTRIAN- AND TRANSIT-ORIENTED AREAS WHERE DIFFERING USES ARE PERMITTED TO OPERATE IN CLOSE

PROXIMITY TO ONE ANOTHER.

2. APPLICABILITY. TRANSITIONAL FEATURES SHALL BE REQUIRED FOR BUILDINGS OR STRUCTURES THAT:

   I. AREA ADJACENT TO A RESIDENTIAL ZONE DISTRICT WHERE A PERMITTED BUILDING OR STRUCTURE WOULD BE ONE (1) OR MORE STORIES HIGHER THAN ADJACENT BUILDINGS OR STRUCTURES LOCATED IN THE TN OR MR ZONE DISTRICTS.

   II. HOST HIGHER-INTENSITY LAND USES THAT WOULD ADVERSELY AFFECT THE LIVABILITY OF AN AREA. THE PLANNING COMMISSION, BOARD OF ZONING APPEALS, OR CITY COUNCIL MAY REQUIRE TRANSITIONAL FEATURES AS PART OF A SPECIAL LAND USE, VARIANCE, PLANNED UNIT DEVELOPMENT OR EXCEPTION APPROVAL.

3. LANDSCAPE BUFFER. THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, CITY COUNCIL OR DIRECTOR OF PLANNING AND DEVELOPMENT MAY REQUIRE THE USE OF A LANDSCAPE BUFFER IN LIEU OF, OR IN ADDITION TO, A TRANSITIONAL FEATURE WHERE SUCH LANDSCAPE BUFFER WOULD REDUCE POTENTIALLY ADVERSE IMPACTS BETWEEN INCOMPATIBLE USES OR DIFFERENT BUILDING TYPES.

4. ARCHITECTURAL FEATURES. SIMILARLY SIZED AND PATTERNED ARCHITECTURAL FEATURES SUCH AS WINDOWS, DOORS, ARCADES, PILASTERS, CORNICES, WALL OFFSETS, BUILDING MATERIALS, AND OTHER BUILDING ARTICULATIONS

INCLUDED ON THE LOWER-INTENSITY USE SHALL BE INCORPORATED IN THE TRANSITIONAL FEATURES.

5. **PARKING AND LOADING. OFF-STREET PARKING, LOADING, SERVICE AND UTILITY AREAS SHALL BE LOCATED AWAY FROM THE LOWER-INTENSITY USE AND, WHERE POSSIBLE, ADJACENT TO SIMILAR SITE FEATURES ON SURROUNDING SITES.**

6. **LIGHTING AND NOISE. INCOMPATIBLE OUTDOOR LIGHTING OR SOURCES OF AUDIBLE NOISE SHALL BE PREVENTED WHENEVER PRACTICABLE.**

§ 50-30 Permitted Uses

Table 50-30 (Exhibit 13):

Table 50-30. Uses: Commercial Zone Districts					
	NC	CC	DE	DC	Reference
RESIDENTIAL					
Household Living					
Single-Family Dwelling	S		S		50-59
Two-Family Dwelling (Duplex)	P	S	P		50-85
Single-Family Attached Dwelling	P	S	P		50-85
Multi-Family Dwelling (all floors)	P	P	P		50-104
Multi-Family Dwelling (above first floor)	P	P	P	P	50-104
Accessory Dwelling Unit	S		S		50-79
Mixed Use	P	P	P	P	
Group Living					
Convalescent or Nursing Home		S	P		
Fraternity/Sorority House			P		50-96
Transitional or Emergency Shelter	S	S	S		50-119
Adult Foster Care Family Home (1-6 residents)			S		50-81
Adult Foster Care Small Group Home (1-6)			S		50-81
Adult Foster Care Small Group Home (7-12)		P	P		50-81
Adult Foster Care Large Group Home (13-20)		P	P		50-81
RECREATIONAL					
Community Center	P		S		
AGRICULTURAL					
Farmers' Market (Permanent)	P		P		
Farmers' Market (Temporary)	P	P	P	P	50-118
Produce Stand	A	S			50-109
Community Garden	A	A	A		50-91
INSTITUTIONAL AND CULTURAL					
Religious					
Place of Worship	S	P	P	S	
Cemetery		S			
Government and Educational					
Elementary/Middle School		S	P		
High School		S	P		
College or University or Vocational Training		S	P	P	
Other Governmental Use or Facility		P	P	P	
Other Institutional, and Cultural					
Social Service Facility	P	P	P	S	
Civil, Religious, or Charitable Organization	P	P	P	S	
Library	P	P	P	S	
Museum		S	P	S	
Art Gallery	P	P	P	P	
Health					
Rehabilitation Center (w/o residential care)	S	P	P	S	
Hospital or Medical Center		P	P	S	
COMMERCIAL					
Automotive Services					
Automotive Rental		P			50-122
Auto Supply/Accessory Sales	S	P			
Vehicle Repair and Services		P			50-123
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)	S	P	S		50-121
Vehicle Sale/ Lease (including auto, RV, boat)		P			50-122
Car Wash	S	P			
Farm Implement Sales		P			
Entertainment and Hospitality					
Arcade, Amusement Devices, Gaming, Pool Hall	S	P	P	S	50-94
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall, Amphitheater	S	P	P	P	50-86
Adult Entertainment Uses		ARU			50-80
Bingo Hall		ARU	ARU		50-92

	NC	CC	DE	DC	Reference
Bowling Alley, Skating Rink	S	P	S	S	
Casino			S		
Charity Gaming		ARU	ARU		50-92
Convention Center		P	P	P	
Dance Club, Night Club		S	S	S	50-94
Drive-In Theaters (Entertainment)		S			
Entertainment, Live (Not including ARUs)	S	P	P	P	
Hookah Lounge, Cigar Lounge	S	P	S	S	
Sports and Entertainment Arena		S	S		
Temporary Lodging					
Bed and Breakfast			P		50.9.11
Motel		P			
Hotel		P	P	P	
Offices					
Financial Services	P	P	P	P	
Physician or Dentist Office or Medical Clinic	P	P	P	P	
General Professional Office	P	P	P	P	
Research Facility/Laboratory		P	S		
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station	P	P	P	P	
Film Production, Photography, Radio, TV Studio	P	P	P	P	
Live/Work Unit	P	P	P		50-101
Personal Service Establishments					
Personal Service Establishments	P	P	P	P	
Gym or Fitness center	P	P	P	P	
Animal Services Day Care (w/o overnight boarding)	P	P	P		
Kennel (w/ boarding and/or grooming)		P			
Veterinary Clinic or Hospital (with or w/o boarding)	P	P	P		
Funeral Home or Mortuary		P			
Tattoo Establishment		ARU	ARU		50-80
Residential Service					
Adult Day Care or Day Services Center		P	S		50-81
Group Day Care Home		P	S		
Child Care Center	S	P	P	S	50-90
Retail and Service					
Grocery Store	P	P	P	S	
Retail Sales, General	P	P	P	P	
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply		P			
Convenience Store (W/ or w/o liquor)	S	P	P	S	50-83
Restaurant w/Alcohol (beer, wine and/or liquor)	S	P	P	P	50-83
Restaurant w/o Alcohol	P	P	P	P	
Catering Business	P	P	S	S	
Bar, Tavern, Taproom, or Tasting Room	S	S	S	S	50-83
Brewpub	S	S	S	S	50-83
Craft Winery/distillery	S	S	S	S	50-83
Commercial Art Gallery	P	P	P	P	
Instruction Studio	P	P	P	P	
Cash Advance		S			
Liquor Store/Package Goods/Party Store		ARU	ARU		50-83/50-80
Antique, Second-Hand Store (except pawn shop)	P	P	P	P	
Pawn Shop or Pawn Broker		ARU			50-80
Firearms Sales		S			
Drive Through (all commercial uses w/drive through; includes dry cleaning)	S	A	A		
INDUSTRIAL					
Manufacturing and Production, Light					
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.		P			

	NC	CC	DE	DC	Reference
Household Service: Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.	S	P	S		
Pottery and Figurine making, large-scale commercial/industrial		P			
Microbrewery/Small Distillery/Small Winery		P	P	P	
Large Brewery/Large Distillery/Large Winery		S			
Self-Storage Facility		P			50-114
Stone Monument Works		P			
Transportation					
Parking Structures		P	P		50-108
Stand Alone Parking, Surface Lots		P	S		
Transit Terminal or Station			P		
Utilities					
Electrical Substations and Private Utilities	S	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Towers	P	P	P	P	50-126
Small-Scale Solar Energy Production	A	A	A	A	50117
Large-Scale Solar Energy Production		A	A		50-116
Small-Scale Wind Energy Production	A	A	A	A	50-125
Additionally Regulated Uses					
Liquor/Package Goods/Party Store	ARU				50-80/50-83

§ 50-31. Site Placement, Building Placement, Bulk Standards

Table 50-31A (Exhibit 14):

Table 50-31A. Lot and Bulk Standards: NE and CC Districts

District Name	Lot Characteristics		Site Design						Development Intensity	
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Setback (F)		Corner Side Setback (C)		Interior Side Setback (S)	Rear Setback	Min. Lot Area per Dwelling Unit	Max. Building Height
			Min.	Max.	Min.	Max.	Min.	Min. (R)		
NC	25'	3000	None	10'	None	10'	None, unless lot width is greater than 100' and against a residential use, then 10'	20'	1,000 sq. ft.	4 stories/50'
CC										
For lots less than 140' deep	40'	3000	None	10'	None	10'	None, except for against a TN or M district, then 10'	20'	2,000 sq. ft.	4 stories/50'
For lots 140' deep or more	60'	8400	None	80'	None	20'	None, except for against a TN or M district, then 20'	40'	2,000 sq. ft.	4 stories/50'

Diagram 50-31A (Exhibit 15):

Table 50-31B (Exhibit 16):

Table 50-31B. Lot and Bulk Standards: D-E and D-C Districts

District Name	Lot Characteristics		Site Design						Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (s.f.)	Front Setback (F)		Corner Side Setback (C)		Interior Side Setback (S)	Rear Setback (R)	Min. Lot Area per Dwelling Unit	Building Height	
			Min.	Max.	Min.	Max.	Min.	Min.			
DE	40'	6000	None	15'	None	15'	None, except for against a TN or MR district, then 10'	None, except for against a TN or MR district, then 20'	600 sq. ft. per efficiency or one bedroom apartment; 800 sq. ft. per two or more bedroom apartment	Max. 75'	
DC	20'	3000	None	5'	None	5'	None	None	None	Max. 125'	Min. 35'

Diagram 50-31B (Exhibit 17):

§ 50-33 Building Element Requirements

Diagram 50-33F (Exhibit 18):

Table 50-33 (Exhibit 19):

Table 50-33. Minimum Façade Transparency In NC, D-E, and D-C Districts		
	Commercial Use	Residential Use
Ground-floor	70%	40%
Upper floors	30%	30%

Diagram 50-33G (Exhibit

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ARTICLE 5 – EMPLOYMENT ZONE DISTRICTS

§ 50-34. CE COMMERCE AND EMPLOYMENT: PURPOSE AND INTENT

THE CE COMMERCE AND EMPLOYMENT DISTRICT IS INTENDED TO ACCOMMODATE A HIGH INTENSITY MIX OF USES INCLUDING LARGE EMPLOYERS, REGIONAL COMMERCIAL CENTERS, AND LARGE CLUSTERS OF SMALL AND MID-SIZE COMMERCIAL AND EMPLOYMENT USERS. MULTI-FAMILY RESIDENTIAL USES, SUCH AS WORKFORCE HOUSING, MAY BE PERMITTED ON A LIMITED SCALE TO BUFFER LESS INTENSE NEARBY RESIDENTIAL DEVELOPMENT FROM MORE INTENSE USES WITHIN THE DISTRICT. DAILY ACTIVITIES WITHIN THE DISTRICT ATTRACT VISITORS FROM THROUGHOUT THE REGION AND SURFACE LOTS AND PARKING DECKS MAY BE COMMON. CONSIDERATION SHOULD BE GIVEN TO ACCESS MANAGEMENT, LOADING AND SERVICE AREA SCREENING, AND THE USE OF OPEN SPACE AND LANDSCAPING TO FOSTER A POSITIVE PEDESTRIAN ENVIRONMENT.

§ 50-35. PC PRODUCTION CENTER: PURPOSE AND INTENT

THE PC PRODUCTION CENTER DISTRICT IS INTENDED TO ACCOMMODATE INTENSE INDUSTRIAL USES CAPABLE OF GENERATING CONSIDERABLE NOISE, TRAFFIC, AND OTHER NUISANCES. USES MAY ALSO INCLUDE INDUSTRIAL USERS REQUIRING SIGNIFICANT AREAS DEDICATED TO THE STORAGE OF MATERIALS OR WHOSE OPERATION IS TYPICALLY PERFORMED IN THE OPEN-AIR, PROVIDED THEIR IMPACTS ARE MITIGATED THROUGH SCREENING AND BUFFERING. LANDSCAPED OR NATURALIZED AREAS ALONG THE PERIMETER OF THE DISTRICT SHOULD BE USED TO PROVIDE A BUFFER TO LESS INTENSE RESIDENTIAL, COMMERCIAL, AND EMPLOYMENT DISTRICTS, LIMITING IMPACTS ON PROPERTY VALUES AND QUALITY OF LIFE.

§ 50-36. GI-2 GREEN INNOVATION – HIGH INTENSITY: PURPOSE AND INTENT

THE CITY OF FLINT STRIVES TO ENCOURAGE ACTIVITY IN THE GREEN ECONOMY, WHICH IS DEFINED AS BUSINESSES OR ORGANIZATIONS THAT PRODUCE

GOODS AND SERVICES WITH AN ENVIRONMENTAL BENEFIT OR ADD VALUE TO SUCH PRODUCTS USING SKILLS OR TECHNOLOGIES THAT ARE UNIQUELY APPLIED TO THOSE PRODUCTS. ECONOMIC BENEFITS CAN BE DERIVED EITHER INHERENTLY, SUCH AS ENVIRONMENTAL REMEDIATION SERVICES, HOME WEATHERIZATION, ENERGY RETROFITTING, AND SOLAR PANEL INSTALLATION, OR RELATIVELY, SUCH AS ORGANIC FOOD PRODUCTION OR PROCESSING, THE PRODUCTION OF SOLAR PANELS, OR THE PRODUCTION OF PARTS FOR WIND TURBINES. EDUCATION AND TRAINING IN GREEN ECONOMY SKILLS IS ENCOURAGED. GREEN ECONOMY BUSINESSES OR ORGANIZATIONS ARE NOT SIMPLY BUSINESSES THAT CONDUCT THEMSELVES IN AN ENVIRONMENTALLY-FRIENDLY MANNER, RATHER, GREEN INNOVATION USES ENHANCE THE LOCAL ECONOMY AND PROVIDE PRODUCTS OR SERVICES WITH AN ENVIRONMENTAL BENEFIT.

GI GREEN INNOVATION DISTRICTS ARE INTENDED TO ACCOMMODATE A WIDE ARRAY OF ACTIVITIES CAPABLE OF CAPITALIZING ON TURNING VACANT, FORMERLY DEVELOPED LAND INTO A PRODUCTIVE REUSE WITHIN THE COMMUNITY WITH A FOCUS ON GREEN OR SUSTAINABLE INITIATIVES. IN CONJUNCTION WITH THE CITY'S 2013 MASTER PLAN, THERE ARE TWO DISTINCT TYPES OF GREEN INNOVATION DISTRICTS: GI-1 (FOUND IN ARTICLE 6) AND GI-2.

THE GI-2 DISTRICT IS COMPRISED OF LARGER VACANT OR MINIMALLY DEVELOPED PARCELS THAT MAY SERVE AS A TRANSITION OR BUFFER BETWEEN COHESIVE RESIDENTIAL NEIGHBORHOODS AND MORE INTENSELY DEVELOPED INDUSTRIAL AREAS. MEDIUM-HIGH INTENSITY INDUSTRIAL, RESEARCH AND DEVELOPMENT, AND AGRICULTURAL LAND USES ARE APPROPRIATE, PROVIDED THAT THEY ARE CONSISTENT WITH THE DEFINITION OF GREEN BUSINESSES AND HAVE MINIMAL IMPACT ON ADJACENT RESIDENTIAL AREAS. UNLIKE THE GI-1 DISTRICT, THE GI-2 DISTRICT IS PREDOMINANTLY ADJACENT TO EMPLOYMENT DISTRICTS AND SO WILL HAVE SIMILAR BULK AND DIMENSIONAL STANDARDS, UNLESS DIRECTLY ADJACENT TO RESIDENTIAL, WHERE ADDITIONAL SCREENING AND SETBACKS WILL APPLY.

§ 50-37. PERMITTED USES

ARTICLE 16 DEFINITIONS SHALL BE REFERRED TO FOR CLARITY ON THE USES AS LISTED.

A. LAND USES. USES ARE ALLOWED IN RESIDENTIAL ZONE DISTRICTS IN ACCORDANCE WITH TABLE 50-37. USES: EMPLOYMENT ZONE DISTRICTS. THE FOLLOWING KEY IS TO BE USED IN CONJUNCTION WITH THE USE TABLE.

1. PERMITTED USES. USES PERMITTED BY RIGHT IN THE ZONE DISTRICT, SUBJECT TO

COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH A "P."

2. SPECIAL LAND USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "S."

3. ADDITIONALLY REGULATED USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING LIMITING CONDITIONS SPECIFIED IN ARTICLE 9. THESE USES ARE IDENTIFIED WITH "ARU".

4. ACCESSORY USES. USES WHICH ARE PERMITTED BY RIGHT, ASSUMING THEY ARE NOT THE PRIMARY USE ON THE SIGHT AND THAT THEY ARE IN COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "A."

5. USES NOT ALLOWED. A CELL WHICH IS LEFT BLANK INDICATES THAT THE LISTED USE IS NOT ALLOWED IN THAT ZONE DISTRICT.

6. USE REGULATIONS. MANY ALLOWED USES, WHETHER PERMITTED BY RIGHT OR AS A SPECIAL LAND USE, ARE SUBJECT TO COMPLIANCE WITH ARTICLE 9.

7. UNLISTED USES. IN GENERAL UNLISTED USES ARE PROHIBITED. HOWEVER, IF AN APPLICATION IS SUBMITTED FOR A USE NOT LISTED, THE ZONING

COORDINATOR SHALL MAKE A DETERMINATION AS TO THE PROPER ZONE DISTRICT AND USE CLASSIFICATION FOR THE NEW OR UNLISTED USE. IF THE UNLISTED USE IS SIMILAR TO AN EXISTING PERMITTED USE IN THE SAME ZONE DISTRICT AND FITS THE INTENT OF THE ZONE DISTRICT, THE ZONING COORDINATOR MAY DETERMINE THAT THE UNLISTED USE IS PERMITTED.

8. PARKING STANDARDS. PARKING REQUIREMENTS ARE LOCATED IN ARTICLE 12 PARKING, LOADING AND CIRCULATION.

9. LEVEL OF REVIEW FOR MIXED-USE PROJECTS. THE LEVEL OF REVIEW FOR A PROJECT WITH MULTIPLE USES BEING DEVELOPED SIMULTANEOUSLY SHALL BE THE SAME AS THE HIGHEST LEVEL OF REVIEW OF THE INDIVIDUAL USES.

ATTACHMENT:
TABLE 50-37 (EXHIBIT 21)

§ 50-38. SITE, BUILDING PLACEMENT, AND BULK STANDARDS

SITE DIMENSIONS TABLE. ALL DEVELOPMENT IN EMPLOYMENT ZONE DISTRICTS MUST COMPLY WITH THE REQUIREMENTS IN TABLE 50-38 UNLESS OTHERWISE EXPRESSLY STATED. SETBACKS ARE MEASURED FROM THE NEAREST PARCEL LINE.

ATTACHMENTS:
TABLE 50-38 (EXHIBIT 22)
DIAGRAM 50-38 (EXHIBIT 23)
DIAGRAM 50-38 (EXHIBIT 24)

§ 50-39. ADDITIONAL CRITERIA AND REQUIREMENTS FOR REVIEW OF USES IN GREEN INNOVATION DISTRICTS

A. INTENT. DEVELOPMENT INTENSITY WITHIN THE GI-1 AND GI-2 DISTRICTS SHOULD BE CONTEXT SENSITIVE AND SHOULD LIMIT IMPACTS ON SURROUNDING LAND USES, INCLUDING SINGLE FAMILY HOMES WITHIN THE GI-1 DISTRICT AS WELL AS LESS INTENSE COMMERCIAL AND RESIDENTIAL USES IN ADJACENT DISTRICTS. GIVEN THE RAPIDLY CHANGING NATURE OF GREEN BUSINESS AND THE UNIQUE CONTEXT IN FLINT, ALL FUTURE DEVELOPMENT AND ACTIVITY WITHIN A GI-1 OR GI-2 DISTRICT MUST DEMONSTRATE IT MEETS THE SUSTAINABILITY INTENT AND GOALS OF GREEN INNOVATION.

B. NARRATIVE FOR LOCATION WITHIN DISTRICT. USES MUST DEMONSTRATE THEIR APPROPRIATENESS FOR THE GI DISTRICT INSTEAD OF OTHER DISTRICTS WITHIN THE COMMUNITY. ALONG WITH ANY NECESSARY APPLICATION MATERIALS OUTLINED BY ARTICLE 17 OF THIS CHAPTER, THE APPLICANT MUST INCLUDE A NARRATIVE DETAILING HOW THE DEVELOPMENT MEETS THE FOLLOWING REQUIREMENTS.

1. THE APPLICANT MUST DESCRIBE HOW THE USE MAY BE CLASSIFIED IN ONE OR MORE OF THE FOLLOWING GREEN BUSINESS AREAS:

I. AGRICULTURE AND NATURAL RESOURCES CONSERVATION

II. EDUCATION AND COMPLIANCE

III. ENERGY AND RESOURCE EFFICIENCY

IV. GREENHOUSE GAS REDUCTION, ENVIRONMENTAL MANAGEMENT, AND RECYCLING

V. RENEWABLE ENERGY

2. THE APPLICANT MUST DESCRIBE HOW THE DEVELOPMENT WILL NOT ADVERSELY AFFECT ADJACENT RESIDENTIAL OR LESS INTENSIVE USES.

C. ADDITIONAL LANDSCAPING. ANY NON-RESIDENTIAL USE IN A GI-1 DISTRICT SHARING A LOT LINE WITH A RESIDENTIAL USE SHALL PROVIDE AT LEAST A TYPE-2 TRANSITION YARD (SEE SECTION 50-157) ALONG THE SHARED LINE(S). THIS TRANSITION YARD MAY BE INCORPORATED AS PART OF A REQUIRED SETBACK PROVIDED THE SETBACK IS LARGER THAN THE TRANSITION YARD. IF THE SPECIFIC USE REQUIRES A MORE SPECIFIC OR INTENSE LEVEL OF LANDSCAPING/BUFFERING THOSE REGULATIONS SHALL APPLY.

§ 50-37. Permitted Uses

Table 50-37 (Exhibit 21):

Table 50-37. Uses: Employment Zoning Districts				
	CE	GI-2	PC	Reference
RESIDENTIAL				
Household Living				
Single-Family Detached Dwelling				50-59
Multi-Family Dwelling	S			50-104
Accessory Dwelling Unit				
Mixed Use	P			
Group Living				
Convalescent or Nursing Home	S			
Adult Foster Care Small Group Home (7-12 residents)	S			50-81
Adult Foster Care Large Group Home (13-20)	S			50-81
Community Center				
Park				
Public-Owned Park	P	P	P	
AGRICULTURAL				
Aquaculture				50-84
Aquaponics	S	P	P	50-84
Farmers Market (Temporary)	P			50-118
Produce Stand				
Greenhouse	A	P		50-98
Hoophouse	S	P		50-100
Hydroponics	S	P	P	
Apiary/Beekeeping		P		50-88
Commercial Composting		P	P	
Orchard (11 or more trees)		P		
Urban Agriculture		P		50-120
Community Garden	A			50-91
INSTITUTIONAL AND CULTURAL				
Religious				
Place of Worship	S			
Cemetery	S			
Government and Educational				
Elementary/Middle School	S			
High School	S	S		
College or University or vocational training	P	S		
Other Governmental Use or Facility	P			
Other Institutional, and Cultural				
Social Service Facility (w/o residential care)	P			
Civil, Religious, or Charitable Organization	P			
Health				
Rehabilitation Center (w/o residential care)	P			
Hospital or Medical Center	P			
COMMERCIAL				
Automotive Services				
Automotive Rental	P		P	50-122
Auto Supply/Accessory Sales	P		P	
Vehicle Repair and Services	P		P	50-123
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)	P		P	50-121
Vehicle Sale/ Lease (including auto, RV, boat)	P		P	50-122
Vehicle Salvage and Wrecking Operations			P	50-103
Vehicle Towing and Storage (including auto, RV, boat)	S		P	
Car Wash	P		P	
Farm Implement Sales	P		P	
Entertainment and Hospitality				
Adult Entertainment Uses	ARU		ARU	50-80
Arcade, Amusement Devices, Gaming, Billiards Hall	P			50-94
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall, Amphitheater	P			50-86
Bingo Hall	ARU			50-80
Bowling Alley, Skating Rink	P			50-94

	CE	GI-2	PC	Reference
Casino	S		S	
Charity Gaming	ARU			50-80
Convention Center	P		S	
Dance Club, Night Club	S			50-94
Drive-In Theaters	P			
Entertainment, Live (Not including ARUs)	P			
Hookah Lounge, Cigar Lounge	S			
Sports and Entertainment Arena	S			
Lodging				
Motel	P			
Hotel	P		S	
Offices				
Financial Services	P		S	
Physician or Dentist Office or Medical Clinic	P			
General Professional Office	P			
Research Facility/ Laboratory	P	S	P	
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station	P		P	
Film Production, Photography, Radio, TV Studio	P		P	
Live/Work Unit	S			50-101
Personal Service Establishments				
Personal Service Establishments	P			
Animal Day Care (w/o boarding)	P			
Kennel (w/ boarding and/or grooming)	P			
Veterinary Clinic or Hospital (with or w/o boarding)	P			
Funeral Home or Mortuary	P			
Crematory			P	
Gym or Fitness Center	P			
Tattoo Establishment	ARU			50-80
Residential Service				
Adult Day Care or Day Services Center	P			50-81
Group Day Care Home	P			
Child Care Center	P			50-90
Retail and Service				
Retail Sales, General	P			
Grocery Store	P		S	
Non-food Retail Sales, General (w/o alcohol)	P		S	
Convenience Store	P			50-83
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply	P	P	P	
Restaurant w/Alcohol (beer, wine and/or liquor)	S			50-83
Restaurant w/o Alcohol	S			
Catering Business	P			
Bar, Tavern, Taproom, or Tasting Room	S			50-83
Brewpub	S			50-83
Craft Winery/Distillery	S			50-83
Commercial Art Gallery	S			
Instruction Studio	S			
Cash Advance	S			
Antique, Second-Hand Store (except pawn shop)	P			
Liquor/Package Goods/Party Store	ARU			50-80/50-83
Limited Wholesale	P	S	P	
Wholesale Business	P	S	P	
Pawn Shop or Pawn Broker	ARU		ARU	50-80
Fire Arms Sales	S		S	
Drive Through (all commercial uses w/drive through; includes dry cleaning)	A		A	50-92
INDUSTRIAL				
Manufacturing and Production, Light				
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.	P		P	
Household Service: Dying and Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.	P		P	
Assembly, Manufacturing, or Production of food, textile products, technology, wood products, furniture and fixtures, paper, clay, glass or fabricated metal	S	S	P	

	CE	GI-2	PC	Reference
Canning and Bottling Works	S		P	
Food Products	S	S	P	
Production of Pharmaceuticals	S		P	
Products from Previously Prepared Materials	S	S	P	50-103
Pottery and Figurine making, large-scale commercial	P		P	
Welding Shops and Other Metal Working Machine Shops	S		P	
Ice Manufacturing	S		P	
Warehousing, Storage	P	A	P	
Microbrewery/Small Distillery/Small Winery	P		S	
Large Brewery/Large Distillery/Large Winery	S		S	
Self-Storage Facility	P		P	50-114
Stone Monument Works	P		P	
Building Materials Sales Yards	S		P	
Contractors Yards and Similar Establishments	S		P	
Manufacturing and Production, Heavy				
Automotive and Parts Manufacturing	S		P	
Bulk Stations			P	
Coal, Coke and Wood Yards			S	
Other Storage and Equipment Yards			P	
Materials Salvage, Recycling and Processing			P	50-103
Commercial Laundry, Dry Cleaning Processing, Drug and Lab Disposal			S	
High Emissions Manufacturing (i.e. Acid, Asbestos, Brewing and Distilling, Flour or Forge Grain Mill, Meat Packing, etc.)			S	
Foundry			P	
Transportation				
Airports			P	
Railroad Yard and Major Freight Station	S		P	
Freight Terminal	S		P	
Parking Structures	P		P	50-108
Stand Alone Parking, Surface Lots	P		P	
Transit Terminal or Station	P		S	
Utilities				
Electrical Substations and Private Utilities	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Tower	P	P	P	50-126
Wireless Communication Facilities – New Towers and Facilities	S		S	50-126
Large-scale Solar Energy Production	S	P	S	50-116
Small-scale Solar Energy Production	A	A	A	50-117
Large-scale Wind Energy Production		P	S	50-124
Small-Scale Wind Energy Production	A	A	A	50-125
Additionally Regulated Uses				
Medical Marijuana Dispensaries/Provisioning Centers	ARU	ARU	ARU	50-80.1
Commercial Medical Marihuana "Growing" Facility	ARU	ARU	ARU	50-80.1
Commercial Medical Marihuana Processing Facility	ARU	ARU	ARU	50-80.1
Commercial Medical Marihuana Safety Compliance Facility	ARU	ARU	ARU	50-80.1

§ 50-38 Site, Building Placement, and Bulk Standards

Table 50-38 (Exhibit 22):

Table 50-38. Employment Districts Bulk and Site Standards

	Lot Characteristics		Site Design			
District	Min. Lot Width	Min. Lot Area (s.f.)	Min. Front Setback	Min. Corner Side Setback	Min. Interior Side Setback	Min. Rear Setback
CE	100'	15000	10', unless abutting residential development, then 40'	None, unless abutting residential development, then 20'	None, unless abutting residential development, then 20'	None, unless abutting residential development or the NC, CC, or D districts, then 40'
PC	100'	15000	30', unless abutting residential development, then 50'	None, unless abutting residential development, then 30'	None, unless abutting residential development, then 30'	None, unless abutting residential development or the NC, CC, or D districts, then 60'
GI-2	N/A	30,000	30'	30'	30'	25'

Diagram 50-38 (Exhibit 23):

Industrial Zone Bulk Standards

CE, PC Districts

Diagram 50-38 (Exhibit 24):

Industrial Zone Bulk Standards

GI-1, GI-2 Districts

ARTICLE 6
INSTITUTIONAL/INNOVATION ZONED DISTRICTS

§ 50-40. IC INSTITUTIONAL CAMPUS: PURPOSE AND INTENT

THE IC INSTITUTIONAL CAMPUS DISTRICT IS INTENDED TO ACCOMMODATE DEVELOPMENT DEDICATED SOLELY TO THE FUNCTION OF MAJOR COMMUNITY INSTITUTIONS, INCLUDING COLLEGES, UNIVERSITIES, MUSEUMS, CULTURAL CENTERS, PERFORMING ARTS VENUES, ETC. THE DISTRICT CONSISTS OF CLUSTERS OF RELATED BUILDINGS ARRANGED IN A CAMPUS SETTING THAT IS LARGELY SEPARATED FROM THE SURROUNDING AREAS. ANY REDEVELOPMENT WITHIN THIS DISTRICT SHOULD CONSIST OF USES THAT COMPLEMENT OR STRENGTHEN THE CORE INSTITUTION. DAILY ACTIVITIES WITHIN THE DISTRICT ATTRACT VISITORS FROM THROUGHOUT THE REGION AND CONSIDERATION SHOULD BE GIVEN TO ACCESS AND EGRESS TO LIMIT NON-LOCAL TRAFFIC THROUGH RESIDENTIAL AREAS. IN ADDITION, BUFFERING AND SCREENING SHOULD BE USED TO MITIGATE ANY OTHER IMPACTS OF INSTITUTIONAL ACTIVITY, INCLUDING AREAS DEDICATED TO COMMUNITY INSTITUTION OPERATION AND MAINTENANCE.

§ 50-41. UC UNIVERSITY CORE: PURPOSE AND INTENT

THE UC UNIVERSITY CORE DISTRICT IS INTENDED TO ACCOMMODATE THE DEVELOPMENT OF COLLEGES AND UNIVERSITIES ALONG A RANGE OF INSTITUTIONAL, RESIDENTIAL, COMMERCIAL, AND EMPLOYMENT ACTIVITIES IN A UNIQUE ENVIRONMENT WITHIN THE UNIVERSITY AVENUE AREA THAT SUPPORTS SIGNIFICANT INTENSITY AND A MIX OF COMPLEMENTARY USES. EXAMPLES OF PERMITTED USES INCLUDE RESEARCH AND DEVELOPMENT, PROFESSIONAL OFFICES, MULTI-FAMILY RESIDENTIAL, AND LIGHT MANUFACTURING. LAND USE COMPATIBILITY AND TRANSITIONING TO ADJACENT LAND USES ARE IMPORTANT CONSIDERATIONS IN THIS DISTRICT. ADJACENT RESIDENTIAL AREAS SHOULD BE PROTECTED THROUGH USE OF BUFFERING, SCREENING, AND OTHER MEASURES TO MITIGATE IMPACTS OF ACTIVITIES FROM WITHIN THE DISTRICT.

§ 50-42. GI-1 GREEN INNOVATION – MEDIUM INTENSITY: PURPOSE AND INTENT

THE CITY OF FLINT STRIVES TO ENCOURAGE ACTIVITY IN THE GREEN ECONOMY, WHICH IS DEFINED AS BUSINESSES OR ORGANIZATIONS THAT PRODUCE GOODS AND SERVICES WITH AN ENVIRONMENTAL BENEFIT OR ADD VALUE TO SUCH PRODUCTS USING SKILLS OR TECHNOLOGIES THAT ARE UNIQUELY APPLIED TO THOSE PRODUCTS. ECONOMIC BENEFITS CAN BE DERIVED EITHER INHERENTLY, SUCH AS ENVIRONMENTAL REMEDIATION SERVICES, HOME WEATHERIZATION, ENERGY RETROFITTING, AND SOLAR PANEL INSTALLATION, OR RELATIVELY, SUCH AS ORGANIC FOOD PRODUCTION OR PROCESSING, THE PRODUCTION OF SOLAR PANELS, OR THE PRODUCTION OF PARTS FOR WIND TURBINES. EDUCATION AND TRAINING IN GREEN ECONOMY SKILLS IS ENCOURAGED. GREEN ECONOMY BUSINESSES OR ORGANIZATIONS ARE NOT SIMPLY BUSINESSES THAT CONDUCT THEMSELVES IN AN ENVIRONMENTALLY-FRIENDLY MANNER, RATHER, GREEN INNOVATION USES ENHANCE THE LOCAL ECONOMY AND PROVIDE PRODUCTS OR SERVICES WITH AN ENVIRONMENTAL BENEFIT.

GI GREEN INNOVATION DISTRICTS ARE INTENDED TO ACCOMMODATE A WIDE ARRAY OF ACTIVITIES CAPABLE OF CAPITALIZING ON TURNING VACANT, FORMERLY DEVELOPED LAND INTO A PRODUCTIVE REUSE WITHIN THE COMMUNITY WITH A FOCUS ON GREEN OR SUSTAINABLE INITIATIVES. IN CONJUNCTION WITH THE CITY'S 2013 MASTER PLAN, THERE ARE TWO DISTINCT TYPES OF GREEN INNOVATION DISTRICTS: GI-1 AND GI-2 (FOUND IN ARTICLE 5).

THE GI-1 DISTRICT IS COMPRISED OF PLATTED LOTS OF RECORD WITHIN RESIDENTIAL NEIGHBORHOODS THAT HAVE BEEN LARGELY VACATED. THE REHABILITATION AND REUSE OF STRUCTURES THAT WERE INTEGRAL AT ONE TIME TO THE SURROUNDING NEIGHBORHOOD, SUCH AS FORMER SCHOOL BUILDINGS, IS ENCOURAGED. IT IS ANTICIPATED THAT TWO OR MORE LOTS WILL BE ASSEMBLED FOR REDEVELOPMENT IN THIS DISTRICT. DEVELOPMENT AND LAND USE INTENSITY WILL BE LIMITED, GIVEN THAT RESIDENTIAL USES, INCLUDING SINGLE-FAMILY RESIDENTIAL HOMES, ARE ALLOWED IN THE DISTRICT. BECAUSE MOST OF THE GI-1 DISTRICTS ARE ABUTTING GN-1 RESIDENTIAL DISTRICTS, BULK AND DIMENSIONAL STANDARDS WILL BE COMPATIBLE, ALLOWING FOR TYPICALLY SIZED RESIDENTIAL LOTS IN THE DISTRICT, MEETING THE STANDARDS OF THE GN-1 RESIDENTIAL STANDARDS.

§ 50-43. PERMITTED USES

ARTICLE 16 DEFINITIONS SHALL BE REFERRED TO FOR CLARITY ON THE USES AS LISTED.

A. LAND USES. USES ARE ALLOWED IN RESIDENTIAL ZONE DISTRICTS IN ACCORDANCE WITH TABLE

50-43 USES: INSTITUTIONAL ZONE DISTRICTS. THE FOLLOWING KEY IS TO BE USED IN CONJUNCTION WITH THE USE TABLE.

1. **PERMITTED USES. USES PERMITTED BY RIGHT IN THE ZONE DISTRICT, SUBJECT TO COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH A "P."**

2. **SPECIAL LAND USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "S."**

3. **ADDITIONALLY REGULATED USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING LIMITING CONDITIONS SPECIFIED IN ARTICLE 9. THESE USES ARE IDENTIFIED WITH "ARU".**

4. **ACCESSORY USES. USES WHICH ARE PERMITTED BY RIGHT, ASSUMING THEY ARE NOT THE PRIMARY USE ON THE SIGHT AND THAT THEY ARE IN COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "A."**

5. **USES NOT ALLOWED. A CELL WHICH IS LEFT BLANK INDICATES THAT THE LISTED USE IS NOT ALLOWED IN THAT ZONE DISTRICT.**

6. **USE REGULATIONS. MANY ALLOWED USES, WHETHER PERMITTED BY RIGHT OR AS A SPECIAL LAND USE, ARE SUBJECT TO**

COMPLIANCE WITH ARTICLE 9.

7. UNLISTED USES. IN GENERAL UNLISTED USES ARE PROHIBITED. HOWEVER, IF AN APPLICATION IS SUBMITTED FOR A USE NOT LISTED, THE ZONING COORDINATOR SHALL MAKE A DETERMINATION AS TO THE PROPER ZONE DISTRICT AND USE CLASSIFICATION FOR THE NEW OR UNLISTED USE. IF THE UNLISTED USE IS SIMILAR TO AN EXISTING PERMITTED USE IN THE SAME ZONE DISTRICT AND FITS THE INTENT OF THE ZONE DISTRICT, THE ZONING COORDINATOR MAY DETERMINE THAT THE UNLISTED USE IS PERMITTED.

8. PARKING STANDARDS. PARKING REQUIREMENTS ARE LOCATED IN ARTICLE 12 PARKING, LOADING AND CIRCULATION.

9. LEVEL OF REVIEW FOR MIXED-USE PROJECTS. THE LEVEL OF REVIEW FOR A PROJECT WITH MULTIPLE USES BEING DEVELOPED SIMULTANEOUSLY SHALL BE THE SAME AS THE HIGHEST LEVEL OF REVIEW OF THE INDIVIDUAL USES.

ATTACHMENT:
TABLE 50-43 (EXHIBIT 25)

§ 50-44. SITE, BUILDING PLACEMENT, AND BULK STANDARDS

SITE DIMENSIONS TABLE. ALL DEVELOPMENT IN INSTITUTIONAL ZONE DISTRICTS MUST COMPLY WITH THE REQUIREMENTS IN TABLE 50-44 UNLESS OTHERWISE EXPRESSLY STATED.

ATTACHMENTS:
TABLE 50-44 (EXHIBIT 26)
DIAGRAM 50-44 (EXHIBIT 27)
DIAGRAM 50-44 (EXHIBIT 28)

§ 50-45. DEVELOPMENT STANDARDS APPLICABLE TO THE IC AND UC DISTRICTS

A. LOTS WITH MULTIPLE BUILDINGS ON THE SAME SITE ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. BUILDING SPACING. NO PORTION OF A BUILDING FAÇADE SHALL BE WITHIN 20' OF ANY PORTION OF ANOTHER

BUILDING FAÇADE ON THE SAME SITE.

2. ORIENTATION. BUILDINGS SHOULD GENERALLY BE ORIENTED TOWARD PUBLIC STREETS AND ON-SITE COMMON AMENITIES, SUCH AS PLAZAS, PARKS, DECORATIVE LAKES OR PONDS, ETC. COLLEGES AND UNIVERSITIES MAY ORIENT BUILDINGS AROUND SUCH AMENITIES TO FIT WITHIN CAMPUS MASTER PLANS FOR BEST SERVING STUDENTS.

3. COMMON AMENITIES. COMMON AMENITIES SHOULD BE ENCOURAGED, AND BUILDING SHOULD BE SITED TO RELATE TO THE AMENITIES AND PROVIDE A SENSE OF ENCLOSURE.

4. 360-DEGREE DESIGN. ALL FACADES OF BUILDINGS SHOULD INTEGRATE CONSISTENT ARCHITECTURE, BUILDING MATERIALS, AND DETAILS.

B. LIGHT MANUFACTURING AND PRODUCTION USES

1. ADDITIONAL SETBACK REQUIREMENTS. ANY LOTS HOSTING LIGHT MANUFACTURING AND PRODUCTION USES AS INDICATED IN TABLE 50-42 SHALL PROVIDE FRONT AND SIDE YARD SETBACKS TWICE AS LARGE AS WHAT IS REQUIRED IN TABLE 50-43.

§ 50-46. UNIVERSITY AVENUE FRONTAGE BUILDING ELEMENT REQUIREMENTS

C. PURPOSE. THE INTENT OF THESE REQUIREMENTS IS TO FOSTER THE DEVELOPMENT OF UNIVERSITY AVENUE FRONTAGE IN THE UNIVERSITY CORRIDOR AS AN ATTRACTIVE MIXED-USE AREA THAT SHALL:

1. ESTABLISH A DEVELOPMENT PATTERN THAT REINFORCES UNIVERSITY AVENUE AS AN ATTRACTIVE CORRIDOR;

2. ADD VISUAL INTEREST, INCREASE PEDESTRIAN

TRAFFIC AND TO REDUCE CRIME THROUGH INCREASED SURVEILLANCE;

3. ENHANCE A SENSE OF PLACE AND CONTRIBUTE TO THE VIBRANCY OF THE DISTRICT;

4. ORIENT BUILDING ENTRANCES AND STOREFRONTS TO THE STREET;

5. UTILIZE ATTRACTIVE BUILDING DESIGN TO ESTABLISH A DISTINCT LOCAL CHARACTER; AND

6. ENCOURAGE TRANSPORTATION ALTERNATIVES (WALKING, BIKING AND TRANSIT) TO REDUCE AUTOMOBILE DEPENDENCE AND FUEL CONSUMPTION.

D. APPLICABILITY. ALL DEVELOPMENT ON PROPERTIES WITH FRONTAGE ON UNIVERSITY AVENUE IN THE UC DISTRICT SHALL COMPLY WITH THE REQUIREMENTS INCLUDED IN THIS SECTION UNLESS OTHERWISE EXPRESSLY STATED.

E. MATERIALS.

1. DURABLE BUILDING MATERIALS, SIMPLE CONFIGURATIONS AND SOLID CRAFTSMANSHIP ARE REQUIRED. A MINIMUM FIFTY (50) PERCENT OF WALLS VISIBLE FROM PUBLIC STREETS, EXCLUSIVE OF WALL AREAS DEVOTED TO MEETING TRANSPARENCY REQUIREMENTS SHALL BE CONSTRUCTED OF: BRICK, GLASS; FIBER CEMENT SIDING, METAL (BEAMS, LINTELS, TRIM ELEMENTS AND ORNAMENTATION ONLY); WOOD LAP, STUCCO, SPLIT-FACED BLOCK, OR STONE. EXTERIOR INSULATED FINISHING SYSTEMS (EIFS), AND VINYL OR ALUMINUM SIDING SHOULD ONLY BE USED FOR ACCENTS AND ARE PROHIBITED ON THE FIRST STORY. METAL SIDING MAY BE USED AS A PRIMARY BUILDING MATERIAL IF ALLOWED BY THE PLANNING COMMISSION WITH

SPECIAL LAND USE APPROVAL.

F. FAÇADE PRESERVATION AND VARIATION.

1. EXTERIOR ALTERATIONS. EXTERIOR CHANGES AND FAÇADE RENOVATIONS SHALL NOT DESTROY OR COVER ORIGINAL DETAILS ON A BUILDING, WHEREVER PRACTICABLE. BRICK AND STONE FAÇADES SHALL NOT BE COVERED WITH ARTIFICIAL SIDING OR PANELS.

2. WINDOW AND DOOR OPENINGS. EXISTING WINDOW AND DOOR OPENINGS SHALL BE MAINTAINED WHEREVER PRACTICABLE. NEW WINDOW AND DOOR OPENINGS SHALL MAINTAIN A SIMILAR HORIZONTAL AND VERTICAL RELATIONSHIP AS THE ORIGINALS.

3. VERTICAL AND HORIZONTAL LINES. THE VERTICAL LINES OF COLUMNS AND PIERS, AND THE HORIZONTAL DEFINITION OF SPANDRELS AND CORNICES, AND OTHER PRIMARY STRUCTURAL ELEMENTS SHALL BE MAINTAINED WHEREVER PRACTICABLE.

4. UNINTERRUPTED FAÇADE. THE MAXIMUM LINEAR LENGTH OF AN UNINTERRUPTED BUILDING FAÇADE FACING PUBLIC STREETS AND/OR PARKS SHALL BE THIRTY (30) FEET. FAÇADE ARTICULATION OR ARCHITECTURAL DESIGN VARIATIONS FOR BUILDING WALLS FACING THE STREET ARE REQUIRED TO ENSURE THAT THE BUILDING IS NOT MONOTONOUS IN APPEARANCE. BUILDING WALL OFFSETS (PROJECTIONS AND RECESSES), CORNICES, VARYING BUILDING MATERIALS OR PILASTERS SHALL BE USED TO BREAK UP THE MASS OF A SINGLE BUILDING.

G. BUILDING ORIENTATION.

1. PRIMARY ENTRANCE. THE

PRIMARY BUILDING ENTRANCE SHALL BE LOCATED IN THE FRONT FAÇADE PARALLEL TO THE STREET. MAIN BUILDING ENTRANCES AND EXITS SHALL BE LOCATED ON THE PRIMARY STREET.

H. ENTRANCES.

1. RECESSED DOORWAYS. WHERE THE BUILDING ENTRANCE IS LOCATED ON OR WITHIN FIVE (5) FEET OF A LOT LINE, DOORWAYS SHALL BE RECESSED INTO THE FACE OF THE BUILDING TO PROVIDE A SENSE OF ENTRANCE AND TO ADD VARIETY TO THE STREETSCAPE.

   I. THE ENTRANCE RECESS SHALL NOT BE LESS THAN THE WIDTH OF THE DOOR(S) WHEN OPENED OUTWARD.

      A. THE ENTRANCE RECESS MAY NOT EXCEED THE ENTRANCE WIDTH; AND

      B. THE ENTRANCE MAY NOT EXCEED TWO (2) STORIES IN HEIGHT.

   II. ADMINISTRATIVE DEPARTURE. AN ADMINISTRATIVE DEPARTURE APPROVED BY THE ZONING COORDINATOR MAY BE GRANTED TO PERMIT NON-RECESSED SERVICE DOORS WHERE NO SAFETY HAZARD EXISTS.

   III. RESIDENTIAL DWELLINGS. ENTRANCES FOR ALL RESIDENTIAL DWELLINGS SHALL BE CLEARLY DEFINED BY AT LEAST ONE (1) OF THE FOLLOWING:

      A. PROJECTING OR RECESSED ENTRANCE. A RECESSED ENTRANCE IS REQUIRED IF THE BUILDING ENTRANCE IS LOCATED ON OR WITHIN FIVE (5) FEET OF THE LOT LINE.

      B. STOOP OR ENCLOSED OR COVERED PORCH.

      C. TRANSOM AND/OR SIDE LIGHT WINDOW PANELS FRAMING THE DOOR OPENING.

      D. ARCHITECTURAL TRIM

FRAMING THE DOOR OPENING.

E. ADMINISTRATIVE DEPARTURE. AN ADMINISTRATIVE DEPARTURE APPROVED BY THE ZONING COORDINATOR MAY BE PERMITTED FOR OTHER METHODS, SUCH AS UNIQUE COLOR TREATMENTS, PROVIDED THE SAME EFFECT IS ACHIEVED.

F. BUILDING ORIENTATION.

V. PRIMARY ENTRANCE. THE MAIN BUILDING ENTRANCE SHALL BE LOCATED IN THE FRONT FAÇADE PARALLEL TO THE PRIMARY STREET.

VI. ADMINISTRATIVE DEPARTURE. ALTERNATIVE ORIENTATIONS MAY BE PERMITTED BY THE ZONING COORDINATOR WHERE SUCH ALTERNATIVE ORIENTATIONS ARE CONSISTENT WITH EXISTING ADJACENT DEVELOPMENT.

ATTACHMENT:
TABLE 50-46H (EXHIBIT 29)

I. EXPRESSION LINE (EL).

1. A HORIZONTAL LINE ON THE FAÇADE KNOWN AS THE EXPRESSION LINE (EL) SHALL DISTINGUISH THE BASE OF THE BUILDING FROM THE REMAINDER TO ENHANCE THE PEDESTRIAN ENVIRONMENT. THE EL SHALL BE CREATED BY A CHANGE IN MATERIAL, A CHANGE IN DESIGN, OR BY A CONTINUOUS SETBACK, RECESS, OR PROJECTION ABOVE OR BELOW THE EXPRESSION LINE. SUCH ELEMENTS AS CORNICES, BELT COURSES, CORBELLING, MOLDING, STRINGCOURSES, ORNAMENTATION, AND CHANGES IN MATERIAL OR COLOR OR OTHER SCULPTURING OF THE BASE, ARE APPROPRIATE DESIGN ELEMENTS FOR ELS.

2. IF APPLICABLE, THE HEIGHT OF THE EXPRESSION LINE SHALL BE RELATED TO THE PREVAILING SCALE OF DEVELOPMENT IN THE AREA. A CHANGE OF SCALE MAY REQUIRE A TRANSITIONAL DESIGN ELEMENT BETWEEN EXISTING AND PROPOSED FEATURES.

ATTACHMENT:
DIAGRAM 50-46I (EXHIBIT 30)

J. TRANSPARENCY.

1. PURPOSE. THE FIRST FLOORS OF ALL BUILDINGS SHALL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN-SCALE ACTIVITY AND CRIME PREVENTION TECHNIQUES. IT IS INTENDED THAT THIS BE ACCOMPLISHED PRINCIPALLY BY THE USE OF WINDOWS AND DOORS ARRANGED SO THAT ACTIVE USES WITHIN THE BUILDING ARE VISIBLE FROM OR ACCESSIBLE TO THE STREET, AND PARKING AREAS ARE VISIBLE TO OCCUPANTS OF THE BUILDING.

2. APPLICABILITY.

I. THE MINIMUM TRANSPARENCY REQUIREMENT SHALL APPLY TO ALL SIDES OF A BUILDING THAT ABUT AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY. TRANSPARENCY REQUIREMENTS SHALL NOT APPLY TO SIDES WHICH ABUT AN ALLEY.

II. WINDOWS FOR BUILDING SIDES (NON-FRONT) SHALL BE CONCENTRATED TOWARD THE FRONT EDGE OF THE BUILDING, IN LOCATIONS MOST VISIBLE FROM AN URBAN OPEN SPACE OR PUBLIC RIGHT-OF-WAY.

3. WINDOWS AND DISPLAYS.

I. GROUND LEVEL STOREFRONT TRANSPARENCY SHALL BE HORIZONTALLY ORIENTED OVERALL, DIVIDED INTO

VERTICAL SEGMENTS.

II. PRODUCT DISPLAY WINDOWS SHALL BE INTERNALLY LIT.

III. INTERIOR DISPLAYS SHALL BE SET BACK A MINIMUM OF ONE (1) FOOT FROM THE WINDOW AND SHALL NOT COVER MORE THAN FIFTY (50) PERCENT OF THE WINDOW OPENING.

IV. NO WINDOW COVERING OR SCREENING SHALL COVER MORE THAN TWENTY-FIVE (25) PERCENT OF WINDOWS OR DOORS THAT ARE USED TO MEET TRANSPARENCY REQUIREMENTS.

4. PERCENTAGE OF REQUIRED TRANSPARENCY

I. GROUND-FLOOR TRANSPARENCY PERCENTAGES MUST BE APPLIED BETWEEN TWO (2) FEET AND EIGHT (8) FEET FROM THE GROUND. THE AREA OF WINDOWS IN DOORS MAY COUNT TOWARDS THE TRANSPARENCY PERCENTAGE.

II. STRUCTURES IN THE UC DISTRICT FRONTING UNIVERSITY AVENUE SHALL COMPLY WITH TABLE 5.6.06.H BELOW WITH REGARDS TO THE AMOUNT OF TRANSPARENT MATERIALS THAT IS REQUIRED FOR GROUND-FLOOR AND UPPER FLOOR FACADES. WINDOWS MUST BE CLEAR AND ALLOW VIEWS OF THE INDOOR SPACE OR DISPLAY AREAS.

ATTACHMENT:
DIAGRAM 50-46J (EXHIBIT 31)

K. TRANSITIONAL FEATURES.

1. PURPOSE. TRANSITIONAL FEATURES ARE ARCHITECTURAL ELEMENTS, SITE FEATURES OR

ALTERATIONS TO BUILDING MASSING THAT ARE USED TO PROVIDE A TRANSITION BETWEEN HIGHER INTENSITY USES AND LOW- OR MODERATE-DENSITY RESIDENTIAL AREAS. IT IS THE INTENT OF THESE STANDARDS TO:

I. REDUCE LAND CONSUMPTION;

II. CREATE A COMPATIBLE MIXED-USE ENVIRONMENT;

III. LIMIT INTERRUPTIONS IN VEHICULAR AND PEDESTRIAN CONNECTIONS CREATED BY EFFORTS TO SEGREGATE USES; AND

IV. ESTABLISH OR MAINTAIN VIBRANT PEDESTRIAN- AND TRANSIT-ORIENTED AREAS WHERE DIFFERING USES ARE PERMITTED TO OPERATE IN CLOSE PROXIMITY TO ONE ANOTHER.

2. APPLICABILITY. TRANSITIONAL FEATURES SHALL BE REQUIRED FOR BUILDINGS OR STRUCTURES THAT:

I. HOST HIGHER-INTENSITY LAND USES THAT WOULD ADVERSELY AFFECT THE LIVABILITY OF AN AREA. THE PLANNING COMMISSION, BOARD OF ZONING APPEALS, OR CITY COUNCIL MAY REQUIRE TRANSITIONAL FEATURES AS PART OF A SPECIAL LAND USE, VARIANCE, PLANNED REDEVELOPMENT DISTRICT OR CONDITIONAL REZONING APPROVAL.

3. ARCHITECTURAL FEATURES. SIMILARLY SIZED AND PATTERNED ARCHITECTURAL FEATURES SUCH AS WINDOWS, DOORS, ARCADES, PILASTERS, CORNICES, WALL OFFSETS, BUILDING MATERIALS, AND OTHER BUILDING ARTICULATIONS

INCLUDED ON THE LOWER-INTENSITY USE SHALL BE INCORPORATED IN THE TRANSITIONAL FEATURES.

4. PARKING AND LOADING. OFF-STREET PARKING, LOADING, SERVICE AND UTILITY AREAS SHALL BE LOCATED AWAY FROM THE LOWER-INTENSITY USE AND, WHERE POSSIBLE, ADJACENT TO SIMILAR SITE FEATURES ON SURROUNDING SITES.

5. LIGHTING AND NOISE. INCOMPATIBLE OUTDOOR LIGHTING OR SOURCES OF AUDIBLE NOISE SHALL BE PREVENTED WHENEVER PRACTICABLE.

§ 50-47. ADDITIONAL CRITERIA AND REQUIREMENTS FOR REVIEW OF USES IN GREEN INNOVATION DISTRICTS

A. INTENT. DEVELOPMENT INTENSITY WITHIN THE GI-1 AND GI-2 DISTRICTS SHOULD BE CONTEXT SENSITIVE AND SHOULD LIMIT IMPACTS ON SURROUNDING LAND USES, INCLUDING SINGLE FAMILY HOMES WITHIN THE GI-1 DISTRICT AS WELL AS LESS INTENSE COMMERCIAL AND RESIDENTIAL USES IN ADJACENT DISTRICTS. GIVEN THE RAPIDLY CHANGING NATURE OF GREEN BUSINESS AND THE UNIQUE CONTEXT IN FLINT, ALL FUTURE DEVELOPMENT AND ACTIVITY WITHIN A GI-1 OR GI-2 DISTRICT MUST DEMONSTRATE IT MEETS THE SUSTAINABILITY INTENT AND GOALS OF GREEN INNOVATION.

B. NARRATIVE FOR LOCATION WITHIN DISTRICT. USES MUST DEMONSTRATE THEIR APPROPRIATENESS FOR THE GI DISTRICT INSTEAD OF OTHER DISTRICTS WITHIN THE COMMUNITY. ALONG WITH ANY NECESSARY APPLICATION MATERIALS OUTLINED BY ARTICLE 17 OF THIS CHAPTER, THE APPLICANT MUST INCLUDE A NARRATIVE DETAILING HOW THE DEVELOPMENT MEETS THE FOLLOWING REQUIREMENTS.

1. THE APPLICANT MUST DESCRIBE HOW THE USE MAY BE CLASSIFIED IN ONE OR MORE OF THE FOLLOWING GREEN BUSINESS AREAS:

I. AGRICULTURE AND NATURAL RESOURCES CONSERVATION

II. EDUCATION AND COMPLIANCE

III. **ENERGY AND RESOURCE EFFICIENCY**

IV. **GREENHOUSE GAS REDUCTION, ENVIRONMENTAL MANAGEMENT, AND RECYCLING**

V. **RENEWABLE ENERGY**

2. **THE APPLICANT MUST DESCRIBE HOW THE DEVELOPMENT WILL NOT ADVERSELY AFFECT ADJACENT RESIDENTIAL OR LESS INTENSIVE USES.**

C. **ADDITIONAL LANDSCAPING. ANY NON-RESIDENTIAL USE IN A GI-1 DISTRICT SHARING A LOT LINE WITH A RESIDENTIAL USE SHALL PROVIDE AT LEAST A TYPE-2 TRANSITION YARD (SEE SECTION 50-157) ALONG THE SHARED LINE(S). THIS TRANSITION YARD MAY BE INCORPORATED AS PART OF A REQUIRED SETBACK PROVIDED THE SETBACK IS LARGER THAN THE TRANSITION YARD. IF THE SPECIFIC USE REQUIRES A MORE SPECIFIC OR INTENSE LEVEL OF LANDSCAPING/BUFFERING THOSE REGULATIONS SHALL APPLY.**

6? § 50-43. Permitted Uses

Table 50-43 (Exhibit 25):

Table 50.6.04. Uses: Institutional Zoning Districts				
	IC	UC	GI-1	Reference
RESIDENTIAL				
Household Living				
Single-Family Detached Dwelling		S	P	50-59
Two-Family Dwelling (duplex)		P		50-85
Single-Family Attached Dwelling		P		50-85
Multi-Family Dwelling (all floors)		P		50-104
Multi-Family Dwelling (above ground floor)	S	P		50-104
Accessory Dwelling Unit		A	A	50-79
Mixed Use, Residential	S	P		
Group Living				
State Licensed Residential Facility		S		
Fraternity/Sorority		P		50-96
Convalescent or Nursing Home		S		
Boarding House		P		50-112
Transitional or Emergency Shelter		S		50-119
Adult Foster Care Family Home (1-6 residents)		S		50-81
Adult Foster Care Small Group Home (1-6)		S		50-81
Adult Foster Care Small Group Home (7-12)		S		50-81
Adult Foster Care Large Group Home (13-20)		S		50-81
RECREATIONAL				
Community Center	S	S	P	
Park			P	
Public-Owned Park			P	
AGRICULTURAL				
Aquaculture		P	A	50-84
Aquaponics		P	S	50-84
Farmers' Market (Permanent)		P		
Farmers' Market (Temporary)	P	P		50-118
Produce Stand		A	A	50-109
Greenhouse		A	P	50-98
Hoophouse		S	P	50-100
Hydroponics		P	S	
Apiary/Beekeeping		A	P	50-88
Commercial Composting			S	
Orchard (11 or more trees)			P	
Urban Agriculture			P	50-120
Community Garden	A	A	P	50-91
INSTITUTIONAL AND CULTURAL				
Religious				
Place of Worship	S	S	S	
Cemetery			S	
Government and Educational				
Elementary/Middle School	P	P	S	
High School	P	P	S	
College or University	P	P	S	
Other Governmental Use or Facility	P	P		
Other Institutional, and Cultural				
Social Service Facility		P		
Civil, Religious, or Charitable Organization		P		
Library	P	P		
Museum	P	P		
Art Gallery	P	P		
Health				
Rehabilitation Center (w/o residential care)		P		
Hospital or Medical Center	S	P		
COMMERCIAL				
Automotive Services				

Table 50.6.04. Uses: Institutional Zoning Districts				
	IC	UC	GI-1	Reference
Auto Supply/Accessory Sales		S		
Vehicle Repair and Services		S		50-123
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)		S		50-121
Car Wash		S		
Entertainment and Hospitality				
Arcade, Amusement Devices, Gaming, Billiards Hall	S	P		50-69
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall	P	P		50-86
Bingo Hall		ARU		50-80
Bowling Alley, Skating Rink		P		50-94
Charity Gaming		ARU		50-80
Convention Center	S	S		
Dance Club, Night Club		S		50-94
Entertainment, Live (Not including ARUs)	P	P		50-94
Hookah Lounge, Cigar Lounge		S		
Sports and Entertainment Arena		S		
Lodging				
Bed and Breakfast		P		50-87
Hotel		P		
Offices				
Financial Services		P		
Physician or Dentist Office or Medical Clinic		P		
General Professional Office	S	P		
Research Facility/ Laboratory		P		
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station		P		
Film Production, Photography, Radio, TV Studio	S	P		
Live/Work Unit	S	P		50-101
Personal Service Establishments				
Personal Service Establishments		P		
Animal Day Care (w/o boarding)		S		
Veterinary Clinic or Hospital (with or w/o boarding)		S		
Gym or Fitness Center		P		
Funeral Home or Mortuary		S		
Tattoo Establishment		ARU		50-80
Residential Service				
Adult Day Care or Day Services Center		S		50-81
Group Day Care Home		S		
Child Care Center		P		50-90
Retail and Service				
Grocery Store		P		
Convenience Store		S		50-83
Retail Sales, General		P		
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply			S	
Restaurant w/Alcohol (beer, wine and/or liquor)	S	S		50-83
Restaurant w/o Alcohol	S	P		
Catering Business	S	P		
Bar, Tavern, Taproom, or Tasting Room	S	S		50-83
Brewpub	S	S		50-83
Craft Winery/Distillery	S	S		50-83
Commercial Art Gallery	S	P		
Instruction Studio	S	P		
Antique, Second-Hand Store (except pawn shop)		P		
Drive-Through (all commercial uses w/drive through; includes dry cleaning)		A		
INDUSTRIAL				
Manufacturing and Production, Light				
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.		S		
Assembly, Manufacturing, or Production of textile products, technology, wood products, furniture and fixtures, paper, clay, glass or fabricated metal		S		
Food Products			S	

Table 50.6.04. Uses: Institutional Zoning Districts				
	IC	UC	GI-1	Reference
Household Service: Laundry, Dying and Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.		S		
Pottery and Figurine making, large-scale commercial/industrial		P		
Automotive and Parts Manufacturing		S		
Welding Shops and Other Metal Working Machine Shops		S		
Green Economy Light Industrial Uses			S	
Microbrewery/Small Distillery/Small Winery	P	P		
Large brewery/Large Distillery/Large Winery		S		
Transportation				
Parking Structures	S	S		50-108
Stand Alone Parking, Surface Lots		S		
Transit Terminal or Station		S		
Utilities				
Electrical Substations and Private Utilities	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Towers	P	P	P	50-126
Small-Scale Solar Energy Production	A	A	A	50-117
Large Scale Solar Energy	A	A	P	
Small-Scale Wind Energy Production	A	A	A	50-125
Large Scale Wind Energy	A	A	S	

§ 50-44. Site, Building Placement, and Bulk Standards

Table 50-44 (Exhibit 26):

Table 50-44. Uses: Institutional Districts Bulk and Site Standards

District Name	Lot Characteristics		Site Design						Development Intensity	
	Min. Lot Width	Min. Lot Area (s.f.)	Front Setback Min.	Front Setback Max.	Corner Side Setback Min.	Corner Side Setback Max.	Interior Side Setback Min.	Rear Setback Min.	Min. Lot Area per Dwelling Unit	Building height
IC	N/A	N/A	None, unless abutting or fronting on residential developmen t, then 40'	None	None, unless abutting or fronting on residential developmen t, then 20'	None	None, unless abutting or fronting on residential developmen t, then 20'	None, unless abutting or fronting on residential development , then 40'	1,000 sq. ft. per efficiency or one bedroom apartment; 1,500 sq. ft. per two or more bedroom apartment	70' max
UC										
District-wide	40'	10,000	10', unless abutting or fronting on residential developmen t, then 20'	None	None, unless abutting a developmen t with residential on the ground floor, then 15'	None	None, unless abutting a developmen t with residential on the ground floor, then 15'	None, unless abutting a development with residential on the ground floor, then 40'	1,000 sq. ft. per efficiency or one bedroom apartment; 1,500 sq. ft. per two or more bedroom apartment	60' max, unless abutting a TN or GN District, then not more than 35' max within 100' of the property line of the parcel(s) in that district.
For lots fronting on Universit y Avenue	20'	3,000	0'	10'	None, unless abutting a developmen t with residential on the ground floor, then 10'	15'	None, unless abutting a developmen t with residential on the ground floor, then 10'	None, unless abutting a development with residential on the ground floor, then 40'	800 sq. ft. per efficiency or one bedroom apartment; 1,000 sq. ft. per two or more bedroom apartment	2 storie s min / 70' max
GI-1										
*Resident ial **	120', unles s a non-resid ential use, then 80'	13,500 sq. ft., unless a non-reside ntial use, then 8,000	25', or consistent with the average front setback of residential structures on the same	None	15'	None	Widt h of Smal ler Side Yard (S1) / Aggr egat e Widt h of Both Side Yard s (S1+ S2)	25'	15,000 sq. ft.	2-1/2 stories /35'

		sq. ft.	block				15'	50'		
Industrial	120'	30,000	25' or consistent with the font setback of residential structures on the same block, whichever is less	None	15'	None	15'		20'	None

*Maximum Impervious Lot Coverage for GI-1 Residential: 30%, unless a non-residential use, then 80%

Diagram 50-44 (Exhibit 27):

University Core Zone Bulk Standards

UC Districts

UC District-wide

UC Lots fronting on University Avenue

Diagram 50-44 (Exhibit 28):

Table 50-46H (Exhibit 29):

Table 50-46H. Façade Transparency in UC District		
	Commercial Use	Residential Use
Ground-floor	70%	40%
Upper floors	30%	30%

§ 50-46. University Avenue Frontage Building Element Requirements

Diagram 50-46I (Exhibit 30):

Expression Line

§ 50-46I

Diagram 50-46J (Exhibit 31):

Transparency Requirements

§ 50-46J

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ARTICLE 7 OPEN SPACE ZONED DISTRICT

§ 50-48. OS OPEN SPACE PURPOSE AND INTENT

THE OS OPEN SPACE DISTRICT IS INTENDED TO ACCOMMODATE A VARIETY OF RECREATIONAL ACTIVITIES AND GREEN SPACES. STRUCTURES IN THESE AREAS ARE TYPICALLY ACCESSORY AND COMPLEMENT PRIMARY USES RELATED TO OUTDOOR ACTIVITIES. APPROPRIATE USES IN THIS DISTRICT MAY VARY GREATLY IN TERMS OF SIZE AND CHARACTER OF USE. FOR EXAMPLE, THIS DISTRICT ACCOMMODATES SMALL NEIGHBORHOOD PARKS AND PLAYGROUNDS, AND WELL AS GOLF COURSES AND MULTI-PURPOSE RECREATION AND ATHLETIC COMPLEXES.

LAND ZONED OS MUST BE OWNED BY THE CITY OF FLINT, OR THERE MUST BE CLEAR, LEGALLY BINDING PERMISSION FROM THE OWNER TO THE CITY FOR THE LAND TO BE ZONED AS SUCH. THIS IS TO PROTECT VALUABLE COMMUNITY AND ENVIRONMENTAL ASSETS FROM UNNECESSARY OR HARMFUL DEVELOPMENT.

§ 50-49. PERMITTED USES

ARTICLE 16 DEFINITIONS SHALL BE REFERRED TO FOR CLARITY ON THE USES AS LISTED.

A. LAND USES. USES ARE ALLOWED IN RESIDENTIAL ZONE DISTRICTS IN ACCORDANCE WITH TABLE 50.7.02. USES: OPEN SPACE ZONING DISTRICTS. THE FOLLOWING KEY IS TO BE USED IN CONJUNCTION WITH THE USE TABLE.

    1. PERMITTED USES. USES PERMITTED BY RIGHT IN THE ZONE DISTRICT, SUBJECT TO COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH A "P."

    2. SPECIAL LAND USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE

WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "S."

3. ADDITIONALLY REGULATED USES. USES WHICH MAY BE ALLOWED SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 17 AND WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING LIMITING CONDITIONS SPECIFIED IN ARTICLE 9. THESE USES ARE IDENTIFIED WITH "ARU".

4. ACCESSORY LAND USES. USES WHICH ARE PERMITTED BY RIGHT, ASSUMING THEY ARE NOT THE PRIMARY USE ON THE SIGHT AND THAT THEY ARE IN COMPLIANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER. THESE USES ARE IDENTIFIED WITH AN "A."

5. USES NOT ALLOWED. A CELL WHICH IS LEFT BLANK INDICATES THAT THE LISTED USE IS NOT ALLOWED IN THAT ZONE DISTRICT.

6. USE REGULATIONS. MANY ALLOWED USES, WHETHER PERMITTED BY RIGHT OR AS A SPECIAL LAND USE, ARE SUBJECT TO COMPLIANCE WITH ARTICLE 9.

7. UNLISTED USES. IN GENERAL UNLISTED USES ARE PROHIBITED. HOWEVER, IF AN APPLICATION IS SUBMITTED FOR A USE NOT LISTED, THE ZONING COORDINATOR SHALL MAKE A DETERMINATION AS TO THE PROPER ZONE DISTRICT AND USE CLASSIFICATION FOR THE NEW OR UNLISTED USE. IF THE UNLISTED USE IS SIMILAR TO AN EXISTING PERMITTED USE IN THE SAME ZONE DISTRICT AND FITS THE INTENT OF THE ZONE DISTRICT, THE

ZONING COORDINATOR MAY DETERMINE THAT THE UNLISTED USE IS PERMITTED.

8. PARKING STANDARDS. PARKING REQUIREMENTS ARE LOCATED IN ARTICLE 12 PARKING, LOADING AND CIRCULATION.

9. LEVEL OF REVIEW FOR MIXED-USE PROJECTS. THE LEVEL OF REVIEW FOR A PROJECT WITH MULTIPLE USES BEING DEVELOPED SIMULTANEOUSLY SHALL BE THE SAME AS THE HIGHEST LEVEL OF REVIEW OF THE INDIVIDUAL USES.

ATTACHMENT:
TABLE 50-49 (EXHIBIT 32)

§ 50-50. SITE, BUILDING PLACEMENT, AND BULK STANDARDS

SITE DIMENSIONS TABLE. ALL DEVELOPMENT IN OPEN SPACE DISTRICTS MUST COMPLY WITH THE REQUIREMENTS IN TABLE 50.7.03 UNLESS OTHERWISE EXPRESSLY STATED.

ATTACHMENT:
TABLE 50-50 (EXHIBIT 33)

§ 50-51. DEVELOPMENT STANDARDS APPLICABLE TO THE OS DISTRICT

A. LOTS WITH MULTIPLE BUILDINGS ON THE SAME SITE ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. BUILDING SPACING. NO PORTION OF A BUILDING FAÇADE SHALL BE WITHIN 20' OF ANY PORTION OF ANOTHER BUILDING FAÇADE OR ACTIVE RECREATIONAL USE ON THE SAME SITE.

2. ORIENTATION. BUILDINGS SHOULD GENERALLY BE ORIENTED TOWARD PUBLIC STREETS AND ON-SITE ACTIVE USES (I.E. BALL FIELDS OR COURTS, RECREATION AREAS, ETC.)

3. 360-DEGREE DESIGN. ALL FACADES OF BUILDINGS SHOULD INTEGRATE CONSISTENT ARCHITECTURE, BUILDING MATERIALS, AND DETAILS.

§ 50-49. Permitted Uses

Table 50-40 (Exhibit 32):

Table 50-49. Uses: Open Space Zoning District		
	OS	Reference
RECREATIONAL		
Community Center	P	
Publicly-Owned Park	P	
Community Recreation Facility	P	
AGRICULTURAL		
Greenhouse	A	50-98
Hoophouse	A	50-100
Apiary/Beekeeping	A	50-88
Farmers' Market (Temporary)	P	50-118
Urban Agriculture	A	50-120
Community Garden	A	50-91
INSTITUTIONAL AND CULTURAL		
Library	A	
Museum	A	
Art Gallery	A	
Government and Educational		
Other Governmental Use or Facility	P	
COMMERCIAL		
Entertainment and Hospitality		
Boat House, Marina	A	
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall, Amphitheater	A	50-86
Bowling Alley, Skating Rink	A	50-94
Entertainment, Live (Not including ARUs)	A	50-94
Sports and Entertainment Arena	A	
Retail and Service		
Instruction Studio	A	
Restaurant w/Alcohol (beer, wine and/or liquor)	S	50-83
Bar, Tavern, Taproom, or Tasting Room	S	50-83
Restaurant w/o Alcohol	A	
INDUSTRIAL		
Utilities		
Microbrewery/Small Distillery/Small Winery	A	
Electrical Substations and Private Utilities	S	50-93
Wireless Communication Facilities- New Towers and Facilities	S	
Wireless Communication Facilities – Collocated on Existing Tower	S	50-126
Commercial Solar Energy Production – Large System	S	50-116
Small Scale Solar Energy Collection	A	50-117
Small Scale Wind Energy Collection	A	50-125
Commercial Wind Energy Production – Large System	S	50-124

§50-50. Site, Building Placement, and Bulk Standards

Table 50-50 (Exhibit 33):

Table 50-50. Open Space District Bulk and Site Standards						
	Lot Characteristics		Site Design			
District	Min. Lot Area	Max. Building Lot Coverage	Min. Front Setback	Min. Corner Side Setback	Min. Interior Side Setback	Min. Rear Setback
OS	NA	35%	0'	15'	15'	30'

ARTICLE 8 GENERAL PROVISIONS

§ 50-52. APPLICABILITY

ALL ZONE DISTRICTS. THE PROVISIONS OF THIS ARTICLE APPLY TO ALL ZONE DISTRICTS UNLESS INDICATED OTHERWISE. IF THERE IS A CONFLICT BETWEEN THIS ARTICLE AND THE INDIVIDUAL REQUIREMENTS OF THE ZONE DISTRICT, THE ZONING COORDINATOR SHALL DETERMINE WHICH STANDARDS CONTROL.

§ 50-53. GENERAL REQUIREMENTS

A. STANDARDS AND REGULATIONS. STANDARDS AND REGULATIONS PERTAINING TO SITE LAYOUT AND BUILDING PLACEMENT, BUILDING ELEMENTS, COMPATIBLE USES, LANDSCAPING AND RELATED MEASURES SHALL BE ASSIGNED TO PROMOTE AND STRENGTHEN THE DEFINED CHARACTER OF CITY NEIGHBORHOODS AND COMMERCIAL AREAS. IT IS DETERMINED THAT NEIGHBORHOOD AND COMMERCIAL CHARACTER CONTRIBUTES TO THE UNIQUE AND DESIRABLE IDENTITY OF THE CITY AND THAT MEASURES SET FORTH HEREIN ARE NECESSARY AND APPROPRIATE TO PROMOTE AND STRENGTHEN SUCH CHARACTERISTICS.

B. MAIN BUILDING AND PRINCIPAL USE. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS CHAPTER, NO LOT MAY CONTAIN MORE THAN ONE (1) MAIN BUILDING OR PRINCIPAL USE, EXCEPT FOR GROUPS OF MULTIPLE-FAMILY BUILDINGS, RETAIL BUSINESS BUILDINGS, MIXED-USE BUILDINGS, OR OTHER GROUPS OF BUILDINGS CONTAINED WITHIN A SINGLE INTEGRATED COMPLEX UNDER A SINGLE APPROVED PLAN.

C. INTEGRATED COMPLEX. AN INTEGRATED COMPLEX MAY SHARE PARKING, SIGNS, ACCESS, AND OTHER SIMILAR FEATURES, WHICH TOGETHER FORM A UNIFIED FUNCTION AND APPEARANCE THAT THE ZONING COORDINATOR DEEMS TO COLLECTIVELY BE A PRINCIPAL USE. PROPOSED PARKING ARRANGEMENTS AND SIGN PACKAGES MAY BE MODIFIED FROM THE REQUIREMENTS OF

ARTICLES 12 AND 15 RESPECTIVELY, IF PRESENTED AS PART OF A SHOPPING CENTER OR OTHER INTEGRATED COMPLEX AND APPROVED BY THE PLANNING COMMISSION AS PART OF A PLANNED UNIT DEVELOPMENT (SEE ARTICLE 10) OR PLANNED SIGN PROGRAM (SEE ARTICLE 15).

D. LOT COMBINATIONS. TWO (2) OR MORE LOTS CANNOT BE COMBINED INTO A SINGLE LOT UNLESS THE ZONING DISTRICT IS THE SAME.

E. INGRESS AND EGRESS. VEHICLE INGRESS AND EGRESS SHALL BE PROVIDED AS FAR AS POSSIBLE FROM STREET INTERSECTIONS.

F. ALL BUILDING, HOUSING, FIRE AND OTHER LOCAL OR STATE CODES AND ORDINANCES SHALL BE ADHERED TO.

G. ANY EXTERNAL NUISANCES RELATED TO NOISE, VIBRATION, LIGHT, ODOR, TRAFFIC, OR OTHER IMPACTS THAT COULD NEGATIVELY IMPACT OTHER PERMITTED USES WILL BE MITIGATED THROUGH BUFFERS, SCREENING, BUILDING DESIGN, OR OTHER APPROPRIATE MEASURES.

H. NOISE, ODORS, SMOKE, FUMES, OR DUST. ANY NOISE, ODORS, SMOKE, FUMES, OR DUST GENERATED ON THE SITE BY ANY DIGGING, EXCAVATING, LOADING OR PROCESSING OPERATION AND BORNE, OR APT TO BE BORNE BY THE WIND, SHALL BE CONFINED TO PREVENT A NUISANCE OR HAZARD ON ADJACENT PROPERTIES OR PUBLIC STREET.

I. STATE OF MICHIGAN REQUIREMENTS FOR SOIL AND SEDIMENTATION CONTROL SHALL BE ADHERED TO.

J. LOADING AREAS. LOADING AND UNLOADING AREAS SHALL BE SHOWN ON THE SITE PLAN AND DESIGNED TO AVOID PEDESTRIAN/VEHICULAR CONFLICTS OR UNNECESSARY VEHICLE MOVEMENTS IN THE PUBLIC RIGHT-OF-WAY.

K. PESTICIDES AND FERTILIZERS. THE USE AND STORAGE OF ANY PESTICIDES, HERBICIDES, FERTILIZERS, AND ANY OTHER CHEMICALS USED IN AGRICULTURE OR GARDENING MUST ADHERE TO ANY APPLICABLE STATE AND FEDERAL LAWS.

§ 50-54. ALTERATIONS AND ENLARGEMENTS

A. ALTERATIONS AND ENLARGEMENTS. EXISTING BUILDINGS OR STRUCTURES SHALL NOT BE MODIFIED, CONVERTED, ENLARGED,

RECONSTRUCTED, DEMOLISHED, MOVED OR STRUCTURALLY ALTERED, EXCEPT AS PERMITTED BY OR PURSUANT TO THIS CHAPTER.

§ 50-55. DURATION OF APPROVALS

UNLESS OTHERWISE SPECIFIED IN THIS CHAPTER, THE DURATION OF APPROVALS SHALL BE AS FOLLOWS:

A. ONE YEAR PERIOD. APPROVAL OF ANY PROJECT OR PERMIT SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR, IN WHICH TIME A BUILDING PERMIT SHALL BE OBTAINED AND SUBSTANTIAL PROGRESS ACHIEVED. SEE ARTICLE 16 FOR A DEFINITION OF SUBSTANTIAL PROGRESS.

B. EXTENSION. UPON WRITTEN REQUEST, ONE (1) EXTENSION OF UP TO SIX (6) MONTHS MAY BE GRANTED BY THE ZONING COORDINATOR IF THE APPLICANT CAN SHOW GOOD CAUSE.

C. CHANGE OF OWNERSHIP. PERMITTED TIMEFRAMES DO NOT CHANGE WITH SUCCESSIVE OWNERS.

D. EXPIRATION. AFTER THE ONE (1) YEAR APPROVAL PERIOD, IF A BUILDING PERMIT IS IN EFFECT AND SUBSTANTIAL PROGRESS HAS NOT OCCURRED, PROJECT APPROVAL SHALL EXPIRE WHEN THE PERMIT(S) EXPIRE(S).

E. RECONSIDERATION OF DENIAL. UNLESS OTHERWISE SPECIFIED, ANY PROJECT DENIAL SHALL NOT RETURN FOR RECONSIDERATION BY THE REVIEWING BODY PRIOR TO ONE (1) YEAR FROM THE DATE OF DENIAL. IF A REQUEST IS SUBMITTED THAT IS SUBSTANTIALLY DIFFERENT FROM THE ORIGINAL REQUEST, THEN THIS REQUIREMENT SHALL BE WAIVED AND THE PROJECT SUBMITTAL CONSIDERED AS A NEW REQUEST.

SECTION 50-56. HISTORIC LANDMARK OR HISTORIC DISTRICT

A DESIGNATED HISTORIC LANDMARK OR A PROPERTY IN A HISTORIC DISTRICT AS PROVIDED IN CHAPTER 2 ARTICLE 19 HISTORIC DISTRICTS AND HISTORIC DISTRICT COMMISSION OF THE CITY CODE SHALL COMPLY WITH THE REQUIREMENTS FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FROM THE HISTORIC DISTRICT COMMISSION IN ADDITION TO THE SITE LAYOUT AND BUILDING PLACEMENT REQUIREMENTS AND OTHER DESIGN REQUIREMENTS CONTAINED IN ARTICLES 3-6 OF THIS CHAPTER.

§ 50-57. LOT AND YARD MEASUREMENTS

A. DISTANCE MEASUREMENT. UNLESS OTHERWISE EXPRESSLY STATED, DISTANCES SPECIFIED IN THIS CHAPTER ARE TO BE MEASURED AS THE LENGTH OF AN IMAGINARY STRAIGHT LINE JOINING TWO (2) POINTS.

B. LOT AREAS.

1. MEASUREMENT. THE AREA OF A LOT INCLUDES THE TOTAL HORIZONTAL SURFACE AREA WITHIN THE LOT LINES OF THE LOT, NOT TO INCLUDE PUBLIC OR PRIVATE RIGHTS-OF-WAY.

2. REDUCTION. NO LOT OR LOTS OF COMMON OWNERSHIP AND YARDS, COURTS, PARKING AREAS OR OTHER SPACES SHALL BE REDUCED IN AREA SO THAT THE MINIMUM LOT AREA PER DWELLING UNIT, LOT WIDTH, YARDS, BUILDING AREA, SETBACKS, OR OTHER REQUIREMENTS OF THIS CHAPTER ARE NOT MAINTAINED. ACTIONS BY GOVERNMENTAL AGENCIES, SUCH AS STREET WIDENING, SHALL NOT BE CONSIDERED REDUCTIONS. IF ALREADY LESS THAN THE MINIMUM REQUIRED UNDER THIS CHAPTER, THAT AREA OR DIMENSION SHALL NOT BE FURTHER DIVIDED OR REDUCED.

3. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER OF NOT MORE THAN FIVE (5) PERCENT OF THE REQUIRED LOT AREA, AS DESCRIBED IN EACH ZONE DISTRICT, MAY BE GRANTED BY THE PLANNING COMMISSION WHERE UNUSUAL LOT CONFIGURATIONS, TOPOGRAPHY OR NATURAL FEATURES EXIST AND PREVENT THE REASONABLE DEVELOPMENT OF THE LAND, OR WHERE THE DEPARTURE WOULD BE IN KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD. THE APPLICATION SHALL INCLUDE A SPECIAL USE PLOT PLAN AND BE SUBJECT TO SPECIAL USE REVIEW PROCEDURES OF SECTION 50-194.

C. BUILDING SETBACKS.

1. BUILDING SETBACKS. BUILDING SETBACKS, OR SETBACK YARD LINES, ARE THE MEASUREMENTS THAT

DEFINE THE BUILDABLE AREA OF A LOT AS MEASURED FROM THE LOT LINE. BUILDING SETBACKS ARE THE MINIMUM HORIZONTAL DISTANCES REQUIRED FROM THE FRONT, SIDE OR REAR LOT LINES SPECIFIED IN ARTICLES 3, 4, 5, 6, AND 7 OF THIS CHAPTER. THE FRONT, REAR AND SIDE SETBACK LINES ARE PARALLEL AND EQUIDISTANT FROM THE RELEVANT LOT LINE, BETWEEN WHICH NO BUILDINGS OR STRUCTURES MAY BE ERECTED, EXCEPT AS PROVIDED IN SECTION 50-57(F) BELOW. THE BUILDABLE AREA, LOCATED IN BETWEEN THESE SETBACK LINES, IS ALSO KNOWN AS THE BUILDING ENVELOPE.

I. MINIMUM OR MAXIMUM FRONT SETBACK. THE FRONT SETBACK SHALL EXTEND THE FULL WIDTH OF THE LOT.

II. REAR SETBACK. THE REAR SETBACK SHALL EXTEND THE FULL WIDTH OF THE LOT.

III. MINIMUM OR MAXIMUM SIDE SETBACK. THE SIDE SETBACK SHALL EXTEND FROM THE SIDE LOT LINE BETWEEN THE FRONT SETBACK LINE TO THE REAR SETBACK LINE. IF NO REAR SETBACK IS REQUIRED, THE SIDE SETBACK SHALL EXTEND FROM THE SIDE LOT LINE BETWEEN THE FRONT SETBACK LINE AND THE REAR LOT LINE.

2. MINIMUM AND MAXIMUM FRONT AND SIDE SETBACKS. ARTICLES 4-7 OF THIS CHAPTER DESIGNATE MINIMUM AND/OR MAXIMUM FRONT OR SIDE SETBACKS. WHERE ONLY A MINIMUM SIDE SETBACK IS REQUIRED, THE BUILDING MAY BE PLACED AT ANY LOCATION INSIDE OF THE REQUIRED SETBACK. WHERE ONLY A MINIMUM SETBACK IS REQUIRED, THE BUILDING MAY BE LOCATED AT ANY POINT WITHIN THE SETBACK LINE SO LONG AS IT CONFORMS TO ALL MINIMUM

SETBACKS. WHERE BOTH A MAXIMUM AND MINIMUM SETBACK IS DESIGNATED, THAT SHALL FORM THE BUILD-TO ZONE. THE BUILDING FACADE MUST BE LOCATED SUCH THAT THE TOTAL LENGTH OF THE FAÇADE IS LOCATED BUILT TO OR WITHIN THE BUILD-TO-ZONE.

I. COURTYARD BUILD-TO-ZONE EXCEPTION. WHEN A BREAK IN THE FRONT BUILD-TO-ZONE LEADS TO A PUBLICALLY ACCESSIBLE AND USEABLE COURTYARD, UP TO 35% OF THAT BUILD-TO-ZONE MAY BE OPEN TO THE STREET.

ATTACHMENT:
50-57C (EXHIBIT 34)

D. LOT WIDTHS.

1. MEASUREMENT. LOT WIDTH IS THE HORIZONTAL DISTANCE OF A STRAIGHT LINE DRAWN PARALLEL TO THE FRONT LOT LINE, MEASURED AT THE MINIMUM REQUIRED SETBACK. IF NO MINIMUM SETBACK IN REQUIRED, LOT WIDTH SHALL BE MEASURED AT THE FRONT LOT LINE.

2. MINIMUM LOT WIDTHS FOR IRREGULAR LOTS.

I. THE MINIMUM REQUIRED LOT WIDTH AT THE FRONT SETBACK LINE SHALL BE THAT REQUIRED FOR THE ZONE DISTRICT, AS MEASURED AT THE SETBACK BETWEEN THE TWO (2) SIDE LOT LINES.

II. IF THE MINIMUM LOT WIDTH AT THE FRONT SETBACK LINE CANNOT BE MET, THE MINIMUM SETBACK LINE SHALL BE MOVED FURTHER INTO THE LOT TO THE POINT AT WHICH THE MINIMUM LOT WIDTH IS MET.

ATTACHMENT:
50-57D (EXHIBIT 35)

E. YARDS. YARDS ARE THE OPEN SPACES THAT LIE BETWEEN THE NEAREST LOT LINE AND THE MAIN BUILDING OR PRINCIPAL STRUCTURE, AS FURTHER DEFINED BELOW. THE TERM "YARD" SHALL ONLY BE USED

IN RELATION TO A LOT ON WHICH A MAIN BUILDING OR PRINCIPAL STRUCTURE HAS BEEN PLACED.

1. OPEN YARD. AN OPEN YARD IS A YARD THAT IS UNOCCUPIED AND UNOBSTRUCTED FROM THE GROUND UPWARD, EXCEPT AS PROVIDED UNDER 50-57F AND IN OTHER PROVISIONS OF THIS CHAPTER.

2. THROUGH AND WATERFRONT LOTS. WATERFRONT LOTS WHICH ABUT BOTH A STREET AND A NATURAL WATER BODY SHALL BE CONSIDERED A THROUGH LOT, WITH TWO (2) FRONT LOT LINES AND TWO (2) FRONT YARDS.

F. ENCROACHMENTS INTO SETBACKS AND YARDS.

1. GENERAL. THE FOLLOWING MAY BE LOCATED WITHIN SETBACKS OR YARDS, AS PERMITTED UNDER THE APPLICABLE SECTIONS OF THIS CHAPTER, AND SUBJECT TO MEETING THE MINIMUM GREEN SPACE REQUIREMENTS FOR THE LOT.

I. GARAGES AND OTHER ACCESSORY STRUCTURES AS ALLOWED IN SECTION 50-60.

II. DRIVEWAYS AS ALLOWED IN SECTION 50-67.

III. FENCES AND WALLS AS ALLOWED IN SECTION 50-63.

IV. LANDSCAPING, INCLUDING GARDENS, EXCEPT AS REQUIRED FOR CLEAR VISION AREAS PER SECTION 50-66(D).

V. SIDEWALKS, PRIVATE.

VI. SWIMMING POOLS AS ALLOWED IN SECTION 50-61.

2. ROOF AND GROUND-MOUNTED MECHANICAL EQUIPMENT (E.G. AIR CONDITIONING, HEATING, SWIMMING POOL AND SPA PUMPS AND FILTERS, TRANSFORMERS AND GENERATORS AND SIMILAR EQUIPMENT).

I. IN RESIDENTIAL ZONE DISTRICTS AND THE UNIVERSITY CORE DISTRICT, ALL GROUND MOUNTED

MECHANICAL EQUIPMENT FOR SINGLE FAMILY DETACHED AND ATTACHED AND TWO-FAMILY DWELLINGS MUST BE IN A SIDE OR REAR YARD AND MUST BE AT LEAST THREE (3) FEET FROM ANY SIDE OR REAR LOT LINE. ALL SUCH EQUIPMENT SHALL BE PLACED ON THE ROOF STRUCTURE FOR MULTI-FAMILY DWELLINGS, MIXED-USE, AND COMMERCIAL STRUCTURES.

II. IN ALL OTHER ZONE DISTRICTS ALL MECHANICAL EQUIPMENT SHALL BE PLACED ON THE ROOF STRUCTURE.

III. AN ADMINISTRATIVE WAIVER MAY BE GRANTED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OR THEIR DESIGNEE TO ALLOW MECHANICAL EQUIPMENT TO BE PLACED IN AN ALTERNATE AREA WHERE IT IS DEMONSTRATED THAT THE REQUIRED LOCATION IS NOT FEASIBLE, AND PROVIDED THE UNIT IS PROPERLY ENCLOSED OR SCREENED WITH VEGETATION. IF ENCLOSED WITH A BUILDING MATERIAL THE MATERIAL SHALL BE COMPATIBLE WITH THE PRIMARY BUILDING AND SHALL ASSIST IN BUFFERING NOISE.

3. ARCHITECTURAL ELEMENTS, PORCHES AND STOOPS.

I. FRONT YARD.

A. ARCHITECTURAL ELEMENTS. ARCHITECTURAL ELEMENTS MAY PROJECT INTO THE FRONT YARD BY

NOT MORE THAN THREE (3) FEET.

B. UNENCLOSED PORCHES AND STOOPS. UNENCLOSED PORCHES AND STOOPS (NOT INCLUDING STEPS) MAY PROJECT INTO THE FRONT YARD BY NO MORE THAN TEN (10) FEET, BUT SHALL BE NO CLOSER THAN FIVE (5) FEET FROM THE FRONT SIDEWALK.

II. SIDE YARD.

A. ARCHITECTURAL ELEMENTS. ARCHITECTURAL ELEMENTS MAY PROJECT INTO THE SIDE YARD BY NOT MORE THAN TWO (2) INCHES FOR EACH ONE (1) FOOT OF WIDTH OF THE SIDE YARD, EXCEPT THAT A CHIMNEY MAY BE PERMITTED WHERE IT DOES NOT OBSTRUCT LIGHT OR VENTILATION, AS DETERMINED BY THE ZONING ADMINISTRATOR. IN NO CASE SHALL AN ARCHITECTURAL ELEMENT BE PERMITTED WITHIN FIVE (5) FEET OF A LOT LINE.

B. UNENCLOSED PORCHES AND STOOPS. AN UNENCLOSED PORCH OR STOOP (INCLUDIN

G STEPS) MAY PROJECT INTO THE SIDE YARD, PROVIDED IT IS NOT CLOSER THAN FIVE (5) FEET FROM THE SIDE LOT LINE.

4. DECKS AND PATIOS.

I. INTERIOR LOT.

A. A GROUND-LEVEL DECK OR PATIO MAY BE LOCATED IN THE SIDE YARD, PROVIDED IT MEETS THE MINIMUM SIDE SETBACK FOR THE ZONE DISTRICT, IS SET BACK AT LEAST TEN (10) FEET FROM THE FRONT BUILDING FAÇADE AND IS SCREENED FROM THE PUBLIC RIGHT-OF-WAY; OR REAR YARD, PROVIDED IT IS AT LEAST FIVE (5) FEET FROM ALL LOT LINES.

B. A DECK WITH A PLATFORM OVER FOUR (4) FEET IN HEIGHT MAY BE LOCATED IN THE REAR YARD, SUBJECT TO REAR AND SIDE SETBACKS.

C. A DECK OR PATIO IS NOT PERMITTED WITHIN THE FRONT YARD.

ATTACHMENT: DIAGRAM 50-57F

II. CORNER LOT.

A. A GROUND-LEVEL DECK OR PATIO MAY BE LOCATED IN THE SIDE

YARD, PROVIDED IT IS AT LEAST FIVE (5) FEET FROM THE YARD LOT LINES, IS NOT LOCATED IN A FRONT YARD, AND IS NOT CLOSER TO A STREET THAN THE MAIN BUILDING.

B. A DECK WITH A PLATFORM OVER FOUR (4) FEET IN HEIGHT MAY BE LOCATED WITHIN THE SIDE YARD, SUBJECT TO SIDE YARD SETBACKS.

C. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER MAY BE APPROVED BY THE ZONING COORDINATOR TO PERMIT THE MINIMUM DISTANCE FROM A GROUND-LEVEL DECK OR PATIO TO THE SIDE OR REAR LOT LINE FROM FIVE (5) FEET TO THREE (3) FEET WHERE THERE ARE NO DETRIMENTAL EFFECTS ON ADJACENT PROPERTIES, AND WHERE APPLICABLE FIRE SAFETY PROVISIONS OF THE CITY'S BUILDING CODES ARE MET.

5. WHEELCHAIR RAMPS. THE ZONING COORDINATOR MAY PERMIT WHEELCHAIR RAMPS USED FOR PERSONS WITH MOBILITY IMPAIRMENTS IN ANY YARD, PROVIDED THE

LOCATION SHALL NOT CREATE A HAZARD OR OTHERWISE IMPEDE ACCESS FOR OPERATIONS RELATED TO SAFETY, SUCH AS ACCESS FOR FIRE PERSONNEL OR EQUIPMENT.

6. BASEMENT EGRESS WINDOW WELLS. BASEMENT EGRESS WINDOW WELLS ARE PERMITTED IN ALL YARDS, PROVIDED:

   I. SIDE OR REAR YARD. WHEN LOCATED IN A SIDE OR REAR YARD, THE WINDOW WELL IS NOT LOCATED WITHIN THREE (3) FEET OF THE SIDE OR REAR LOT LINE.

   II. FRONT YARD. WHEN LOCATED IN THE FRONT YARD, THE WINDOW WELL IS NOT LOCATED WITHIN TEN (10) FEET OF THE FRONT LOT LINE AND A THREE (3) FOOT HIGH LANDSCAPE SCREEN SHALL BE PROVIDED IN FRONT OF THE WINDOW WELL. IF SCREENED WITH A BUILDING MATERIAL, SUCH MATERIAL SHALL BE COMPATIBLE WITH MATERIALS USED IN CONSTRUCTION OF THE MAIN BUILDING.

   III. BUILDING CODE. THE REQUIREMENTS OF CHAPTER 11 OF THE CITY CODE ARE MET.

7. ATHLETIC COURTS.

   I. INTERIOR RESIDENTIAL LOT. AN ATHLETIC COURT SHALL BE LOCATED IN THE REAR YARD ONLY AND BE LOCATED AT LEAST SEVEN (7) FEET FROM THE REAR AND SIDE LOT LINES.

   II. CORNER RESIDENTIAL LOT. AN ATHLETIC COURT MAY BE LOCATED IN THE SIDE YARD

AT LEAST SEVEN (7) FEET FROM THE SIDE LOT LINE AND NO CLOSER TO THE STREET THAN THE MAIN BUILDING.

G. STRUCTURES NOT PERMITTED IN SETBACKS OR YARDS.

1. BELOW GRADE FEATURES. BELOW-GRADE OR UNDERGROUND FEATURES SHALL NOT EXTEND INTO ANY FRONT, SIDE OR REAR YARD, UNLESS OTHERWISE ALLOWED IN THIS CHAPTER.

H. PROJECTIONS INTO THE PUBLIC RIGHT-OF-WAY.

1. BALCONIES. A BALCONY WITH A MINIMUM GROUND CLEARANCE OF SIXTEEN (16) FEET ABOVE FINISHED GRADE MAY EXTEND FIVE (5) FEET OVER A PUBLIC SIDEWALK.

2. AWNINGS. AN AWNING WITH A MINIMUM GROUND CLEARANCE OF EIGHT (8) FEET MAY EXTEND FIVE (5) FEET OVER A PUBLIC RIGHT-OF-WAY.

3. CANOPIES. CANOPY SUPPORT POSTS SHALL NOT BE PERMITTED IN A PUBLIC RIGHT-OF-WAY.

4. NO PERMITTED STRUCTURES SHALL ENCROACH INTO THE PUBLIC RIGHT-OF-WAY SUCH THAT THEY ARE WITHIN A HORIZONTAL DISTANCE OF 2' FROM THE BACK OF A CURB FOR A STREET OR DRIVE PARKING LOT DRIVE AISLE.

ATTACHMENT:
DIAGRAM 50-57H (EXHIBIT 37)

§ 50-58. BUILDING HEIGHT

A. MEASUREMENT.

1. WHERE SPECIFIED IN STORIES, BUILDING HEIGHT SHALL BE MEASURED IN THE NUMBER OF COMPLETE STORIES ABOVE THE AVERAGE GRADE FOR ANY ELEVATION FRONTING ON A PUBLIC STREET, INCLUDING HABITABLE ATTICS, HALF-STORIES, MEZZANINES, AND AT-GRADE STRUCTURED PARKING. ONE (1) STORY SHALL BE MEASURED AS NOT LESS THAN NINE (9) FEET NOR MORE THAN FIFTEEN (15) FEET. THE FOLLOWING SHALL BE EXCLUDED:

I. SPACES COMPLETELY BELOW GRADE, SUCH AS BASEMENTS, CELLARS, CRAWL SPACES, SUB-BASEMENTS, AND UNDERGROUND PARKING STRUCTURES; AND

II. FEATURES THAT ARE MORE THAN ONE-HALF (1/2) STORY BELOW THE AVERAGE GRADE.

B. WHEN SPECIFIED IN FEET, BUILDING HEIGHT SHALL BE MEASURED AS THE VERTICAL DISTANCE FROM THE AVERAGE GRADE ADJACENT TO THE STRUCTURE TO THE HIGHEST POINT OF A FLAT ROOF; TO THE DECK LINE OF A MANSARD ROOF; AND TO THE AVERAGE HEIGHT BETWEEN THE EAVE AND RIDGE OF THE HIGHEST ROOF SECTION FOR A GABLE, HIP OR GAMBREL ROOF. SEE ARTICLE 16 FOR DEFINITION OF AVERAGE GRADE.

C. PERMITTED APPURTENANCES. THE HEIGHT LIMITATIONS STIPULATED ELSEWHERE IN THIS CHAPTER SHALL NOT APPLY TO THE FOLLOWING:

1. FARM BUILDINGS, ARCHITECTURAL FEATURES, ETC. BARNS, SILOS AND OTHER FARM BUILDINGS OR STRUCTURES ON FARMS, CHURCH SPIRES, BELFRIES, CUPOLAS AND DOMES, MONUMENTS, WATER TOWERS, FIRE AND HOSE TOWERS, OBSERVATION TOWERS, WINDMILLS, CHIMNEYS, SMOKESTACKS, FLAG POLES, MASTS AND AERIALS; TO PARAPET WALLS EXTENDING NOT MORE THAN FIVE FEET ABOVE THE LIMITING HEIGHT OF THE BUILDINGS, ETC.

2. PLACES OF PUBLIC ASSEMBLY. PLACES OF PUBLIC ASSEMBLY IN CHURCHES (EXCLUDING SPIRES), SCHOOLS AND OTHER PERMITTED PUBLIC AND SEMI-PUBLIC BUILDINGS, PROVIDED, THAT THESE ARE LOCATED ON THE FIRST FLOOR OF SUCH BUILDINGS. FOR EACH THREE FEET BY WHICH THE HEIGHT OF SUCH BUILDING EXCEEDS THE MAXIMUM HEIGHT IN THE DISTRICT, ITS SIDE AND REAR YARDS SHALL BE INCREASED IN WIDTH OR DEPTH BY AN ADDITIONAL FOOT OVER THE SIDE AND REAR YARDS REQUIRED FOR THE HIGHEST BUILDING

OTHERWISE PERMITTED IN THE DISTRICT.

ATTACHMENT:
DIAGRAM 50-58 (EXHIBIT 38)

3. ELEVATOR PENTHOUSES, WATER TANKS, ETC. BULKHEADS, ELEVATOR PENTHOUSES, WATER TANKS, MONITORS AND SCENERY LOFTS, PROVIDED NO LINEAR DIMENSIONS OF ANY SUCH STRUCTURE EXCEEDS 50% OF THE CORRESPONDING STREET LOT LINE FRONTAGE; OR TO TOWERS AND MONUMENTS, FIRE TOWERS, HOSE TOWERS, COOLING TOWERS, GRAIN ELEVATORS, GAS HOLDERS OR OTHER STRUCTURES, WHERE THE MANUFACTURING PROCESS REQUIRES A GREATER HEIGHT.

4. THE PORTION OF THE STRUCTURES LISTED ABOVE THAT EXCEED THE HEIGHTS OTHERWISE PERMITTED IN THE DISTRICT SHALL NOT OCCUPY MORE THAN 25% OF THE AREA OF THE LOT, AND SHALL BE NOT LESS THAN 50 FEET IN ALL PARTS FROM EVERY LOT LINE NOT A STREET LOT LINE.

D. AIRPORT ZONING ACT AND BISHOP INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD ORDINANCE. PROPOSED BUILDINGS OR STRUCTURES OR MODIFICATION TO EXISTING BUILDINGS OR STRUCTURES WITH A HEIGHT GREATER THAN ONE HUNDRED (100) FEET REQUIRE A PERMIT FROM THE AIRPORT DIRECTOR OF THE BISHOP INTERNATIONAL AIRPORT, PURSUANT TO THE AIRPORT ZONING BOARD ORDINANCE 98-1. ALL PROPOSED BUILDINGS OR STRUCTURES OR MODIFICATIONS MUST COMPLY WITH BISHOP INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD ORDINANCE 98-1, WHICH SETS FORTH STANDARDS FOR BUILDING WITHIN A TEN-MILE RADIUS OF BISHOP INTERNATIONAL AIRPORT.

§ 50-59. SINGLE-FAMILY DWELLINGS, DETACHED

A DETACHED SINGLE-FAMILY DWELLING AND ANY ADDITIONS OR ALTERATIONS THERETO, OTHER THAN MANUFACTURED HOUSING LOCATED IN A LICENSED MANUFACTURED HOUSING COMMUNITY, SHALL CONFORM TO THE FOLLOWING IN ADDITION TO ALL OTHER REGULATIONS OF THIS CHAPTER.

A. CONVERSION TO MULTI-FAMILY DWELLING. THE CONVERSION OF AN EXISTING DETACHED SINGLE-FAMILY DWELLING TO A MULTI-FAMILY STRUCTURE ON THE SAME LOT IS PROHIBITED, EXCEPT AS PERMITTED IN SUBSECTION B. BELOW.

B. SPECIAL USE. WHERE THE LOT OF AN EXISTING DETACHED SINGLE-FAMILY DWELLING EXCEEDS TEN THOUSAND (10,000) SQUARE FEET IN AREA CONVERSION MAY BE PERMITTED IF MULTI-FAMILY DWELLINGS ARE ALLOWED IN THE ZONING DISTRICT AND THE SITE CAN MEET ALL OTHER REQUIREMENTS OF THIS CHAPTER. IF IT IS DETERMINED THAT THE CONVERSION IS PERMISSIBLE, THE REQUEST SHALL BE HEARD BY THE PLANNING COMMISSION THROUGH SPECIAL USE REVIEW (SECTION 50-194) AND THE APPLICATION SHALL INCLUDE A SPECIAL USE PLOT PLAN.

C. CONVERSION TO TWO-FAMILY DWELLING. THE CONVERSION OF A SINGLE-FAMILY DWELLING INTO A TWO-FAMILY DWELLING IS ALLOWABLE FOLLOWING THE USE REGULATIONS OF THE DISTRICT; AND SO LONG AS THE BUILDING AND LOT COMPLY WITH THE NECESSARY BULK AND SITE STANDARDS AS WELL AS SECTION 50-85 OF THIS CHAPTER.

D. MINIMUM DIMENSION. EACH DWELLING SHALL HAVE A MINIMUM DIMENSION OF EIGHTEEN (18) FEET IN ANY HORIZONTAL DIMENSION.

E. MINIMUM FLOOR AREA. EACH DWELLING SHALL HAVE A MINIMUM GROSS FLOOR AREA OF SEVEN HUNDRED AND FIFTY (750) SQUARE FEET.

F. PRIMARY ENTRANCE.

1. EACH PRIMARY BUILDING ENTRANCE SHALL BE PROVIDED WITH A STEP, STOOP, OR PORCH WHICH IS ATTACHED TO THE BUILDING FOUNDATION, OR PROVIDED WITH A FOUR-INCH DEEP MASONRY FOUNDATION OF ITS OWN. A STOOP OR LANDING SHALL PROJECT AT LEAST THREE (3) FEET FROM THE BUILDING (NOT INCLUDING STEPS). A PORCH SHALL PROJECT AT LEAST FIVE (5) FEET FROM THE BUILDING (NOT INCLUDING STEPS).

2. AN ADMINISTRATIVE WAIVER MAY BE GRANTED BY THE ZONING COORDINATOR FOR HANDICAP RAMPS

AND OTHER MODIFICATIONS TO A DWELLING'S PRIMARY ENTRANCE FOR HOUSING INTENDED TO ACCOMMODATE PERSONS WITH MOBILITY IMPAIRMENTS.

G. MANUFACTURED HOUSE. IF THE DWELLING IS A MANUFACTURED HOUSE, IT SHALL:

1. BE INSTALLED PURSUANT TO THE MANUFACTURER'S SETUP INSTRUCTIONS AND SHALL BE SECURED TO THE PREMISES BY AN ANCHORING SYSTEM OR DEVICE COMPLYING WITH THE RULES AND REGULATIONS OF THE MICHIGAN MANUFACTURED HOME COMMISSION AND SHALL HAVE A FOUNDATION WALL AS REQUIRED IN THIS SECTION.

2. BE INSTALLED WITH THE WHEELS REMOVED. ADDITIONALLY, NO DWELLING SHALL HAVE ANY EXPOSED TOWING MECHANISM, UNDERCARRIAGE OR CHASSIS.

3. ALL CONSTRUCTION AND ALL PLUMBING, ELECTRICAL APPARATUS AND INSULATION WITHIN AND CONNECTED TO THE MANUFACTURED HOUSE SHALL BE OF A TYPE AND QUALITY CONFORMING TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 24 CFR 3280, AS AMENDED, AND COMPLY WITH ALL APPLICABLE BUILDING AND FIRE CODES.

§ 50-60. ACCESSORY STRUCTURES

A. APPLICABILITY. ALL ACCESSORY STRUCTURES SHALL REQUIRE A ZONING CERTIFICATE AND SHALL BE REVIEWED AND APPROVED BY THE ZONING COORDINATOR PRIOR TO CONSTRUCTION.

B. IN CONJUNCTION WITH PRINCIPAL USE.

1. UNLESS OTHERWISE EXPRESSLY ALLOWED IN THIS CHAPTER, ACCESSORY STRUCTURES ARE PERMITTED ONLYIN CONJUNCTION WITH A PRINCIPAL USE AND A PRINCIPAL BUILDING OR STRUCTURE ON THE SAME LOT.

2. ACCESSORY STRUCTURES MAY ONLY BE CONSTRUCTED AT THE SAME TIME AS OR AFTER THE CONSTRUCTION OF THE PRINCIPAL BUILDING OR STRUCTURE ON THE SAME LOT. ACCESSORY STRUCTURES MAY ONLY BE MAINTAINED IN CONJUNCTION WITH A PRINCIPAL BUILDING OR STRUCTURE ON THE SAME LOT.

3. IF THE PRINCIPAL BUILDING OR STRUCTURE IS DESTROYED, DEMOLISHED OR REMOVED, THE ACCESSORY STRUCTURE SHALL ALSO BE DEMOLISHED OR REMOVED UNLESS THE LOT IS COMBINED WITH AN ADJACENT LOT THAT HAS A PRINCIPAL BUILDING ON IT, OR A NEW MAIN BUILDING IS CONSTRUCTED OR MOVED ONTO THE LOT OR A BUILDING PERMIT FOR THE PURPOSE OF CONSTRUCTING OR MOVING A MAIN BUILDING ON THE LOT IS IN EFFECT.

C. PUBLIC RIGHT-OF-WAY OR EASEMENT. IN NO INSTANCE SHALL AN ACCESSORY STRUCTURE BE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR EASEMENT, UNLESS OTHERWISE SPECIFIED IN THE EASEMENT AGREEMENT.

D. ARCHITECTURAL COMPATIBILITY. ANY ACCESSORY STRUCTURE THAT IS ONE HUNDRED TWENTY (120) SQUARE FEET OR LARGER SHALL BE SIMILAR IN ARCHITECTURE TO THE MAIN BUILDING IN ITS FORM AND SLOPE OF ROOF. EXTERIOR FINISH MATERIALS SHALL BE THOSE MATERIALS CUSTOMARILY USED FOR RESIDENTIAL CONSTRUCTION, AND SHALL BE SIMILAR IN PLACEMENT AND ORIENTATION TO THE MAIN BUILDING.

E. CARPORT. A CARPORT SHALL COMPLY WITH ALL SETBACK REQUIREMENTS APPLICABLE EITHER TO AN ATTACHED OR DETACHED ACCESSORY STRUCTURE, BUT MAY COVER ANY REQUIRED PARKING SPACES WITHOUT COUNTING TOWARD THE TOTAL MAXIMUM FLOOR AREA. CARPORTS FOR ADDITIONAL SPACES ABOVE THE PARKING MINIMUM SHALL COUNT TOWARD THE MAXIMUM AREA.

F. ATTACHED STRUCTURES. AN ACCESSORY STRUCTURE WHICH IS STRUCTURALLY ATTACHED TO A MAIN BUILDING SHALL BE SUBJECT TO ALL SETBACK REGULATIONS APPLICABLE TO MAIN BUILDINGS.

G. MAXIMUM GROSS FLOOR AREA AND HEIGHT.

1. SINGLE-FAMILY, TWO-FAMILY AND NON-RESIDENTIAL USES. THE MAXIMUM NUMBER OF ACCESSORY STRUCTURES (ATTACHED AND DETACHED) AND SUM OF ALLOWED GROSS FLOOR AREA (GFA) SHALL BE DETERMINED BY LOT AREA. THE OVERALL HEIGHT AND SUM OF THE GFA FOR ALL ACCESSORY STRUCTURES ON THE LOT SHALL NOT EXCEED THE FOLLOWING DIMENSIONS BASED ON THE LOT AREA, EXCEPT FOR ACCESSORY DWELLING UNITS DESCRIBED IN SUBSECTION B. BELOW:

ATTACHMENT:
TABLE 50-60 (EXHIBIT 39)

2. ACCESSORY DWELLING UNIT EXCEPTION. AN ACCESSORY DWELLING UNIT ABOVE A CONFORMING GARAGE IS PERMITTED TO EXCEED THE RESTRICTIONS IN TABLE 50-60 PROVIDED THAT THE LOT SIZE IS 4,500 SQUARE FEET OR GREATER, ITS FLOOR DIMENSIONS DO NOT EXCEED THE BASE OF THE GARAGE AND ITS MAXIMUM HEIGHT IS 20 FEET.

3. MULTIPLE-FAMILY USES. WHERE THE PRINCIPAL USE IS A MULTIPLE-FAMILY, ACCESSORY STRUCTURES MAY EXCEED THE GROSS FLOOR AREA OF TABLE 50-60 FOR GARAGE OR CARPORT SPACE UP TO THE NECESSARY GFA FOR THE REQUIRED NUMBER OF PARKING SPACES IN ARTICLE 12. ALL OTHER CONDITIONS OF THIS CHAPTER SHALL BE MET.

4. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER MAY BE APPROVED BY THE ZONING COORDINATOR TO PERMIT ADDITIONAL GFA FOR GARAGE OR CARPORT SPACE FOR MULTIPLE-FAMILY USES, UP TO TWO (2) SPACES PER DWELLING UNIT, PROVIDED THE APPLICANT CAN DEMONSTRATE NEED FOR THE SPACE AND ALL OTHER CONDITIONS OF THIS CHAPTER ARE MET.

H. DETACHED STRUCTURES. ALL DETACHED ACCESSORY

STRUCTURES SHALL COMPLY WITH THE FOLLOWING DIMENSIONAL REQUIREMENTS:

1. NOT BE LOCATED CLOSER TO THE FRONT LOT LINE THAN THE MAIN BUILDING.

2. BE LOCATED AT LEAST TEN (10) FEET FROM THE MAIN BUILDING, EXCLUDING DECKS AND PATIOS.

3. BE LOCATED A MINIMUM OF 5 FEET FROM ANOTHER ACCESSORY STRUCTURE, EXCLUDING DECKS AND PATIOS

4. BE LOCATED A MINIMUM OF 5 FEET FROM REAR LOT LINES.

5. BE LOCATED A MINIMUM OF 10 FEET FROM SIDE LOT LINES.

ATTACHMENT:
DIAGRAM 50-60H (EXHIBIT 40)

6. ALLEY. AN ACCESSORY STRUCTURE SHALL BE LOCATED AT LEAST THREE (3) FEET FROM AN ALLEY RIGHT-OF-WAY.

7. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER BY THE ZONING COORDINATOR MAY BE APPROVED TO ALLOW THE MINIMUM DISTANCE FROM THE WALL(S) OF A DETACHED ACCESSORY STRUCTURE TO THE SIDE OR REAR LOT LINE TO THREE (3) FEET, PROVIDED A PROPERTY SURVEY AND SCALED SITE PLAN IS SUBMITTED, WHERE TOPOGRAPHY, NATURAL FEATURES, OR OTHER SITE CONSTRAINTS EXIST, WHERE THERE ARE NO DETRIMENTAL EFFECTS ON ADJACENT PROPERTIES, AND WHERE APPLICABLE FIRE SAFETY PROVISIONS OF THE CITY'S BUILDING CODES ARE MET.

I. ADDITIONAL PLAY STRUCTURE. IN ADDITION TO THE ABOVE ACCESSORY STRUCTURE(S) PROVIDED FOR IN SUBSECTIONS H. AND I. ABOVE, ONE (1) ACCESSORY STRUCTURE, INCLUDING AN ENCLOSED PLAY STRUCTURE, OF ONE HUNDRED TWENTY (120) SQUARE FEET OR LESS AND FOURTEEN (14) FEET IN HEIGHT MAY BE ERECTED IN THE REAR YARD ON A RESIDENTIAL LOT.

J. GARAGE SETBACKS IN MIXED RESIDENTIAL DISTRICTS. GARAGES, ATTACHED OR DETACHED, FOR SINGLE-FAMILY DETACHED OR TWO-

FAMILY DWELLINGS IN THE MR DISTRICTS SHALL BE SET BACK FROM THE FRONT OF THE MAIN BUILDING BY AT LEAST EIGHTEEN (18) INCHES.

K. PROHIBITED STRUCTURES. NO MOBILE HOME, TRAILER, VEHICLE, TANK, BOAT, CONTAINER, RAILROAD CAR, DUMPSTER, BARRELS, CRATE, FURNITURE, TENT, JUNK OBJECT OR SALVAGE MATERIALS OR SIMILAR ITEMS SHALL BE UTILIZED AS AN ACCESSORY STRUCTURE OR STORAGE STRUCTURE.

L. ACCESSORY DWELLING UNIT. LIVING OR SLEEPING QUARTERS, TEMPORARY OR PERMANENT, IN AN ACCESSORY STRUCTURE OR OTHER REAR BUILDING, TRAVEL TRAILER, MOTOR HOME OR OTHER RECREATION VEHICLE, AUTO CHASSIS, BOAT OR PORTABLE BUILDING, ARE PROHIBITED UNLESS DEVELOPED AS AN ACCESSORY DWELLING UNIT.

M. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER MAY BE GRANTED BY THE ZONING COORDINATOR FOR ACCESSORY STRUCTURE HEIGHT OF UP TO FIVE FEET, WHERE ARCHITECTURAL COMPATIBILITY WITH THE MAIN BUILDING COULD NOT OTHERWISE BE ACHIEVED.

§ 50-61. SWIMMING POOL PLACEMENT

IN ADDITION TO THE FOLLOWING PROVISIONS, ALL APPLICABLE REQUIREMENTS OF CHAPTER 11 BUILDINGS OF THE CITY CODE SHALL APPLY. FOR THE PURPOSES OF THIS SECTION, THE TERM SWIMMING POOL SHALL INCLUDE ANY STRUCTURE INTENDED FOR RECREATIONAL BATHING THAT CONTAINS WATER OVER TWENTY FOUR (24) INCHES DEEP, INCLUDING HOT TUBS, SPAS AND SIMILAR STRUCTURES. POOLS WITH A WATER DEPTH OF TWENTY FOUR (24) INCHES OR LESS SHALL BE EXEMPT.

A. INTERIOR RESIDENTIAL LOT. FOR AN INTERIOR RESIDENTIAL LOT, A SWIMMING POOL SHALL BE LOCATED IN THE REAR YARD ONLY BUT MAY EXTEND INTO THE SIDE YARD PROVIDED THE MINIMUM DISTANCE FROM THE POOL WALL/EDGE TO THE REAR AND SIDE LOT LINES SHALL BE SEVEN (7) FEET.

B. CORNER RESIDENTIAL LOT. FOR A CORNER RESIDENTIAL LOT, A SWIMMING POOL MAY BE LOCATED IN THE SIDE YARD PROVIDED THE POOL WALL/EDGE IS AT LEAST THAN SEVEN (7) FEET FROM THE EITHER SIDE LOT LINE, IS NOT LOCATED IN A FRONT YARD, AND IT IS NOT ENCROACHING ON THE FRONT YARD.

C. DISTANCE TO PRINCIPAL STRUCTURES. A SWIMMING POOL MUST BE AT LEAST TEN FEET FROM ALL PRINCIPAL STRUCTURES ON ITS LOT AND ADJOINING LOTS.

D. FENCING. ALL SWIMMING POOLS MUST BE FENCED IN ACCORDANCE WITH THE BUILDING CODE FOLLOWED BY THE CITY OF FLINT.

ATTACHMENT:
DIAGRAM 50-61 (EXHIBIT 41)

§ 50-62. ARBORS AND TRELLISES

A. STANDARDS. ARBORS AND TRELLISES SHALL COMPLY WITH THE FOLLOWING STANDARDS:

1. ARBORS MAY BE LOCATED IN ANY YARD PROVIDED THEY DO NOT EXCEED (14) FEET IN HEIGHT AND COMPLY WITH CLEAR VISION REQUIREMENTS.

2. TRELLISES ARE PERMITTED WITHIN THE FRONT YARD PROVIDED THEY DO NOT EXCEED FOUR (4) FEET IN HEIGHT, ARE PLACED A MINIMUM OF THREE (3) FEET FROM FRONT AND SIDE LOT LINES, AND COMPLY WITH CLEAR VISION AREA REQUIREMENTS. TRELLISES ARE PERMITTED IN THE SIDE AND REAR YARDS, PROVIDED THEY DO NOT EXCEED SIX (6) FEET IN HEIGHT WHERE LOCATED WITHIN FIVE (5) FEET OF THE SIDE OR REAR LOT LINES.

ATTACHMENT:
DIAGRAM 50-62 (EXHIBIT 42)

§ 50-63. FENCES AND WALLS

A. APPLICABILITY. ALL FENCES AND WALLS REQUIRING A BUILDING PERMIT SHALL REQUIRE ZONING COORDINATOR APPROVAL PRIOR TO CONSTRUCTION. ALL SUPPORTING POSTS AND POST HOLES MAY BE SUBJECT TO BUILDING CODE REGULATIONS AND REQUIRE A BUILDING PERMIT.

B. STANDARDS.

1. WORKMANSHIP AND MATERIALS. WALLS AND FENCES SHALL BE CONSTRUCTED USING QUALITY WORKMANSHIP. WALLS SHALL BE MADE OF MASONRY, CLAY, BRICK, STONE, DECORATIVE WOOD OR OTHER APPROPRIATE MATERIAL. FENCES SHALL BE MADE OF ORNAMENTAL METAL, ROT-RESISTANT WOOD, VINYL-COATED CHAIN LINK OR OTHER HIGH-QUALITY, DURABLE MATERIALS. CHAIN LINK FENCES WITH

SLATS ARE NOT PERMITTED UNLESS APPROVED BY THE ZONING COORDINATOR WHERE THE FENCE LOCATION WILL NOT BE GENERALLY VISIBLE FROM THE PUBLIC RIGHT-OF-WAY.

2. FRONT YARDS IN RESIDENTIAL ZONE DISTRICTS. WITHIN FIVE (5) FEET OF THE SIDE LOT LINE OF A LOT SHALL COMPLY WITH THE FENCE AND WALL REQUIREMENTS FOR A FRONT YARD IN TABLE 50-63C. WHERE THE FRONT SETBACK IS TEN (10) FEET OR LESS.

ATTACHMENT:
DIAGRAM 50-63 (EXHIBIT 43)

3. FRONT YARDS OF NON-RESIDENTIAL USES. FOR NON-RESIDENTIAL USES IN THE GN, TN, MR, NC. CC OR D DISTRICTS, ANY FENCE LOCATED IN A FRONT YARD OF A NON- RESIDENTIAL USE SHALL CONSIST OF A DECORATIVE ALUMINUM OR WROUGHT IRON PICKET FENCE. AN ADMINISTRATIVE WAIVER MAY BE GRANTED BY THE ZONING COORDINATOR TO PERMIT VINYL COATED CHAIN LINK FENCING IN THE FRONT YARD OF A PROPERTY IN A NON-RESIDENTIAL ZONE DISTRICT WHERE THE FENCE WOULD NOT BE VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR MATERIALLY AFFECT THE CHARACTER OF A NEIGHBORHOOD.

4. WATERFRONT LOTS. THE AREA OF A WATERFRONT LOT BETWEEN THE MAIN BUILDING AND THE NATURAL BODY OF WATER IS A FRONT YARD PER SECTION 50-57(E). AND SHALL FOLLOW THE REQUIREMENTS FOR FRONT YARD FENCES, EXCEPT THAT A SOLID FENCE, WALL OR SCREENING OF ANY KIND SHALL NOT BE PERMITTED IN THIS YARD AREA.

5. HEDGES. DENSELY LANDSCAPED AREAS, SUCH AS HEDGES AND CLOSELY SPACED BUSHES OR OTHER PLANT MATERIALS, MAY BE CONSIDERED A FENCE WHEN THEY HAVE THE EFFECT OR ACCOMPLISH THE PURPOSES NORMALLY ASSOCIATED WITH FENCES, SUCH AS CREATING PRIVACY OR SEPARATION. SEE ARTICLE 13

LANDSCAPING STANDARDS.

6. OPEN FENCES. OPEN FENCES SHALL BE CONSIDERED CHAIN LINK, WROUGHT IRON OR OTHER DECORATIVE METAL FENCE, AS WELL AS PICKET OR BOARD FENCE WITH SPACING BETWEEN BOARDS EQUIVALENT TO THE BOARD WIDTH OF THAT FENCE.

7. SOLID FENCES AND WALLS. SOLID FENCES AND WALLS ARE CONSTRUCTED OF OPAQUE MATERIALS AND BLOCK THE PASSAGE OF LIGHT. CHAIN LINK FENCES WITH SLATS ARE NOT PERMITTED UNLESS APPROVED BY THE ZONING COORDINATOR.

8. RETAINING WALLS. RETAINING WALLS MAY BE TIERED WITH SEPARATE SPACING EQUIVALENT TO THE HEIGHT OF EACH INSTALLED WALL SECTION (E.G. WALL HEIGHT IS 3 FEET, SPACING TO NEXT WALL SHALL BE 3 FEET) TO ALLOW FOR THE PLANTING OF VEGETATION. A SINGLE ROW OF SHRUBS WITH A MAXIMUM ON-CENTER SPACING OF FIVE FEET SHALL BE LOCATED AT THE BASE OF A RETAINING WALL THAT IS GREATER THAN 3 FEET TALL WITHIN THE FRONT YARD. SHRUBS SHALL BE A MINIMUM OF 30 INCHES AT THE TIME OF PLANTING AND AT LEAST 4 FEET HIGH WITHIN 4 YEARS. CLIMBING PLANTS, SUCH AS IVY MAY BE PERMITTED AS AN ALTERNATIVE WITH ZONING COORDINATOR APPROVAL.

9. PROHIBITED MATERIAL.

   I. BARBED, RAZOR, CONCERTINA, ELECTRIFIED, OR OTHER SIMILAR WIRE IS NOT PERMITTED IN ANY ZONE DISTRICT, EXCEPT AS REQUIRED BY A PUBLIC ENTITY OR UTILITY FOR HOMELAND SECURITY TO PROTECT POWER, FOOD OR WATER SUPPLIES.

   II. CHAIN LINK FENCE MATERIAL IS NOT PERMITTED IN FRONT YARDS.

10. FINISHED SIDE. THE FINISHED SIDE OF A FENCE SHALL FACE OUTWARD TOWARD ABUTTING LOTS AND RIGHTS-OF-WAY.

11. MAINTENANCE. WALLS AND FENCES SHALL BE MAINTAINED IN GOOD REPAIR AND IN SAFE AND ATTRACTIVE CONDITION, INCLUDING BUT NOT LIMITED TO REPLACEMENT OF MISSING, DECAYED OR BROKEN STRUCTURAL AND DECORATIVE ELEMENTS WITH THE SAME MATERIALS AND REMOVAL OF GRAFFITI.

12. CLEAR VISION AREAS. NO FENCE, WALL, SCREEN OR PLANTING MATERIAL SHALL BE ERECTED OR MAINTAINED IN ANY LOCATION THAT SHALL OBSTRUCT THE VISION OF MOTORISTS AT STREET INTERSECTIONS OR DRIVEWAYS, PER SECTION 50-66 OF THIS CHAPTER.

13. RIGHT-OF-WAY. FENCES SHALL BE LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AND SETBACK ONE (1) FOOT FROM THE RIGHT-OF- WAY LINE.

14. VACANT LOT. THE PLACEMENT OF A FENCE OR WALL ON A VACANT LOT SHALL BE PERMITTED. THE REQUIREMENTS FOR WALLS AND OPEN FENCES SHALL APPLY.

15. BURIED ELECTRONIC FENCES. ELECTRONIC FENCES BURIED BENEATH THE GROUND ARE PERMITTED IN ALL ZONE DISTRICTS OUTSIDE OF PUBLIC RIGHTS-OF-WAY.

16. SETBACKS. FENCES MAY BE LOCATED ON THE PROPERTY LINE, EXCEPT AS NOTED ABOVE ADJACENT TO A PUBLIC RIGHT-OF-WAY.

C. MAXIMUM FENCE AND WALL HEIGHT. HEIGHT SHALL BE MEASURED FROM GRADE AT THE LOWEST POINT WITHIN THREE (3) FEET OF THE FENCE, PERPENDICULAR FROM THE PLANE OF THE FENCE. THE USE OF A BERM TO INCREASE FENCE OR WALL HEIGHT IS PROHIBITED.

ATTACHMENT:
TABLE 50-63 (EXHIBIT 44)

D. ADMINISTRATIVE WAIVERS.

1. AN ADMINISTRATIVE WAIVER FROM FENCE HEIGHT, OPACITY AND RETAINING WALL

REQUIREMENTS MAY BE GRANTED WHERE AN ADEQUATE CLEAR VISION AREA IS PRESENT, NO DETRIMENT TO NEIGHBORING PROPERTIES WOULD BE CREATED AND IT IS CLEARLY DEMONSTRATED THAT DUE TO TOPOGRAPHY, NATURAL FEATURES, LOT CONFIGURATION OR OTHER SITE-RELATED ISSUE THAT THE REQUIREMENTS OF THIS SECTION CANNOT BE SATISFIED.

2. IN COMMERCIAL OR EMPLOYMENT ZONE DISTRICTS, AN ADMINISTRATIVE WAIVER OF TWO (2) FEET FROM THE MAXIMUM FENCE HEIGHT IN SIDE OR REAR YARDS MAY BE GRANTED WHERE IT IS DEMONSTRATED THAT DUE TO REASONS OF TOPOGRAPHY, NATURAL FEATURES, LOT CONFIGURATION OR SECURITY THE ADDITIONAL HEIGHT WOULD NOT BE DETRIMENTAL TO NEIGHBORING PROPERTIES.

§ 50-64. REPAIR AND STORAGE OF VEHICLES IN RESIDENTIAL ZONE DISTRICTS

A. REPAIR. IN ALL RESIDENTIAL ZONE DISTRICTS, MECHANICAL WORK AND REPAIR OF MOTOR VEHICLES, BOATS, TRAVEL TRAILERS, SNOWMOBILES, RECREATIONAL VEHICLES OR ANY OTHER SIMILAR VEHICLES, LICENSED TO, REGISTERED IN THE NAME OF, AND SOLELY FOR THE PERSONAL USE OF THE DWELLING OCCUPANT IS PERMITTED WITH THE FOLLOWING CONDITIONS:

   1. NOT MORE THAN ONE (1) VEHICLE SHALL BE UNDER REPAIR AT ANY GIVEN TIME.

   2. THERE SHALL BE NO OUTSIDE STORAGE OF AUTOMOBILE PARTS OR EQUIPMENT.

   3. REPAIR ACTIVITIES SHALL NOT CREATE EXCESSIVE NOISE, VIBRATION, ODOR OR OTHER NUISANCES TO NEIGHBORING PROPERTIES.

B. OUTDOOR RECREATIONAL VEHICLE STORAGE. OUTDOOR STORAGE OF ONE (1) OPERABLE RECREATIONAL VEHICLE (BOAT, BOAT TRAILER, BOAT AND TRAILER, UTILITY TRAILER FOR RESIDENTIAL USE, TRAVEL TRAILER,

MOTOR HOME, RECREATIONAL VEHICLE, OR ANY OTHER SIMILAR VEHICLE), NOT TO EXCEED TWENTY (25) FEET IN LENGTH, IS PERMITTED WITHIN A RESIDENTIAL ZONE DISTRICT IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

1. EXCEPT AS EXPRESSLY PROVIDED BELOW, STORAGE SHALL BE LOCATED ONLY IN THE REAR YARD.

2. IF STORAGE IN THE REAR YARD IS NOT POSSIBLE ON AN INTERIOR LOT BECAUSE OF SIZE OR TOPOGRAPHY AS DETERMINED BY THE ZONING COORDINATOR, SUCH VEHICLE MAY BE STORED IN THE SIDE YARD, BUT NOT CLOSER THAN FOUR (4) FEET FROM THE SIDE LOT LINE AND SCREENED FROM THE ADJACENT PROPERTY BY A SOLID FENCE OR HEDGE SIX (6) FEET IN HEIGHT.

3. ON CORNER LOTS, SUCH A VEHICLE MAY BE PARKED OR STORED IN A SIDE YARD NO CLOSER THAN FOUR (4) FEET FROM THE SIDE LOT LINE, PROVIDED IT IS NOT CLOSER TO A STREET THAN THE MAIN BUILDING, IS NOT LOCATED IN A FRONT YARD, AND IS SCREENED FROM THE ADJACENT PROPERTY BY A SOLID FENCE OR HEDGE SIX (6) FEET IN HEIGHT.

4. ONE (1) ADDITIONAL OPERABLE VEHICLE SHALL BE PERMITTED IN THE REAR YARD ON A LOT THAT IS GREATER THAN TWENTY TWO THOUSAND (22,000) SQUARE FEET IN SIZE.

C. COMMERCIAL VEHICLES. NO COMMERCIAL VEHICLE SHALL BE LOCATED ON ANY PROPERTY IN A RESIDENTIAL ZONE DISTRICT UNLESS PARKED OR STORED WITHIN A COMPLETELY ENCLOSED BUILDING, EXCEPT THAT ONE (1) COMMERCIAL VEHICLE OF ¾ TON SIZE OR SMALLER MAY BE PARKED IN A RESIDENTIAL DRIVEWAY. COMMERCIAL VEHICLES ARE PERMITTED TO PARK TEMPORARILY WHILE ENGAGED IN THE DELIVERY, PICKUP OR SERVICE RUN TO THE SUBJECT PROPERTY.

§ 50-65. COMMERCIAL WASTE RECEPTACLES AND ENCLOSURES

A. APPLICABILITY. THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ALL PROPERTIES IN COMMERCIAL, EMPLOYMENT,

INSTITUTIONAL, OR OPEN SPACE DISTRICTS, OR FOR NON-RESIDENTIAL PROPERTIES, RESIDENTIAL MULTI-FAMILY BUILDINGS OF SIX (6) OR MORE UNITS, AND TO GROUP LIVING FACILITIES WITH TEN (10) OR MORE ADULT RESIDENTS IN RESIDENTIAL DISTRICTS.

B. ENCLOSURE. ALL OUTDOOR WASTE, RECYCLING AND COMPOST RECEPTACLES, INCLUDING GREASE BARRELS, SHALL BE ENCLOSED ON THREE (3) SIDES AND SCREENED. THE FOURTH SIDE OF THE ENCLOSURE SHALL CONSIST OF A GATE, MADE OF WOOD, VINYL, OR OTHER HIGH QUALITY MATERIAL, AS DETERMINED BY THE ZONING COORDINATOR. IF THE WASTE RECEPTACLE IS A DUMPSTER IT SHALL HAVE AN ENCLOSING LID OR COVER.

C. MATERIALS. THE ENCLOSURE SHALL BE CONSTRUCTED OF BRICK OR DECORATIVE TEXTURED BLOCK WALL TO RECOGNIZE THE PERMANENCE OF THE STRUCTURE, REDUCE MAINTENANCE REQUIREMENTS AND LESSEN THE OPPORTUNITY FOR GRAFFITI OR VANDALISM. THE ENCLOSURE SHALL BE CONSISTENT WITH THE BUILDING MATERIALS OF THE MAIN BUILDING. STEEL OR CONCRETE BOLLARDS SHALL BE INSTALLED TO ASSIST IN THE POSITIONING OF DUMPSTERS AND TO PROTECT THE ENCLOSURE.

D. SIZE. THE WASTE RECEPTACLE BASE SHALL BE AT LEAST NINE (9) FEET BY SIX (6) FEET IN AREA, CONSTRUCTED ON SIX (6) INCHES OF REINFORCED CONCRETE PAVEMENT. THE BASE SHALL EXTEND SIX (6) FEET BEYOND THE WASTE RECEPTACLE PAD OR GATE TO SUPPORT THE FRONT AXLE OF A REFUSE VEHICLE. THE ENCLOSURE SHALL HAVE A MINIMUM HEIGHT OF SIX (6) FEET OR ONE (1) FOOT ABOVE THE HEIGHT OF THE WASTE RECEPTACLE, WHICHEVER IS GREATER. THE ENCLOSURE SHALL HAVE AT LEAST THREE (3) FEET OF SPACE ON EACH SIDE OF THE WASTE RECEPTACLE.

E. PLACEMENT.

1. PREFERRED PLACEMENT. WHEN POSSIBLE, THE BACK SIDE OF THE WASTE RECEPTACLE ENCLOSURE SHOULD BE PLACED AGAINST THE BUILDING. IN THIS CIRCUMSTANCE THE WALL MAY ACT AS ONE SIDE OF THE ENCLOSURE.

2. FRONT YARD. WASTE RECEPTACLES AND ENCLOSURES SHALL NOT BE PLACED IN THE FRONT YARD.

3. REAR AND SIDE YARDS. WASTE RECEPTACLES AND ENCLOSURES SHALL BE LOCATED IN THE REAR OR SIDE YARD NOT CLOSER THAN THREE (3) FEET FROM THE REAR OR SIDE LOT LINE, UNLESS OTHERWISE APPROVED BY THE ZONING COORDINATOR.

4. RESIDENTIAL USE ADJACENT. WASTE RECEPTACLES AND ENCLOSURES SHALL BE PLACED A MINIMUM OF TWENTY (20) FEET FROM THE LOT LINE OF AN ADJACENT RESIDENTIAL USE.

5. LANDSCAPE BUFFER. A WASTE RECEPTACLE ENCLOSURE SHALL NOT BE PLACED WITHIN A REQUIRED LANDSCAPE TRANSITION YARD, AS DESCRIBED IN SECTION 50-156.

F. ACCESS. WASTE RECEPTACLES SHALL BE EASILY ACCESSED BY REFUSE VEHICLES WITHOUT THE POTENTIAL TO DAMAGE AUTOMOBILES PARKED IN DESIGNATED PARKING SPACES OR INTERFERING WITH THE NORMAL MOVEMENT OF VEHICLES ON OR OFF THE SITE.

G. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER FOR ENCLOSURE MATERIALS AND THE PLACEMENT OF AN ENCLOSURE MAY BE GRANTED. IN GRANTING A WAIVER FROM THE PLACEMENT REQUIREMENTS FROM A RESIDENTIAL USE, THE ZONING COORDINATOR SHALL TAKE INTO CONSIDERATION THE PROXIMITY OF ADJACENT RESIDENTIAL STRUCTURES, TOPOGRAPHY, NATURAL FEATURES, EXISTING SCREENING OR OTHER BARRIERS, AND OPERATIONAL REQUIREMENTS FOR TRASH REMOVAL THAT WOULD MITIGATE POTENTIALLY ADVERSE EFFECTS.

ATTACHMENT:
DIAGRAM 50-65 (EXHIBIT 45)

§ 50-66. CLEAR VISION AREAS

A. REQUIREMENT. CLEAR VISION AREAS ARE REQUIRED IN LOCATIONS WHERE AN UNOBSTRUCTED VIEW OF APPROACHING TRAFFIC IS NECESSARY FOR THE SAFETY OF PEDESTRIANS, BICYCLISTS AND DRIVERS. A CLEAR VISION AREA IS TYPICALLY, BUT NOT EXCLUSIVELY, A TRIANGULAR AREA AT THE INTERSECTION OF TWO (2) STREETS, OR A STREET AND A DRIVEWAY; HOWEVER, CLEAR VISION AREAS MAY BE REQUIRED AT OTHER LOCATIONS IDENTIFIED IN THIS CHAPTER AND IN OTHER

CHAPTERS OF THE CITY CODE.

B. REQUIRED CLEAR VISION AREAS DO NOT APPLY TO STRUCTURES THAT HOST THE PRIMARY USE OF THE LOT AND ARE PERMITTED WITHIN THE AREA AS DEFINED IN PARAGRAPH C BELOW BASED ON YARD REQUIREMENTS AS DEFINED IN ARTICLES 3-7.

C. MEASUREMENT. AT THE INTERSECTION OF TWO (2) STREETS OR THE INTERSECTION OF A STREET AND A DRIVEWAY, THE REQUIRED CLEAR VISION AREA SHALL BE ESTABLISHED AS FOLLOWS:

1. STREET CORNERS. FOR STREETS, TWENTY (20) FEET ALONG EACH LOT LINE STARTING AT THE INTERSECTION OF THE LOT LINES, AND CONNECTED BY A STRAIGHT LINE TO FORM A TRIANGULAR AREA. IN THE CASE OF A ROUNDED CORNER, THE MEASUREMENT SHALL BE TAKEN FROM THE INTERSECTION OF THE FRONT LOT LINES EXTENDED.

2. DRIVEWAYS. FOR DRIVEWAYS, TEN (10) FEET ALONG THE LOT LINE AND THE DRIVEWAY STARTING AT THE INTERSECTION OF THE LOT LINE AND THE CLOSEST EDGE OF THE DRIVEWAY, AND CONNECTED BY A STRAIGHT LINE TO FORM A TRIANGULAR AREA.

3. OTHER REQUIRED AREAS. OTHER AREAS FOR CLEAR VISION AREAS MAY BE REQUESTED BY THE ZONING COORDINATOR OR PLANNING COMMISSION.

ATTACHMENT:
DIAGRAM 50-66 (EXHIBIT 46)

D. LANDSCAPING OR STRUCTURES. NO PLANTINGS, FENCES, WALLS OR OTHER STRUCTURES EXCEEDING THIRTY (30) INCHES IN HEIGHT SHALL BE ESTABLISHED OR MAINTAINED IN CLEAR VISION AREAS. THE CITY'S HEAD OF TRANSPORTATION MAY REQUIRE A REDUCTION IN THE HEIGHT OF ANY SCREENING IMPROVEMENT OR A DIFFERENT LOCATION OF A NEW BUILDING OR STRUCTURE OTHERWISE REQUIRED IN THIS CHAPTER TO ENSURE AN ADEQUATE CLEAR VISION AREA FOR DRIVEWAYS AND STREETS. SUCH LIMITATIONS SHALL BE REQUIRED ONLY FOR THAT PORTION OF THE BUILDING, STRUCTURE OR SCREENING IMPROVEMENT NECESSARY TO PROVIDE AN ADEQUATE CLEAR VISION AREA.

E. ADMINISTRATIVE WAIVER. A NEW BUILDING OR STRUCTURE MAY BE LOCATED WITHIN A CLEAR VISION AREA, PROVIDED THE FOLLOWING CONDITIONS ARE MET:

1. THE APPLICANT PROVIDES AN INDEPENDENT ENGINEERING STUDY THAT DEMONSTRATES THAT THE NEW BUILDING OR STRUCTURE SHALL ALLOW PROPER STOPPING SIGHT DISTANCE AS DEFINED IN A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, AS AMENDED, BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO); AND

2. THE CITY'S TRANSPORTATION DIVISION CONCURS WITH THE FINDINGS OF THE INDEPENDENT ENGINEERING STUDY.

§ 50-67. DRIVEWAYS

A. DISTANCE FROM LOT LINE. UNLESS OTHERWISE PERMITTED BY THIS CHAPTER OR BY THE CITY'S TRANSPORTATION DIVISION, ALL DRIVEWAYS, INCLUDING THE ENTRY RADIUS OF THE DRIVE APPROACH THAT SERVE A SINGLE MAIN BUILDING OR PRINCIPAL USE, SHALL BE LOCATED AT LEAST ONE (1) FOOT FROM AN ABUTTING LOT LINE.

B. SURFACE. THERE SHALL BE A HARD-SURFACED DRIVEWAY FROM THE PUBLIC OR PRIVATE RIGHT-OF-WAY TO THE REQUIRED PARKING SPACE. THE DRIVE SURFACE MUST BE PERMANENT, AND COMPLETELY COVERED WITH CONCRETE, BITUMINOUS SURFACE, BRICK OR OTHER SIMILAR SURFACE. A PERVIOUS SURFACE MAY BE USED, SUBJECT TO APPLICABLE CITY ORDINANCES AND POLICIES.

C. ALLEY ACCESS. IN THE GN, TN, MR, NC, DC, AND DE DISTRICTS, WHERE AN ALLEY IS PRESENT, PARKING AREAS SHALL BE ACCESSED FROM THE ALLEY. ADDITIONAL CURB CUTS ON THE PUBLIC STREET SHALL BE PROHIBITED. AN ADMINISTRATIVE WAIVER MAY BE REQUESTED WHERE, DUE TO SPECIAL CONDITIONS, THIS REQUIREMENT CANNOT BE SATISFIED.

D. MINIMUM WIDTH. RESIDENTIAL DRIVEWAYS SHALL BE A MINIMUM OF TEN (10) FEET IN WIDTH.

E. THE MINIMUM WIDTH OF DRIVEWAYS FOR NON-RESIDENTIAL USES SHALL BE

DETERMINED BY THE CITY'S DEPARTMENT OF TRANSPORTATION.

F. DRIVEWAY WITH GARAGE. WHERE A GARAGE OR ACCESSORY STRUCTURE IS ACCESSED DIRECTLY FROM A PUBLIC STREET AND HAS A VEHICLE DOOR EIGHT (8) FEET OR WIDER, THE DRIVEWAY SHALL EXTEND TO THE VEHICLE DOOR. GARAGE DOORS AND ALL REQUIRED OFF-STREET PARKING SPACES SHALL BE SET BACK AT LEAST TWENTY (20) FEET FROM THE FRONT LOT LINE TO PREVENT OBSTRUCTION OF THE SIDEWALK BY PARKED CARS.

G. RESIDENTIAL DRIVEWAY WITHOUT GARAGE. THE DRIVEWAY OF A RESIDENTIAL PROPERTY SHALL EXTEND TWENTY (20) FEET PAST THE REAR OF THE DWELLING TO ALLOW FOR SUFFICIENT CAR STORAGE. IN THE CASE OF CORNER LOTS WITH INSUFFICIENT DEPTH TO ALLOW SUCH A DRIVEWAY, THE DRIVEWAY SHALL EXTEND AT LEAST 20 (TWENTY) FEET PAST THE FRONT OF THE DWELLING.

H. PARKING. PARKING OR STORAGE OF MOTOR VEHICLES IN THE FRONT YARD OF A RESIDENTIAL USE OR RESIDENTIALLY-ZONED PROPERTY IS PROHIBITED. A LEGAL DRIVEWAY LOCATED IN THE FRONT YARD MAY BE USED FOR PARKING, PROVIDED THE PUBLIC SIDEWALK IS NOT BLOCKED.

I. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER FROM THE REQUIREMENTS OF SUBSECTION A ABOVE MAY BE APPROVED FOR SHARED DRIVEWAYS OF ABUTTING PROPERTIES PROVIDED BOTH PROPERTY OWNERS GRANT WRITTEN PERMISSION FOR JOINT USE AND ACCESS.

§ 50-68. PEDESTRIAN ACCESS

A. PURPOSE. PEDESTRIAN ACCESS SHALL BE REQUIRED FOR ALL SITES TO IMPROVE THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC BY PROVIDING CLEAR PEDESTRIAN PATHWAYS AT PERIMETER AND INTERNAL SITE LOCATIONS TO REDUCE PEDESTRIAN AND VEHICULAR CONFLICTS, IMPROVE ACCESSIBILITY FOR PERSONS WITH DISABILITIES AND ESTABLISH A MULTI-MODAL ENVIRONMENT THAT IS SUPPORTIVE OF WALKING, BIKING AND TRANSIT USE.

B. THE CONSTRUCTION AND REPAIR OF SIDEWALKS SHALL COMPLY WITH CHAPTER 42 ARTICLE 5 OF THE CITY CODE.

C. NEW CONSTRUCTION. ALL SITES ON WHICH ANY NEW CONSTRUCTION OCCURS SHALL PROVIDE SIDEWALKS CONFORMING TO CITY

STANDARDS ALONG ALL PORTIONS OF THE PROPERTY WHICH BORDER A PUBLIC STREET, EXCLUDING ALLEYS.

D. WALKWAYS IN PARKING LOTS. PAVED WALKWAYS SHALL BE PROVIDED FOR ACCESS TO ADJACENT PARKS, SHOPPING AREAS, TRANSIT STOPS, ANTICIPATED WALKWAYS AND INSTITUTIONS. PEDESTRIAN MOVEMENT SHALL BE ACCOMMODATED WITHIN PARKING LOTS THROUGH RAISED WALKWAYS, MARKED CROSSWALKS OR SIMILAR METHODS. A CONNECTION BETWEEN THE FACILITY'S PRIMARY ENTRANCE AND THE PUBLIC SIDEWALK.

E. TRAIL CONNECTIONS. WHERE TRAILS EXIST OR ARE PLANNED, NON-RESIDENTIAL PROPERTIES SHALL INCLUDE PATHS OR SIDEWALKS TO CONNECT BUILDING ENTRIES TO THE TRAIL SYSTEM, WHERE APPROPRIATE AND FEASIBLE.

F. MINIMUM WIDTH FOR PEDESTRIANS. AT LEAST FOUR (4) FEET OF SIDEWALK SPACE SHALL BE KEPT CLEAN AND CLEAR FOR THE FREE PASSAGE OF PEDESTRIANS AT ALL TIMES. AN ADMINISTRATIVE WAIVER MAY BE APPROVED BY THE ZONING COORDINATOR UPON CONSULTATION WITH THE CITY ENGINEER, AND A LESSER WIDTH OF CLEAR AREA APPROVED IF ADA STANDARDS FOR ACCESSIBLE DESIGN ARE MET AND IT IS DETERMINED THAT PUBLIC SAFETY SHALL NOT BE SUBSTANTIALLY IMPAIRED. IN EVALUATING A REQUEST FOR AN ADMINISTRATIVE WAIVER, THE FOLLOWING SHALL BE CONSIDERED:

1. STREET CLASSIFICATION AND USAGE;
2. VEHICULAR AND PEDESTRIAN TRAFFIC VOLUMES;
3. NATURE OF VEHICULAR AND PEDESTRIAN TRAFFIC (I.E. SCHOOL CHILDREN, ETC.);
4. AVAILABILITY AND PRACTICALITY (I.E., CONVENIENCE) OF ALTERNATIVE PEDESTRIAN ROUTES; AND
5. TIME OF DAY, TIME OF WEEK, TIME OF YEAR, AND DURATION OF OBSTRUCTIONS.

§ 50-69. TRANSIT ACCESS

A. ACCESS TO TRANSIT STOPS. WHERE PUBLIC TRANSIT SERVICE IS AVAILABLE OR PLANNED, CONVENIENT ACCESS TO TRANSIT STOPS SHALL BE PROVIDED.

B. TRANSIT SHELTERS. WHERE TRANSIT SHELTERS ARE PROVIDED, THEY SHALL BE PLACED IN HIGHLY VISIBLE LOCATIONS FOR PURPOSES OF SAFETY.

C. LANDSCAPING. LANDSCAPE AND/OR PLAZA AREAS ARE ENCOURAGED AT TRANSIT STOPS.

§ 50-70. BICYCLE AMENITIES

A. MINIMUM REQUIRED SPACES. ANY NON-RESIDENTIAL DEVELOPMENT REQUIRING MOTOR 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 TWENTY-FIVE (25) SPACES PROVIDED FOR MOTOR VEHICLES, OR FRACTION THEREOF, WITH A MINIMUM OF THREE (3) BICYCLE PARKING SPACES PROVIDED. BICYCLE FACILITIES PROVIDED IN THE PUBLIC RIGHT-OF-WAY MAY BE USED IN PARKING CALCULATIONS.

B. LOCATION. BICYCLE PARKING FOR COMMERCIAL AND MIXED-USES SHALL BE CONVENIENTLY LOCATED NEAR BUILDING ENTRY POINTS. BICYCLE PARKING PLACEMENT SHALL NOT CONFLICT WITH PEDESTRIAN TRAVEL.

C. FACILITY. BICYCLE PARKING SHALL BE BICYCLE RACK OR LOCKER-TYPE PARKING FACILITIES AND SHALL BE DESIGNED TO ALLOW EITHER A BICYCLE FRAME OR WHEELS TO BE LOCKED TO A STRUCTURE ATTACHED TO THE PAVEMENT OR THE BUILDING.

D. ADMINISTRATIVE WAIVER. THE ZONING COORDINATOR MAY REDUCE THE NUMBER OF REQUIRED BICYCLE PARKING SPACES TO A NUMBER THAT MEETS EXPECTED DEMAND, HOWEVER NO LESS THAN THREE (3) SPACES SHALL BE PROVIDED.

§ 50-71. PRIVATE STREETS

A. CITY STANDARDS. PRIVATE STREETS SHALL NOT BE CONSTRUCTED, EXTENDED OR RELOCATED WITHOUT EXPRESS WRITTEN APPROVAL BY THE DEPARTMENTS OF PLANNING AND DEVELOPMENT, POLICE, FIRE, PUBLIC WORKS AND UTILITIES, AND OTHER DEPARTMENTS AS DEEMED NECESSARY ATTESTING THAT THE PROPOSED PRIVATE STREET WILL BE BUILT AND MAINTAINED TO ESTABLISHED CITY STANDARDS FOR PUBLIC STREETS.

B. APPROVAL. PRIVATE STREETS SHALL ONLY BE PERMITTED WHERE THERE IS NO OPPORTUNITY OR

POTENTIAL TO ESTABLISH A PUBLIC STREET OR PLAT THE LAND.

C. APPLICATION REQUIREMENTS. UNLESS SUBMITTED AS PART OF A PUD APPLICATION, AN APPLICATION FOR A PRIVATE STREET(S) SHALL INCLUDE THE FOLLOWING. IF SUBMITTED AS A PUD, AN APPLICATION FOR A PRIVATE STREET(S) MUST FOLLOW THE APPLICATION REQUIREMENTS OUTLINED IN ARTICLE 10.

1. THE NAME(S) AND ADDRESS(ES) OF THE OWNER(S) AND ALL OTHER PARTIES HAVING ANY ACCESS INTEREST IN THE PRIVATE STREET.

2. THE PROPOSED NAME OF THE STREET AS WELL AS THE PROPOSED ADDRESSES FOR ALL NEW LOTS OR PARCELS THAT WOULD HAVE A FRONT OR SIDE LOT LINE ON THE STREET.

3. A SITE PLAN SHOWING ALL PROPOSED LOTS OR PARCELS THAT WOULD HAVE ACCESS BY MEANS OF THE PRIVATE STREET, AND ALSO SHOWING THE LOCATION, GRADE, ROUTE, ELEVATION, DIMENSIONS AND DESIGN OF THE PRIVATE STREET AND ANY PROPOSED EXTENSIONS THEREOF, TOGETHER WITH EXISTING AND PROPOSED CURB CUTS AND THE LOCATION OF AND DISTANCE TO ANY PUBLIC STREETS WHICH THE PRIVATE STREET IS TO INTERSECT. ADJACENT PARCELS OF LAND AND ANY BUILDINGS THEREON SHALL BE INCLUDED IN THE SITE PLAN.

4. A UTILITY PLAN SHOWING THE LOCATION OF ALL PUBLIC UTILITIES INCLUDING, BUT NOT LIMITED TO, WATER, SEWER, TELEPHONE, GAS, ELECTRICITY AND CABLE, TO BE PLACED WITHIN THE PRIVATE STREET EASEMENT OR RIGHT-OF-WAY OR WITHIN TWENTY (20) FEET OF EITHER SIDE THEREOF.

5. A PRIVATE STREET MAINTENANCE AGREEMENT TO BE APPROVED BY THE CITY COUNCIL. THE AGREEMENT SHALL RUN WITH THE LAND AND SHALL BE RECORDED WITH THE GENESEE COUNTY REGISTER OF DEEDS. IT SHALL BE RECORDED

PRIOR TO ISSUANCE OF A BUILDING PERMIT.

D. MAINTENANCE. THE PRIVATE STREET SHALL BE CONTINUOUSLY MAINTAINED IN SUCH A MANNER THAT IT DOES NOT CONSTITUTE A DANGER TO PUBLIC HEALTH, SAFETY AND WELFARE. ALL COSTS ASSOCIATED WITH THE REPAIR OF THE PRIVATE STREET SHALL BE THE RESPONSIBILITY OF THE INDIVIDUALS AND/OR THE PROPERTY OWNERS' ASSOCIATION(S) COMPRISED OF LAND OWNERS SERVED BY THE STREET.

E. ACCESS AND OCCUPANCY. THE PRIVATE STREET SHALL BE READILY ACCESSIBLE TO AND USABLE BY EMERGENCY VEHICLES IN ALL WEATHER. AN OCCUPANCY PERMIT REQUIRED UNDER CHAPTER 11 FOR A DWELLING OR OTHER BUILDING, THE PRIMARY ACCESS TO WHICH IS TO BE PROVIDED BY A PRIVATE STREET, SHALL NOT BE ISSUED UNTIL THE PRIVATE STREET HAS BEEN CONSTRUCTED WITH SUFFICIENT WIDTH, SURFACE AND GRADE TO ENSURE THE SAFE PASSAGE AND MANEUVERABILITY OF EMERGENCY SERVICE VEHICLES.

F. STREET FRONTAGE. ALL LOTS AND PARCELS OF LAND UTILIZING A PRIVATE STREET SHALL HAVE FRONTAGE ON THE APPROVED PRIVATE STREET RIGHT-OF-WAY EQUAL TO THE MINIMUM LOT WIDTH REQUIREMENT OF THE ZONE DISTRICT IN WHICH THE LOT IS LOCATED.

G. DISCLOSURE. THE FOLLOWING STATEMENT SHALL BE INCLUDED IN ANY DEED OR OTHER INSTRUMENT OF CONVEYANCE RECORDED FOR ANY LOTS OR OTHER PARCELS OF LAND SERVED BY A PRIVATE STREET: "THIS PROPERTY DOES NOT ABUT OR FRONT UPON A PUBLIC STREET. IF A PUBLIC STREET DOES NOT ABUT OR SERVE THE PROPERTY, THE STREET ABUTTING OR SERVING THE PROPERTY IS A PRIVATE STREET, AND IT IS THEREFORE NOT REQUIRED TO BE MAINTAINED BY THE CITY OF FLINT."

H. PERFORMANCE GUARANTEE. AS A CONDITION OF APPROVAL OF A PRIVATE STREET AND THE ISSUANCE OF A BUILDING PERMIT, THE CITY MAY REQUIRE THAT THE APPLICANT PROVIDE A PERFORMANCE GUARANTEE, LETTER OF CREDIT OR SURETY ACCEPTABLE TO THE CITY, THE RELEASE OF WHICH IS CONDITIONED UPON THE SATISFACTORY PERFORMANCE BY THE APPLICANT OF THE TERMS OF THIS SECTION AND ANY CONDITIONS OF APPROVAL.

I. FEE. THE FEE FOR PROCESSING A PRIVATE STREET APPLICATION SHALL BE ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL, KEPT ON FILE BY THE CITY CLERK, AND CONTAINED IN APPENDIX A OF THE CITY CODE.

J. EFFECT ON NEW AND EXISTING PRIVATE STREETS.

1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL PRIVATE STREETS DESIGNATED OR CONSTRUCTED ON AND AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

2. IF ONE OR BOTH OF THE FOLLOWING OCCURS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE ENTIRE PRIVATE STREET, INCLUDING THE PORTION THEREOF EXISTING PRIOR TO THE ADOPTION OF THIS CHAPTER, SHALL COMPLY WITH ALL REQUIREMENTS OF THIS SECTION:

I. AN EXISTING PRIVATE STREET IS EXTENDED BY AN INCREASE IN ITS LENGTH.

II. LOTS OR PARCELS OF LAND ARE ADDED TO THE EXISTING PRIVATE STREET.

§ 50-72. ESSENTIAL SERVICES

A. APPLICABILITY. ESSENTIAL SERVICES SHALL BE PERMITTED IN ALL ZONE DISTRICTS SUBJECT TO DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE, REVIEW TO DETERMINE THAT THE YARD, PARKING, LANDSCAPING AND SCREENING AND OTHER REQUIREMENTS ARE MET, AND ARE DESIGNED TO BE COMPATIBLE WITH SURROUNDING USES.

B. AUTHORITY. ACCESSORY FACILITIES, WHICH ARE DETERMINED BY THE ZONING COORDINATOR AND DIRECTOR OF PUBLIC WORKS AND UTILITIES TO BE NECESSARY IN SUPPORT OF ESSENTIAL SERVICES, MAY BE PERMITTED IN ANY ZONE DISTRICT.

C. CONCEALED ENCLOSURE. THE OUTDOOR ENCLOSURE OF ABOVE-GROUND ESSENTIAL SERVICE UTILITIES SHALL BE SCREENED USING A PERMANENT BRICK OR DECORATIVE TEXTURED BLOCK WALL TO RECOGNIZE THE PERMANENCE OF THE NEW INFRASTRUCTURE, REDUCE MAINTENANCE REQUIREMENTS AND LESSEN THE OPPORTUNITY FOR GRAFFITI OR VANDALISM.

D. ADMINISTRATIVE WAIVER. AN ADMINISTRATIVE WAIVER MAY BE GRANTED AND ALTERNATIVE ENCLOSURE OR SCREENING MATERIALS USED IF THE OPERATION OF THE UTILITY WOULD BE ADVERSELY AFFECTED BY THIS REQUIREMENT.

§ 50-73. OUTDOOR CANOPIES

A. ATTACHED OR DETACHED. A CANOPY MAY BE EITHER ATTACHED OR DETACHED FROM THE MAIN BUILDING.

B. DESIGN. A CANOPY SHALL UTILIZE THE SAME ARCHITECTURAL AND DESIGN TREATMENT AS THE MAIN BUILDING. A CANOPY SHALL NOT COVER ARCHITECTURAL DETAILS, TRANSPARENCY OR THE EXPRESSION LINE OF THE MAIN BUILDING.

C. CANOPIES OVER DRIVE-THROUGH FACILITIES AND FUEL PUMPS. A CANOPY COVERING A DRIVE-THROUGH OR FUEL PUMP SHALL USE A SIMILAR ROOF FORM, PITCH, AND MATERIALS IN ORDER TO RESEMBLE THE ROOF COVERING OF THE MAIN BUILDING.

D. HEIGHT. A CANOPY SHALL HAVE A MINIMUM GROUND CLEARANCE OF EIGHT (8) FEET OVER PUBLIC SIDEWALKS AND A MINIMUM GROUND CLEARANCE OF FOURTEEN (14) FEET OVER ANY VEHICULAR DRIVEWAY OR PARKING AREA. A CANOPY SHALL NOT EXCEED THE HEIGHT OF THE MAIN BUILDING.

E. SETBACK STANDARDS. A CANOPY STRUCTURE SHALL COMPLY WITH ALL MINIMUM BUILDING SETBACK STANDARDS APPLICABLE TO THE MAIN BUILDING, EXCEPT WHEN PROVIDING A COVERED WALKWAY BETWEEN A BUILDING ENTRANCE AND THE PUBLIC SIDEWALK A CANOPY MAY EXTEND FIVE FEET INTO THE RIGHT OF WAY.

F. NOT ENCLOSED. A CANOPY STRUCTURE SHALL NOT BE ENCLOSED.

G. SIGNS. SIGNS ON CANOPIES ARE SUBJECT TO THE REQUIREMENTS OF ARTICLE 15.

§ 50-74. OUTDOOR LIGHTING

A. PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROVIDE REASONABLE REGULATIONS TO DIRECT THE LOCATION, DESIGN, ILLUMINATION LEVEL AND USE OF OUTDOOR LIGHTING TO MINIMIZE ITS UNDESIRABLEEFFECTS. SPECIFICALLY, THIS SECTION IS INTENDED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY OF FLINT BY:

1. MAINTAINING SAFE NIGHT-TIME DRIVER PERFORMANCE ON PUBLIC STREETS BY MINIMIZING BOTH BRIGHTLY LIT SURFACES AND LIGHTING GLARE.

2. PROMOTING LIGHTING THAT PROVIDES SECURITY BUT PROTECTS THE PRIVACY OF ADJACENT PROPERTIES.

3. ALLOWING LIGHTING THAT IS NOT UNDULY INTRUSIVE OR A NUISANCE TO NEARBY RESIDENTS, PROPERTY OCCUPANTS, AND DRIVERS.

4. ELIMINATING INTRUSIVE ARTIFICIAL LIGHT AND LIGHTING THAT UNNECESSARILY CONTRIBUTES TO "SKY GLOW" AND ENERGY CONSUMPTION.

ATTACHMENT:
DIAGRAM 50-74 (EXHIBIT 47)

B. LIGHTING PLAN. THE FOLLOWING INFORMATION SHALL BE INCLUDED FOR ALL ZONING COORDINATOR SITE PLAN REVIEW OR PLANNING COMMISSION REVIEW. WHERE NEITHER TYPE OF APPROVAL IS REQUIRED, ONE OR MORE OF THE FOLLOWING ITEMS MAY BE REQUIRED BY THE ZONING COORDINATOR PRIOR TO LIGHTING INSTALLATION:

1. A SITE PLAN DRAWN TO A SCALE OF ONE (1) INCH EQUALING NO MORE THAN THIRTY (30) FEET SHOWING THE BUILDINGS, LANDSCAPING, PARKING AND SERVICE AREAS, AND LOCATION AND TYPE OF ALL PROPOSED OUTDOOR LIGHTING.

2. A PHOTOMETRIC GRID OVERLAID ON THE PROPOSED SITE PLAN.

3. ANALYSES SHOWING THAT THE PROPOSED INSTALLATION CONFORMS TO THE LIGHTING LEVEL STANDARDS IN THIS CHAPTER. A PHOTOMETRIC PLAN SHALL INDICATE LIGHTING LEVELS AT GROUND LEVEL BASED ON NO GREATER THAN A TWENTY FIVE (25) FOOT ON-CENTER GRID AND SHALL PROJECT TWENTY FIVE (25) FEET ONTO ADJACENT PROPERTIES OR TO THE SETBACK LIMIT LINE, WHICHEVER IS GREATER. ILLUMINATION LEVELS SHALL ALSO BE MEASURED FOR ALL SURROUNDING STREETS AT THE

PUBLIC RIGHT-OF-WAY.

4. SPECIFICATIONS FOR ALL PROPOSED LIGHTING FIXTURES INCLUDING MOUNTING HEIGHTS, PHOTOMETRIC DATA, DESIGNATION AS ILLUMINATIONS ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) "CUT-OFF" FIXTURES, COLOR RENDERING INDEX (CRI) OF ALL LAMPS (BULBS), AND OTHER DESCRIPTIVE INFORMATION ON THE FIXTURES. ALL LIGHTING SHALL HAVE THE INTENSITIES AND UNIFORMITY RATIO CONSISTENT WITH THE LIGHTING HANDBOOK OF THE IESNA.

B. OUTDOOR LIGHTING.

1. TYPE. ALL OUTDOOR LIGHTING, INCLUDING FREE-STANDING, CANOPY, POLE, AND BUILDING MOUNTED, SHALL BE FULLY SHIELDED AND DIRECTED DOWNWARD TO PREVENT OFF-SITE GLARE AND ILLUMINATION.

2. INTENSITY - GENERAL. THE INTENSITY OF LIGHT WITHIN A SITE SHALL NOT EXCEED TEN (10) FOOTCANDLES WITHIN ANY PART OF THE SITE AND ONE (1) FOOTCANDLE AT ANY LOT LINE, EXCEPT WHERE IT ABUTS OR FACES A RESIDENTIAL ZONE DISTRICT OR RESIDENTIAL USE, A MAXIMUM OF 0.5 FOOTCANDLES IS PERMITTED.

3. INTENSITY – VEHICLE FUEL OR OUTDOOR SALES AREAS.

   I. IN AREAS WHERE LIGHTING LEVELS FROM EXISTING, SIMILAR VEHICLE FUEL STATIONS OR OUTDOOR VEHICLE SALES AREAS ARE LOCATED ON BOTH SIDES OF THE LOT AND ACROSS THE STREET, UP TO EIGHTY (80) PERCENT OF THE EXISTING LIGHT LEVELS MAY BE USED.

   II. FOR VEHICLE FUEL STATION CANOPIES AND OUTDOOR VEHICLE SALES AREAS THAT DO NOT MEET THE LOCATION REQUIREMENT IN SUBSECTION C

ABOVE, AN ADMINISTRATIVE WAIVER MAY BE GRANTED FOR A MAXIMUM OF TWENTY (20) FOOTCANDLES WITHIN THE SITE, PROVIDED THE REQUIREMENTS OF SUBSECTION (C)(B) ABOVE APPLY AT THE LOT LINE.

4. UNIFORMITY RATIOS. IN ORDER TO MAINTAIN UNIFORMITY IN LIGHT LEVELS ACROSS A DEVELOPMENT AND PREVENT OR MINIMIZE DARK AREAS, THE RATIO OF MAXIMUM TO MINIMUM LIGHTING LEVELS ON A GIVEN LOT IS MEASURED IN FOOTCANDLES AT GROUND LEVEL, AND SHALL NOT EXCEED A RATIO OF FIFTEEN-TO-ONE (15:1). PARKING LOTS SHALL MAINTAIN THE SAME UNIFORMITY RATIOS AS THE MAIN BUILDING OR PRINCIPAL USE SERVED.

5. HEIGHT. EXCEPT AS OTHERWISE REQUIRED, THE MOUNTING HEIGHT OF FIXTURES THAT ARE LOCATED IN A RESIDENTIAL ZONE DISTRICT OR WITHIN TWO HUNDRED (200) FEET OF SUCH DISTRICT SHALL NOT EXCEED THE FOLLOWING LIGHT SOURCE TO GROUND LEVEL HEIGHT LIMITS, EXCEPT AS PERMITTED BY THE PLANNING COMMISSION.

   I. TWENTY TWO AND ONE-HALF (22.5) FEET, INCLUDING A 2.5 FOOT BASE, FOR PARKING LOTS.

   II. TWENTY (20) FEET FOR SIDEWALKS AND PATHWAYS.

6. HOURS. ALL OUTDOOR LIGHTING FIXTURES SHALL BE TURNED OFF ONE HALF (1/2) HOUR AFTER THE CLOSE OF BUSINESS, UNLESS NEEDED FOR SAFETY AND SECURITY. IN SUCH CASE, THE LIGHTING SHALL BE REDUCED TO THE MINIMUM LEVEL NECESSARY FOR THAT PURPOSE.

7. FIXTURES.

   I. POLES FOR LIGHTING FIXTURES SHALL BE OF A FIXED HEIGHT. ADJUSTABLE

POLES ARE PROHIBITED.

II. HIGH PRESSURE SODIUM FIXTURES SHALL BE PROHIBITED.

III. THE ZONING COORDINATOR MAY APPROVE DECORATIVE LIGHT FIXTURES AS AN ALTERNATIVE TO SHIELDED FIXTURES WHEN IT CAN BE PROVEN THAT THERE SHALL BE NO OFF-SITE GLARE OR ILLUMINATION AND THE PROPOSED FIXTURES WILL IMPROVE THE APPEARANCE OF THE SITE.

B. CANOPY LIGHTING. ALL LIGHTING ON THE UNDERSIDE OF A CANOPY SHALL BE FULLY RECESSED. NO PORTION OF ANY CANOPY MAY BE EXTERNALLY ILLUMINATED. A MAXIMUM OF TWENTY-FIVE (25) PERCENT OF A FUEL STATION CANOPY VISIBLE FROM A PUBLIC STREET MAY BE INTERNALLY ILLUMINATED.

C. SECURITY LIGHTING.

1. THE NEED FOR SECURITY LIGHTING (E.G. THE LIGHTING FOR SAFETY OF PERSONS AND PROPERTY) SHALL BE DEMONSTRATED. TO THE EXTENT THAT AN AREA IS ILLUMINATED FOR OTHER PURPOSES, INDEPENDENT SECURITY LIGHTING SHALL NOT BE ALLOWED.

2. ALL SECURITY FIXTURES SHALL BE SHIELDED AND AIMED SO THAT ILLUMINATION IS DIRECTED ONLY TO DESIGNATED AREAS. IN NO CASE SHALL LIGHTING BE DIRECTED ABOVE A HORIZONTAL PLANE THROUGH THE TOP OF THE LIGHTING FIXTURE, AND THE FIXTURE SHALL INCLUDE FULL CUT-OFF SHIELDS THAT PREVENT THE LIGHT SOURCE OR LENS FROM BEING VISIBLE ON ADJACENT LOTS AND STREETS. THE USE OF GENERAL FLOODLIGHTING FIXTURES SHALL NOT BE ALLOWED.

D. ARCHITECTURAL LIGHTING. WHEN BUILDINGS AND STRUCTURES ARE TO BE ILLUMINATED, THE ZONING COORDINATOR SHALL APPROVE A DESIGN FOR THE

ILLUMINATION USING THE FOLLOWING STANDARDS:

1. DIRECTION OF LIGHTS. LIGHTING FIXTURES SHALL BE CAREFULLY LOCATED, AIMED AND SHIELDED SO THAT LIGHT IS DIRECTED ONLY ONTO THE BUILDING FAÇADE. LIGHTING FIXTURES SHALL NOT BE DIRECTED TOWARD ADJACENT STREETS OR PROPERTIES, AND LIGHT SHALL NOT TRESPASS ONTO SURROUNDING PROPERTIES.

2. FAÇADE LIGHTING. LIGHTING FIXTURES MOUNTED ON THE BUILDING AND DESIGNED TO "WASH" THE FAÇADE WITH LIGHT ARE PERMITTED.

3. ACCENT LIGHTING. LUMINOUS TUBE (NEON), LED OR FLUORESCENT LIGHTING SHALL BE ALLOWED AS AN ARCHITECTURAL DETAIL ON THE EXTERIOR OF ANY STRUCTURE, PROVIDED HOWEVER THAT EXPOSED BULBS SHALL BE SHIELDED. THE ZONING COORDINATOR MAY APPROVE INTERNALLY ILLUMINATED ARCHITECTURAL BANDS OR SIMILAR SHIELDED ACCENTS AS PART OF A DIRECTOR OF PLANNING AND DEVELOPMENT REVIEW, UPON DETERMINING THAT SUCH ACCENTS WOULD NOT CAUSE OFF-SITE GLARE OR LIGHT POLLUTION AND SUCH LIGHTING IS NOT USED TO THE EXTENT THAT IT CONSTITUTES A SIGN.

4. LANDSCAPE LIGHTING. THE ILLUMINATION OF LANDSCAPING SHALL NOT GENERATE EXCESSIVE LIGHT LEVELS, CAUSE GLARE, OR DIRECT LIGHT BEYOND THE LANDSCAPING.

E. OUTDOOR RECREATION FIELD LIGHTING. LIGHTING SHALL BE DESIGNED SPECIFICALLY FOR PLAYFIELDS. POLE HEIGHT SHALL BE NO TALLER THAN SIXTY (60) FEET UNLESS EVIDENCE IS PROVIDED BY THE APPLICANT TO THE REVIEWING PARTY THAT A TALLER HEIGHT IS NECESSARY TO MANAGE SPILLOVER LIGHT FROM OCCURRING ON ABUTTING PROPERTIES.

F. OTHER LIGHTING.

1. INDIRECT ILLUMINATION OF

SIGNS, CANOPIES, BOLLARDS AND BUILDINGS IS PERMITTED PROVIDED A MAXIMUM ONE HUNDRED TWENTY-FIVE (125) WATT BULB IS UTILIZED AND THERE IS NO GLARE.

2. ELECTRICAL FEEDS TO LIGHTING STANDARDS SHALL RUN UNDERGROUND, NOT OVERHEAD.

3. THE USE OF A LASER LIGHT SOURCE, SEARCH LIGHTS OR ANY SIMILAR HIGH INTENSITY LIGHT FOR OUTDOOR ADVERTISEMENT OR ENTERTAINMENT IS PROHIBITED, EXCEPT AS PERMITTED IN THE D-E, D-C, UC, OR IC ZONE DISTRICTS.

4. LIGHTING SHALL NOT CONSIST OF OR HAVE THE APPEARANCE OF MOVEMENT OR FLASHING COMPONENTS, EXCEPT AS PERMITTED IN THE D-E, D-C, UC, OR IC ZONE DISTRICTS.

G. PUBLIC STREET LIGHTING. THE COST OF INSTALLING AND OPERATING APPROVED STREET LIGHTING ON ANY PUBLIC STREET SHALL BE THROUGH A FINANCIAL METHOD APPROVED BY THE CITY OR BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION. THE COSTS OF ALL OTHER LIGHTING SYSTEMS SHALL BE BORNE BY THE DEVELOPER/PROPERTY OWNER.

H. EXEMPTIONS. THE FOLLOWING OUTDOOR LIGHT FIXTURES ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

1. OUTDOOR LIGHT FIXTURES INSTALLED PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER. FIXTURE REPLACEMENTS SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION TO THE EXTENT THAT THE OVERALL APPEARANCE OF THE SITE IS NOT ADVERSELY AFFECTED. THE ZONING COORDINATOR MAY REQUIRE THAT EXISTING LIGHT FIXTURES BE RE-DIRECTED IN CONDITIONS WHERE EXCESSIVE GLARE ONTO ADJACENT PROPERTIES AND ROADWAYS CREATES A NUISANCE OR SAFETY CONCERN.

2. STREETLIGHTS LOCATED WITHIN A

PUBLIC RIGHT-OF-WAY.

3. OUTDOOR LIGHT FIXTURES WHICH USE AN INCANDESCENT LIGHT BULB OF ONE HUNDRED FIFTY (150) WATTS OR LESS, EXCEPT WHERE THEY CREATE A HAZARD OR NUISANCE FROM GLARE OR SPILLOVER LIGHT.

4. LIGHTING NECESSARY FOR STREET OR UTILITY CONSTRUCTION OR EMERGENCIES.

5. GOVERNMENT FACILITIES, PARKS, PLAYING FIELDS AND OPEN AREAS, PUBLIC UTILITY FACILITIES, AND OTHER USES WHERE SENSITIVE OR DANGEROUS MATERIALS ARE LOCATED MAY SUBMIT A SITE SECURITY PLAN TO THE ZONING COORDINATOR REQUESTING OUTDOOR LIGHTING THAT DEVIATES FROM THE STANDARDS IN THIS SECTION. THE PLAN SHALL BE APPROVED, OR APPROVED WITH CONDITIONS, UPON FINDING:

   I. THE LIGHTING IS NECESSARY FOR ADEQUATE PROTECTION OF THE PUBLIC;

   II. THE CONDITION, LOCATION, OR USE OF THE LAND, OR HISTORY OF ACTIVITY IN THE AREA, INDICATES THE LAND OR ANY MATERIALS STORED OR USED ON IT ARE IN GREATER DANGER OF THEFT OR DAMAGE, OR MEMBERS OF THE PUBLIC ARE AT GREATER RISK FOR HARM THAN ON OTHER PROPERTY; AND

   III. THE DEVIATIONS FROM THIS CHAPTER SHALL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON NEIGHBORING AREAS.

I. ADMINISTRATIVE WAIVER. THE ZONING COORDINATOR MAY GRANT AN ADMINISTRATIVE WAIVER FROM THE REQUIREMENTS THIS SECTION IF IT IS DETERMINED THAT IN SO DOING, IT SHALL NOT CONTRADICT THE PURPOSES OF THIS SECTION OR NEGATIVELY AFFECT THE

HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

§ 50-75. INFRASTRUCTURE AND SERVICE NEEDS

A. PURPOSE AND INTENT. THE PURPOSE OF THIS SECTION IS TO PERMIT DEVELOPMENT PROJECTS THE ABILITY TO PROCEED AT A FASTER PACE THAN CURRENT CITY RESOURCES ARE CAPABLE OF CONSTRUCTING, INSTALLING, MODIFYING, OR IMPROVING EXISTING INFRASTRUCTURE AND/OR SERVICE CAPACITIES TO ACCOMMODATE THE DEVELOPMENT PROJECT. THE PROJECT MAY ITSELF BE THE SOLE REASON FOR THE INFRASTRUCTURE AND SERVICE NEEDS, OR IT MAY CONTRIBUTE TO A HEIGHTENED DEMAND FOR INFRASTRUCTURE AND SERVICES WHICH ARE NEARING OR ALREADY AT CAPACITY. INADEQUATELY SIZED INFRASTRUCTURE OR INSUFFICIENT SERVICE TO THE DEVELOPMENT PROJECT WOULD RESULT IN ONE OR MORE DECLINING LEVELS OF TRAFFIC SAFETY, ROADWAY CAPACITY, REDUCED LEVEL OF SERVICE (LOS) OR WATER, SEWER, ENERGY, COMMUNICATIONS OR OTHER UTILITY SERVICE REDUCTIONS IN THE SYSTEM. IT IS THE INTENT OF THIS SECTION TO ALLOW FOR DEVELOPMENT WHILE INSURING THAT THE PROJECT SITE AND ALL CUSTOMERS THAT UTILIZE AND RELY UPON SUFFICIENT INFRASTRUCTURE AND SERVICES WITHIN THE COMMUNITY ARE PROPERLY ACCOMMODATED FOR.

THE INABILITY OF THE CITY TO PROVIDE OR ENHANCE THE AVAILABLE LEVEL OF INFRASTRUCTURE OR SERVICES TO ACCOMMODATE THE DEVELOPMENT PROJECT MAY SERVE AS THE BASIS TO DENY A PROJECT REQUEST DUE TO INSUFFICIENT OR INCREASINGLY INSUFFICIENT INFRASTRUCTURE CAPACITY IF THE PROJECT WERE TO BE CONSTRUCTED. PROJECT DENIAL DUE TO INSUFFICIENT INFRASTRUCTURE OR SERVICES IS NOT A DESIRED OUTCOME AS DEVELOPMENT AND REDEVELOPMENT PROJECTS OFTEN IMPROVE NEIGHBORHOODS AND, OVER THE LONG-TERM, IMPROVE THE ECONOMIC CAPACITY OF THE NEIGHBORHOOD AND THE ENTIRE COMMUNITY BY RAISING PROPERTY VALUES AND EMPLOYMENT OPPORTUNITIES. ALTERNATIVES TO IMPROVE INFRASTRUCTURE AND/OR SERVICE INSUFFICIENCY ARE PREFERABLE TO PROJECT DENIAL. IN SUCH CASES, THE CITY MAY OFFER AN ALTERNATIVE TO PROJECT DENIAL BY ACCEPTING THE OFFER OF VOLUNTARY SUPPORT BY THE PROJECT'S

OWNERS TO UNDERTAKE OR CONTRIBUTE TOWARD THE COST OF PROVIDING THE NEEDED INFRASTRUCTURE OR SERVICE CHANGES FOR FUTURE CONDITIONS CREATED OR CONTRIBUTED TO AS A RESULT OF THE DEVELOPMENT PROJECT.

IN GENERAL, INFRASTRUCTURE OR SERVICE CHANGES ARE QUANTIFIABLE IN TERMS OF CAPACITY AND COST. NEEDED CHANGES MAY REQUIRE STUDY, PLANNING, PHASING OR OTHER EFFORTS BEFORE BEING UNDERTAKEN. IN SUCH SITUATIONS, THE CITY COUNCIL COULD, BY CONTRACT WITH THE PROJECT'S OWNERS, ACCEPT CONTRIBUTIONS TO FUND SUCH WORK. THE CITY WOULD SET ASIDE THE FUNDS FOR USE ONLY TO ADDRESS THE PARTICULAR INFRASTRUCTURE AND/OR SERVICE CHANGES ASSOCIATED WITH THE DEVELOPMENT PROJECT. FOR EXAMPLE, IN THE SITUATION WHERE AREA STREETS AND INTERSECTIONS ARE OR WILL BE FUNCTIONING AT LOW LEVELS, UNDERTAKING OR FUNDING STREET AND INTERSECTION IMPROVEMENTS MAY BE APPROPRIATE. SOMETIMES, HOWEVER, STREET AND INTERSECTION IMPROVEMENTS MAY NOT BE PRACTICAL OR MAY BE INSUFFICIENT TO ADDRESS THE CONCERNS. DUE TO TOPOGRAPHY, THE IMPRACTICALITY OF ACQUIRING NEEDED ADDITIONAL RIGHT-OF- WAY, AREA-WIDE TRAFFIC PATTERNS, JURISDICTIONAL ISSUES OR OTHER LIMITATIONS, DIFFERENT APPROACHES SUCH AS ADDITIONAL TRANSIT SERVICES, REMOTE PARKING LOTS, PEDESTRIAN OVERPASSES, SHARED PARKING STRUCTURES, REVERSIBLE TRAFFIC FLOWS AT PEAK TIMES, OR OTHER, LESS COMMON, MORE COOPERATIVE APPROACHES MAY BE THE ONLY FEASIBLE AND REASONABLE ALTERNATIVES TO AMELIORATE ANTICIPATED INFRASTRUCTURE AND SERVICE BURDENS IMPOSED BY THE DEVELOPMENT UPON CUSTOMERS AND CITIZENS WITHIN THE SERVICE AREA. A PARTICULAR PROJECT MAY PROVIDE THE NECESSARY IMPETUS FOR SUCH APPROACHES, PARTICULARLY IN RELATION TO PUBLIC HEALTH AND SAFETY, WHILE ITSELF PROVIDING INSUFFICIENT SUPPORT OR JUSTIFICATION. HOWEVER, TOGETHER WITH REASONABLY FORESEEABLE ADDITIONAL PROJECTS, IT MAY FORM THE BASIS FOR ADDRESSING THE NEED BY SUCH APPROACHES. IF PART OF THE PROJECT INVOLVES A REZONING A VOLUNTARY

OFFER MUST TAKE THE FORM OF A CONDITIONAL REZONING.

B. EXISTING AND FUTURE CONDITIONS EVALUATION. THE APPLICANT OR PROPERTY OWNER SHALL BE INFORMED OF ANY INADEQUATELY SIZED INFRASTRUCTURE OR INSUFFICIENT SERVICES WITHIN THE PROPOSED PROJECT AREA THAT CURRENTLY EXISTS OR THAT WILL BE CREATED OR CONTRIBUTED TO BY THE PROPOSED DEVELOPMENT PROJECT. THE ZONING COORDINATOR, TRAFFIC ENGINEER, DIRECTOR OF PUBLIC WORKS AND UTILITIES, PLANNING COMMISSION OR CITY COUNCIL WILL PROVIDE A BASIS FOR THE DETERMINATION THAT A DEVELOPMENT PROJECT, EITHER BY ITSELF OR IN CONJUNCTION WITH OTHER REASONABLY FORESEEABLE PROJECTS, WILL:

1. OVERLOAD INFRASTRUCTURE OR MUNICIPAL SERVICES;

2. MEASURABLY DEGRADE THE LEVEL OF INFRASTRUCTURE OR PUBLIC SERVICES TO LEVELS THAT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY OR QUALITY OF LIFE; OR

3. PLACE ADDITIONAL STRAINS ON INFRASTRUCTURE OR PUBLIC SERVICES THAT ALREADY ARE AT LEVELS THAT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY OR QUALITY OF LIFE.

C. ALTERNATIVES EVALUATION. THE ZONING COORDINATOR MAY ENCOURAGE THE APPLICANT TO PROPOSE PARTICULAR DESIGNS OR IMPROVEMENTS, COST ESTIMATES AND OTHER RELATED INFORMATION TO RECOMMEND OR IDENTIFY CHANGES ON THE PROJECT SITE, IN THE IMMEDIATE PROJECT AREA OR IN LOCATIONS WHICH WOULD ASSIST IN SUPPORTING THE NECESSARY INFRASTRUCTURE OR SERVICES TO SUSTAIN THE DEVELOPMENT. WHERE THE ZONING COORDINATOR DOES NOT HAVE SPECIFIC INFORMATION ABOUT NEEDED CHANGES READILY AVAILABLE BECAUSE THEY ARE NOT EASILY ASCERTAINABLE GIVEN THE CHARACTERISTICS OF THE SITUATION, THE ZONING COORDINATOR MAY IDENTIFY POSSIBLE WAYS OF ADDRESSING THE CONDITIONS TOGETHER WITH THE ANTICIPATED COSTS INVOLVED IN DOING SO.

D. DETERMINATION. UPON REVIEW OF THE ALTERNATIVES TO SUPPORT THE NEEDED INFRASTRUCTURE AND/OR SERVICES TO SUPPORT THE DEVELOPMENT PROJECT, THE APPLICANT MAY:

1. APPEAL THE DETERMINATION TO THE ZONING BOARD OF APPEALS, IF THE DETERMINATION WAS MADE BY THE ZONING COORDINATOR.

2. DISCONTINUE THE PROJECT.

3. REDESIGN THE PROJECT TO ADDRESS THE CONCERNS.

4. IF IT IS ACCEPTABLE TO ALL CITY AND OTHER GOVERNMENTAL OFFICIALS OF COMPETENT JURISDICTION, AGREE TO UNDERTAKE THE NEEDED INFRASTRUCTURE IMPROVEMENTS ACCORDING TO PLANS AND SPECIFICATIONS APPROVED BY THE CITY AND WITH ALL CONSTRUCTION OVERSEEN BY THE CITY.

5. IF IT IS ACCEPTABLE TO ALL CITY AND OTHER GOVERNMENTAL OFFICIALS OF COMPETENT JURISDICTION, AGREE TO FUND THE NEEDED INFRASTRUCTURE OR SERVICE IMPROVEMENTS PURSUANT TO A WRITTEN AGREEMENT APPROVED BY THE CITY COUNCIL. THE AMOUNT OF THAT PAYMENT SHALL BE DETERMINED BASED ON THE ACTUAL COSTS OF THE IMPROVEMENTS.

6. IF IT IS ACCEPTABLE TO ALL CITY AND OTHER GOVERNMENTAL OFFICIALS OF COMPETENT JURISDICTION, AGREE TO CONTRIBUTE TO A FUND TO BE USED BY THE CITY TO ADDRESS THE INFRASTRUCTURE OR SERVICE CONCERNS PURSUANT TO A WRITTEN AGREEMENT APPROVED BY THE CITY COUNCIL. THE AMOUNT OF THAT CONTRIBUTION SHALL BE DETERMINED BASED ON WHAT THE CITY COUNCIL REASONABLY DETERMINES TO BE THE APPLICANT'S PROPORTIONATE SHARE OF THE REASONABLY ANTICIPATED COSTS OF THE IMPROVEMENTS.

§ 50-76. PROJECT PHASING

A. PHASING PLAN. REQUESTS FOR PROJECT PHASING AS PART OF SITE PLAN REVIEW SHALL BE SUBMITTED TO THE ZONING COORDINATOR FOR CONSIDERATION. THE PHASING PLAN SHALL INCLUDE THE LIKELY SEQUENCE AND TIMELINE FOR CONSTRUCTION, AS WELL AS THE REASONING BEHIND THE PHASED APPROACH. THE ZONING COORDINATOR RESERVES THE RIGHT TO APPROVE OR REJECT THE PHASING PLAN.

B. CONTIGUOUS SEQUENCING. PROJECT PHASING SHALL BE SEQUENCED SO THAT DEVELOPMENT PHASES ARE CONTIGUOUS.

C. LAPSE. THE TIME PERIOD FOR THE LAPSE OF A CONSTRUCTION PHASE SHALL NOT EXCEED TWELVE (12) MONTHS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

§50-57. Lot and Yard Measurements
Diagram 50-57C (Exhibit 34):

Key

1. *Front Yard Setback*
2. *Interior Side Yard Setback*
3. *Corner Side Yard Setback*
4. *Rear Yard Setback*
5. *Buildable Lot*
6. *Front Yard Build-to-Zone*
7. *Side Yard Build-to-Zone*
8. *Maximum Front Yard Setback*
9. *Maximum Side Yard Setback*

Diagram 50-57D (Exhibit 35):

Typical Lot Width

Key

1. *Required minimum lot width*
2. *Minimum required setback*
3. *On a corner lot, the shorter lot line against a public street defines the front lot line*

Irregular Lot Width

Key

1. *Front lot line*
2. *Required minimum lot width*
3. *Minimum required setback as per district regulations*
4. *Required setback to conform with minimum lot width standard*

Diagram 50-57F (Exhibit 36):

Diagram 50-57H (Exhibit 37):

§ 50-58. BUILDING HEIGHT

Diagram 50-58 (Exhibit 38):

§50-60. ACCESSORY STRUCTURES

Table 50-60 (Exhibit 39):

Table 50-60. Permitted Residential Accessory Structures for Single-Family, Two-Family and Non-Residential Uses

Lot Area (sq.ft.)	Maximum GFA (sq.ft.) Total	Maximum Height (ft)	Max. Number of Structures
< 4,500	575	14	1
4,500 -5,999	650	14	2
6,000-7,499	800	14	2
7,500 – 10,999	900	14	2
11,000 – 21,999	1,200	16	3
> 22,000	1,500	16	3

Diagram 50-60 (Exhibit 40):

§ 50-61. SWIMMING POOL PLACEMENT

Diagram 50-61 (Exhibit 41):

§ 50-62. ARBORS AND TRELLISES

Diagram 50-62 (Exhibit 42):

§ 50-63. FENCES AND WALLS

Diagram 50-63 (Exhibit 43):

Table 50-63 (Exhibit 44):

Table 50.8.12.C. Maximum Fence and Wall Height				
Type	Residential Uses [3]		Non-Residential and Other Uses [2, 3]	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Open/Solid Fences and Walls	4 ft	6 ft	4 ft	8 ft
Retaining wall	4 ft	8 ft	6 ft	10 ft
Parking lot screen along ROW [1]	3 ft min., 4 ft max.		3 ft min., 4 ft max.	

[1] Refer to Section 50-157 for parking lot screening requirements.
[2] Refer to Section 50-158 for required screening of outdoor storage.
[3] Refer to Section 50-63(B)(d) for waterfront lots.

§ 50-65. COMMERCIAL WASTE RECEPTACLES AND ENCLOSURES

Diagram 50-65 (Exhibit 45):

Commercial Waste Receptacles

§ 50-65

§ 50-66. CLEAR VISION AREAS

Diagram 50-66 (Exhibit 46):

§ 50-74. OUTDOOR LIGHTING

Diagram 50-74 (Exhibit 47):

ARTICLE 9. USE REGULATIONS

§ 50-77. PURPOSE AND INTENT

IT IS RECOGNIZED BY THIS CHAPTER THAT CERTAIN UNIQUE USES CANNOT EASILY BE TREATED IN THE SAME MANNER AS OTHER USES BECAUSE OF THEIR POTENTIAL TO ADVERSELY AFFECT PUBLIC HEALTH, SAFETY AND WELFARE; ESTABLISH A PUBLIC NUISANCE; CONFLICT WITH THE CHARACTER OF A NEIGHBORHOOD; IMPAIR THE SOCIAL AND ECONOMIC WELL-BEING OF NEIGHBORING PROPERTIES; IMPAIR THE GENERAL DEVELOPMENT OF AN AREA; OR OPERATE IN A MANNER CONTRARY TO THE PURPOSE AND INTENT OF THIS CHAPTER. THESE USES, WHEN PLACED PROPERLY, CAN CONTRIBUTE TO THE ECONOMIC VITALITY OF THE CITY.

THEREFORE, IT IS THE PURPOSE OF THIS ARTICLE TO PLACE SUFFICIENT MINIMUM PROTECTIONS UPON CERTAIN USES TO IMPROVE COMPATIBILITY WITH NEIGHBORING PROPERTIES AND DISCOURAGE INCOMPATIBLE LAND USES.

§ 50-78. APPLICABILITY

A. SPECIAL LAND USES. ALL USES SHALL BE SUBJECT TO THE PROCEDURES AS DESCRIBED IN ARTICLE 17. IN ADDITION TO THE PROVISIONS OF THIS ARTICLE, THE PLANNING COMMISSION SHALL ALSO CONSIDER INFORMATION THAT IS SITUATIONAL TO THE PROPERTY AND USE IN QUESTION; SUCH AS NEARBY LAND USES, NEIGHBOR TESTIMONY, UNIQUE OPERATIONAL ASPECTS OF SURROUNDING PROPERTIES AND/OR THE REQUESTED USE, INFRASTRUCTURE CAPACITY AND NEIGHBORHOOD CHARACTER IN THE APPLICATION OF ITS REVIEW STANDARDS AND DECISION-MAKING.

B. REVIEWING BODY. WHERE A PUBLIC HEARING IS HELD AS PART OF THE APPROVALS PROCESS FOR A PARTICULAR USE REGULATED BY THIS ARTICLE, THE REVIEWING BODY SHALL HAVE THE AUTHORITY TO WAIVE OR ALTER THE USE REGULATIONS CONTAINED IN THIS ARTICLE PROVIDED THE

STANDARDS OF ARTICLE 17 ARE SUBSTANTIALLY MET.

C. USE INTENSITY. AN INCREASE IN THE INTENSITY OF A SPECIAL USE SHALL NOT BE PERMITTED WITHOUT THE EXPRESS APPROVAL OF THE PLANNING COMMISSION FOLLOWING THE PROCEDURES ESTABLISHED FOR SPECIAL LAND USE APPROVAL. INCREASE IN INTENSITY SHALL INCLUDE THE ENLARGEMENT, EXTENSION OR EXPANSION OF HOURS OF OPERATION, SEATING, DISPLAY, BUILDING FOOTPRINT, USE FOOTPRINT WITHIN A BUILDING OR OTHER METHOD.

D. AGRICULTURE USES. WHEN A REGULATION IN THIS ORDINANCE IS PREEMPTED BY THE MICHIGAN'S RIGHT TO FARM ACT (M.C.L. 286.471 *ET SEQ.*) OR GENERALLY ACCEPTED AGRICULTURE MANAGEMENT PRACTICES (GAAMP), THE REGULATION SHALL THEN ACT AS A GUIDELINE.

§ 50-79. ACCESSORY DWELLING UNITS (ADU)

A. ACCESSORY DWELLING UNITS (ADU) ARE ALLOWED AS AN ACCESSORY USE TO DETACHED SINGLE-FAMILY HOMES IN THE GN-1, GN-2, TN-1, TN-2, MR-1, MR-2 AND UC DISTRICTS, AND AS A SPECIAL LAND USE IN THE NC AND DE DISTRICTS. THE FOLLOWING REGULATIONS SHALL APPLY TO ALL SUCH UNITS:

B. ONE (1) ADU MAY BE CONTAINED WITHIN A DETACHED SINGLE-FAMILY DWELLING (PRIMARY DWELLING UNIT), INCLUDED WITHIN AN ACCESSORY STRUCTURE ON LOTS WITH SINGLE-FAMILY DWELLINGS, OR SEPARATE FROM BUT LOCATED ON THE SAME LOT AS A DETACHED SINGLE-FAMILY DWELLING.

C. MINIMUM LOT SIZE. ONE (1) ADU SHALL BE ALLOWED IN CONJUNCTION WITH AN EXISTING DETACHED SINGLE-FAMILY DWELLING, LOCATED ON A LOT WITH A MINIMUM AREA OF FOUR THOUSAND FIVE HUNDRED (4,500) SQUARE FEET. THE MINIMUM LOT SIZE PER DWELLING UNIT IN DISTRICTS ALLOWING ADUS SHALL NOT APPLY TO THE ADU.

D. MINIMUM/MAXIMUM ADU SIZE. THE ADU SHALL NOT EXCEED THIRTY (30) PERCENT OF THE GROSS FLOOR AREA OF THE PRIMARY DWELLING UNIT, NOR SHALL IT BE LESS THAN 400 SQUARE FEET OR GREATER THAN 850 SQUARE FEET IN GROSS FLOOR AREA. IF AN ADU IS IN AN ACCESSORY STRUCTURE, THE STRUCTURE MUST ALSO COMPLY WITH THE SIZE RESTRICTIONS IN SECTION 50-60.

E. OWNER OCCUPANCY. ONE (1) OF THE DWELLING UNITS SHALL BE OWNER-OCCUPIED AND SHALL HAVE BEEN OWNER-OCCUPIED BY THE CURRENT OWNER FOR THE TWELVE (12) CALENDAR MONTHS PRECEDING THE DATE OF APPLICATION TO CREATE AN ACCESSORY DWELLING UNIT.

F. BEDROOM MAXIMUM. A MAXIMUM OF TWO (2) BEDROOMS ARE PERMITTED WITHIN AN ADU.

G. LEASING OR RENTAL. LEASING OR RENTING OF THE ADU FOR TENANCIES OF LESS THAN THIRTY (30) DAYS SHALL BE PROHIBITED.

H. PARKING. ONE ADDITIONAL ON-SITE OFF-STREET PARKING SPACE IS REQUIRED WITH AN ADU.

I. ALTERATIONS OR NEW CONSTRUCTION DESIGN AND APPEARANCE. ANY ALTERATIONS TO EXISTING BUILDINGS OR STRUCTURES OR THE CONSTRUCTION OF A NEW STRUCTURE TO ACCOMMODATE THE ADU SHALL BE DESIGNED TO MAINTAIN THE ARCHITECTURAL DESIGN, STYLE, APPEARANCE AND CHARACTER OF THE MAIN BUILDING AS A DETACHED SINGLE-FAMILY DWELLING, INCLUDING BUT NOT LIMITED TO ENTRANCES, ROOF PITCH, SIDING AND WINDOWS.

J. FRONT YARD PROHIBITED. THE ADU MAY NOT BE LOCATED WITHIN THE FRONT YARD.

K. CONSTRUCTION STANDARDS. THE DESIGN AND CONSTRUCTION OF THE ADU SHALL CONFORM TO ALL APPLICABLE STANDARDS IN THE BUILDING, PLUMBING, ELECTRICAL, MECHANICAL, FIRE, AND ANY OTHER APPLICABLE CODES.

L. DEED RESTRICTION. A DEED RESTRICTION ENFORCEABLE BY THE CITY SHALL BE RECORDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT STIPULATING THAT THE ADU MAY NOT BE CONVEYED SEPARATELY FROM THE PRIMARY DWELLING UNIT. AN ALTERNATIVE FORM OF SECURITY MAY BE SUBSTITUTED IF IT MEETS THE INTENT OF THIS PROVISION AND IS APPROVED BY THE CITY ATTORNEY.

§ 50-80. ADDITIONALLY REGULATED USES

IN THE DEVELOPMENT OF A COMMUNITY IT IS RECOGNIZED THAT THERE ARE SOME USES WHICH, BECAUSE OF THEIR VERY NATURE, ARE RECOGNIZED AS HAVING SERIOUS OBJECTIONABLE OPERATIONAL CHARACTERISTICS, PARTICULARLY WHEN SEVERAL OF THEM ARE CONCENTRATED UNDER CERTAIN CIRCUMSTANCES

THEREBY HAVING A DELETERIOUS EFFECT UPON THE ADJACENT AREAS. ADDITIONAL REGULATION OF THESE USES IS NECESSARY TO ENSURE THAT THESE ADVERSE EFFECTS WILL NOT CONTRIBUTE TO THE BLIGHTING OR DOWNGRADING OF THE SURROUNDING NEIGHBORHOOD. THESE ADDITIONAL REGULATIONS ARE ITEMIZED IN THIS ARTICLE. THE PRIMARY CONTROL OR REGULATION IS FOR THE PURPOSE OF PREVENTING A CONCENTRATION OF THESE USES IN ANY ONE AREA IN ORDER TO MITIGATE THE SECONDARY EFFECTS OF SUCH A CONCENTRATION ON THE COMMUNITY.

A. USES SUBJECT TO THESE CONTROLS ARE AS FOLLOWS:

1. GROUP "A" – ADDITIONALLY REGULATED USES:

I. ADULT BOOKSTORE

II. ADULT MOTION PICTURE THEATER

III. ADULT MINI MOTION PICTURE THEATER

IV. MASSAGE ESTABLISHMENTS

V. ESTABLISHMENTS FOR CONSUMPTION OF BEER OR INTOXICATING LIQUOR ON THE PREMISES AND HAVING ADULT ENTERTAINMENT

VI. STEAM BATHS

VII. STRIP CLUBS

VIII. ANY OTHER USE, INCLUDING A GROUP B SPECIAL REGULATED USE, WHICH PROVIDES GOODS OR SERVICES WHICH ARE DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS ON MATTERS DEPICTING, DESCRIBING OR RELATING TO "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED

ANATOMICAL AREAS"

2. GROUP "B" - ADDITIONALLY REGULATED USES:

   I. PAWNSHOPS

   II. PACKAGE GOODS STORE/LIQUOR STORE/PARTY STORE

   III. TATTOO ESTABLISHMENTS

   IV. BINGO HALLS

   V. CHARITY GAMING

B. APPLICATION TO ESTABLISH AN ADDITIONALLY REGULATED USE.

   1. APPLICATION TO ESTABLISH ANY OF THE SPECIAL REGULATED USES AS ITEMIZED IN 50.9.41 SHALL BE MADE TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT, FOLLOWING THE APPLICATION PROCEDURES IN ARTICLE 17, SECTION 50-193 OF THIS CHAPTER. APPLICATIONS TO ESTABLISH ADDITIONALLY REGULATED USES ARE SUBJECT TO APPROVAL BY THE PLANNING COMMISSION AND ALL REQUIREMENTS OF THIS ARTICLE.

   2. AN APPROVED APPLICATION FOR A SPECIAL REGULATED USE SHALL BECOME NULL AND VOID IF THE USE HAS NOT COMMENCED WITHIN SIX (6) MONTHS OF THE APPROVAL DATE, UNLESS THE PLANNING COMMISSION GRANTS AN EXTENSION WITHIN THAT TIME. AN EXTENSION MAY BE GRANTED BY THE PLANNING COMMISSION, AT ITS SOLE DISCRETION, UPON REQUEST BY THE APPLICANT AT ANY REGULARLY SCHEDULED MEETING.

C. CHANGE IN USE TO AN ADDITIONALLY REGULATED USE.

   1. ANY CHANGE IN USE TO AN ADDITIONALLY

REGULATED USE IS STILL SUBJECT TO ALL REVIEW REQUIREMENTS AND APPROVAL FROM THE PLANNING COMMISSION.

D. SITE PLAN CHANGES

1. ANY PROPOSED CHANGES TO SITE PLANS OR STRUCTURES PREVIOUSLY APPROVED BY THE PLANNING COMMISSION FOR AN ADDITIONALLY REGULATED USE INVOLVING EXPANSIONS OR ALTERATIONS OF MORE THAN TEN (10) PERCENT OF THE STRUCTURE'S FLOOR AREA, CHANGES TO SIGNAGE, OR EXPANSION OF USES MUST GO BEFORE THE PLANNING COMMISSION FOR APPROVAL.

2. PROPOSED ALTERATIONS OR EXPANSIONS TO A SITE PLAN OR STRUCTURE PREVIOUSLY APPROVED BY THE PLANNING COMMISSION OF LESS THAN TEN (10) PERCENT OF THE STRUCTURE'S FLOOR AREA, CHANGES THE STRUCTURE'S EXTERIOR (NOT INCLUDING SIGNAGE), PARKING, OR LANDSCAPING MAY BE APPROVED BY THE ZONING COORDINATOR.

E. LOCATIONAL STANDARDS — RELATIONSHIP TO SIMILAR USES.

1. GROUP "A" ADDITIONALLY REGULATED USES. AN APPLICATION TO ESTABLISH A GROUP "A" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE TWO OR MORE GROUP "A", GROUP "B", OR GROUP "C" ADDITIONALLY REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USES.

2. GROUP "B" ADDITIONALLY REGULATED USES. AN APPLICATION TO ESTABLISH A GROUP "B" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE FOUR OR MORE GROUP "B" OR GROUP "C" ADDITIONALLY REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USES.

F. LOCATIONAL STANDARDS — RELATIONSHIP TO RESIDENTIAL AREA AND OTHER USES.

1. GROUP "A" ADDITIONALLY REGULATED USES. AN APPLICATION TO ESTABLISH A GROUP "A" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF ANY RESIDENTIAL ZONED DISTRICT, MOBILE HOME PARK, K THROUGH 12 SCHOOL, DEDICATED PARK OR OPEN SPACE DISTRICT, OR PLACE OF WORSHIP.

2. GROUP "B" ADDITIONALLY REGULATED USES. AN APPLICATION TO ESTABLISH A GROUP "B" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 300 FEET OF A RESIDENTIAL ZONE DISTRICT, MOBILE HOME PARK, K THROUGH 12 SCHOOL, CHILD CARE CENTER, DEDICATED PARK OR OPEN SPACE DISTRICT, OR PLACE OF WORSHIP.

G. SPECIAL ADDITIONAL REQUIREMENTS.

1. THE FOLLOWING REQUIREMENTS APPLY TO ALL GROUP "A" AND GROUP "B" ADDITIONALLY REGULATED USES:

I. THE EXTERIOR COLOR OF THE BUILDING SHALL BE COMPATIBLE WILL THE MATERIALS AND COLORS OF OTHER SURROUNDING STRUCTURES AND MUST BE APPROVED BY THE PLANNING COMMISSION.

II. THE BUILDING AND SITE SHALL BE SO DESIGNED, CONSTRUCTED AND MAINTAINED THAT DISPLAYS, DECORATIONS OR SIGNS DEPICTING, DESCRIBING OR RELATING TO "SPECIFIC SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" ARE NOT VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR ADJACENT PROPERTY.

III. THE BUILDING IN WHICH THE USE IS LOCATED SHALL NOT BE CONNECTED TO ANY OTHER BUSINESS, DWELLING, OR LIVING QUARTERS OF ANY TYPE.

THE BUILDING IN WHICH THE USE IS LOCATED SHALL NOT, DURING BUSINESS HOURS, HAVE THE PRINCIPAL ENTRANCE AND EXIT DOORS LOCKED OR OBSTRUCTED IN ANY MANNER THAT IMPEDES THE INGRESS AND EGRESS OF PATRONS.

2. GROUP "A" ADDITIONALLY REGULATED USES MUST BE LOCATED IN A SINGLE FREESTANDING BUILDING ON PREMISES DEVOTED EXCLUSIVELY TO THE REGULATED USE. A SHARED OR COMMON-

WALL BUILDING OR SHOPPING CENTER IS NOT A SINGLE, FREESTANDING BUILDING.

3. GROUP "B" ADDITIONALLY REGULATED USES CANNOT HAVE DRIVE-THROUGH FACILITIES.

H. ZONING DISTRICTS REQUIREMENTS FOR ADDITIONALLY REGULATED USES.

1. THE ADDITIONALLY REGULATED USES ITEMIZED IN THIS ARTICLE SHALL BE LIMITED TO THE FOLLOWING ZONING DISTRICTS:

I. GROUP "A" ADDITIONALLY REGULATED USES SHALL BE PERMITTED IN THE DISTRICTS ACCORDING TO THE MASTER USE CHART.

II. GROUP "B" ADDITIONALLY REGULATED USES SHALL BE PERMITTED IN THE DISTRICTS ACCORDING TO THE MASTER USE CHART.

ALSO, EACH ADDITIONALLY REGULATED USE SHALL BE SUBJECT TO THE SPECIFIC REQUIREMENTS OF EACH ZONING DISTRICT AND ALL OTHER APPLICABLE REGULATIONS.

2. ADDITIONAL CONDITIONS AND LIMITATIONS

I. THE PLANNING COMMISSION MAY IMPOSE ANY CONDITIONS OR LIMITATIONS UPON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE OR OPERATIONS OF REGULATED USE AS MAY IN ITS JUDGMENT BE NECESSARY FOR THE PROTECTION OF THE PUBLIC INTEREST. ANY EVIDENCE AND

GUARANTEE MAY BE REQUIRED AS PROOF THAT THE CONDITIONS STIPULATED IN CONNECTION THEREWITH WILL BE FULFILLED.

II. ANY SPECIAL REGULATED USE THAT CEASES FOR MORE THAN 30 DAYS SHALL NOT BE RESUMED EXCEPT BY APPLICATION AND APPROVAL PURSUANT TO §50-162, UNLESS THE HIATUS IS CAUSED BY PHYSICAL DAMAGE TO THE PREMISES AMOUNTING TO NOT MORE THAN 50% OF THE VALUE THEREOF.

III. IN THE EVENT OF THE DEATH OR DOCUMENTED LONG-TERM ILLNESS OF THE OWNER OR OWNERS OF A SPECIAL REGULATED USE, A WAIVER OF SUBSECTION (B) ABOVE MAY BE GRANTED BY THE PLANNING COMMISSION AT ITS SOLE DISCRETION UPON WRITTEN REQUEST BY THE OWNER OR THE OWNER'S ESTATE, AT ANY REGULARLY SCHEDULED MEETING WITHIN 90 DAYS OF THE CLOSURE OF THE BUSINESS.

IV. THERE SHOULD BE, AT NO TIME, MORE THAN FIVE (5), SEPARATE, COMMERCIAL MEDICAL MARIHUANA CULTIVATION/GROWING CENTERS/FACILITIES OPERATING WITHIN THE CITY LIMITS OF THE CITY OF FLINT.

1. MULTIPLE COMMERCIAL

GROWING "GROUP D" LICENSEES CAN OPERATE WITHIN THE SAME STRUCTURE, ON THE SAME PARCEL, BUT MUST ADHERE TO REGULATIONS DETAILED IN 50-9.04. C.4, III. (FLOOR PLAN). ADDITIONALLY, THE TOTAL SQ. FOOTAGE OF BUILDING SPACE CANNOT EXCEED 60,000 SQ. FT.

§ 50-80.1. MARIHUANA FACILITIES

PLACEHOLDER FOR MARIHUANA ORDINANCES

§ 50-81. ADULT FOSTER CARE AND ADULT DAY CARE

A. ADULT FOSTER CARE FAMILY HOMES AND ADULT FOSTER CARE SMALL GROUP HOMES WITH UP TO SIX RESIDENTS ARE ALLOWED AS A PERMITTED USE IN GN-1, GN-2, TN-1, TN-2, MR-1 AND MR-2 DISTRICTS, AND AS A SPECIAL LAND USE IN THE DE AND UC DISTRICTS. SMALL GROUP HOMES WITH SEVEN TO TWELVE RESIDENTS ARE ALLOWED AS SPECIAL LAND USES IN GN-1, GN-2, TN-1, TN-2, MR-1, CE AND UC DISTRICTS, AND AS PERMITTED USES IN MR-2, MR-3, CC AND DE DISTRICTS. LARGE GROUP HOMES WITH 13 TO 20 RESIDENTS ARE ALLOWED AS A SPECIAL LAND USE IN THE CE AND UC DISTRICTS, AND AS PERMITTED USES IN THE MR-3, CC AND DE DISTRICTS.

B. ADULT FOSTER CARE FAMILY HOME. ADULT FOSTER CARE FAMILY HOME MEANS A STATE LICENSED RESIDENTIAL FACILITY IN A PRIVATE RESIDENCE WITH THE APPROVED CAPACITY TO RECEIVE 6 OR FEWER ADULTS TO BE PROVIDED WITH FOSTER CARE FOR 5 OR MORE DAYS A WEEK AND FOR 2 OR MORE CONSECUTIVE WEEKS. THE ADULT FOSTER CARE FAMILY HOME LICENSEE SHALL BE A MEMBER OF THE HOUSEHOLD, AND AN OCCUPANT OF THE RESIDENCE.

C. ADULT FOSTER CARE SMALL GROUP HOME. AN ADULT FOSTER CARE SMALL GROUP HOME IS A FACILITY WITH THE APPROVED CAPACITY TO PROVIDE NOT MORE THAN TWELVE (12) ADULTS WITH FOSTER CARE, EXCLUDING THE LICENSEE AND STAFF. THE ADULT FOSTER CARE SMALL GROUP HOME SHALL BE REGISTERED AND LICENSED AS REQUIRED FOR ADULT FOSTER CARE UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT 218 OF THE PUBLIC ACTS OF 1979, MCL 400.701 ET SEQ., AS AMENDED.

D. ADULT FOSTER CARE LARGE GROUP HOME. AN ADULT FOSTER CARE LARGE GROUP HOME IS A FACILITY WITH THE APPROVED CAPACITY TO PROVIDE THIRTEEN (13) TO TWENTY (20) ADULTS WITH FOSTER CARE, EXCLUDING THE LICENSEE AND STAFF. THE ADULT FOSTER CARE LARGE GROUP HOME SHALL BE REGISTERED AND LICENSED AS REQUIRED FOR ADULT FOSTER CARE UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT 218 OF THE PUBLIC ACTS OF 1979, MCL 400.701 ET SEQ., AS AMENDED.

E. ADULT DAY CARE HOMES. AN ADULT DAY CARE HOME SHALL BE REGISTERED AND LICENSED AS REQUIRED FOR GROUP DAY CARE HOMES UNDER THE CHILD CARE ORGANIZATIONS ACT, ACT 116 OF THE PUBLIC ACTS OF 1973, MCL 722.11 ET.SEQ., AS AMENDED.

§ 50-82. AGRICULTURAL WASTE/COMPOSTING

A. A SINGLE COMPOST AREA ACCESSORY TO A SINGLE-FAMILY RESIDENTIAL USE WITH A VOLUME OF 500 CUBIC FEET OR SMALLER (10' LENGTH ON EITHER SIDE, MAXIMUM 5' IN HEIGHT) IS PERMITTED WITHOUT THE NEED FOR ZONING APPROVAL PROVIDED IT IS LOCATED IN A REAR YARD AND A MINIMUM OF 10' FROM A LOT LINE.

B. MULTIPLE COMPOSTING AREAS ACCESSORY TO A SINGLE-FAMILY RESIDENTIAL USE ARE ALLOWED IN THE GN-1 AND GN-2 DISTRICTS WITH THE FOLLOWING CONDITIONS.

1. REQUIRED LOT SIZE OF 8,000 SF OR GREATER.

2. NO MORE THAN 1,000 CUBIC FEET OF COMPOST MATERIAL ARE PLACED ON THE SITE.

3. MUST BE LOCATED IN REAR OR SIDE YARD, SETBACK 10 FEET FROM LOT LINE ON REAR AND SIDES PROPERTY LINES AND 10 FEET FROM THE PRINCIPAL RESIDENCE.

4. YARD WHERE COMPOST AREA IS LOCATED MUST BE FENCED.

5. ANY ON-SITE SALE OF COMPOST SHALL CONFORM TO THE REQUIREMENTS OF SECTION 50-100 HOME OCCUPATIONS.

6. MUST OBTAIN APPROVAL THROUGH ZONING PERMIT REVIEW.

C. LARGE SCALE COMMERCIAL COMPOSTING OPERATIONS ARE ALLOWED AS PERMITTED USES IN THE GI-2 AND PC DISTRICTS AND AS A SPECIAL LAND USE IN THE GI-1 DISTRICT, WITH THE FOLLOWING CONDITIONS.

1. REQUIRE LOTS OF FIVE (5) ACRES OR GREATER.

2. A 300-FOOT SETBACK IS REQUIRED BETWEEN THE SITE AND ANY RESIDENTIAL AREA.

3. MEET ANY APPLICABLE STATE REQUIREMENTS.

4. MEET THE FOLLOWING SCREENING STANDARDS. FENCING FOR AGRICULTURAL WASTE AND COMPOSTING SCREENING IS REQUIRED TO BE HIGHER THAN OTHER PERMITTED USES.

I. AGRICULTURAL WASTE AND COMPOSTING ACTIVITIES SHALL BE COMPLETELY SCREENED FROM VIEW, AS SEEN FROM PUBLIC RIGHTS-OF-WAY AND ADJACENT PROPERTIES, BY A SOLID WALL OR FENCE WITH A UNIFORM HEIGHT OF NOT LESS THAN EIGHT (8) FEET AND A MAXIMUM HEIGHT OF TEN (10) FEET. THE WALL OR FENCE SHALL BE CONSTRUCTED OF UNIFORM, HIGH-QUALITY, WEATHER-RESISTANT MATERIALS. WALLS, FENCES AND GATES SHALL BE KEPT IN GOOD REPAIR (FREE OF CHIPS, PEELING AND GRAFFITI) AND SETBACK A MINIMUM OF SIX (6) FEET FROM LOT LINES ABUTTING PUBLIC RIGHTS-OF- WAY.

II. LANDSCAPING. A VEGETATIVE GROUND COVER

SHALL BE PLANTED BETWEEN THE REQUIRED FENCE AND PUBLIC RIGHT-OF-WAY AND MAINTAINED IN GOOD CONDITION. BERMS AND LANDSCAPING SHALL BE INSTALLED AT ALL LOCATIONS AROUND THE SITE THAT LACK NATURAL SCREENING IN ACCORDANCE WITH THE ARTICLE 50.13 OF THIS CHAPTER.

§ 50-83. ALCOHOL SALES AND CONSUMPTION

A. PURPOSE. ALCOHOL-RELATED USES TEND TO HAVE A PARTICULARLY DETRIMENTAL EFFECT ON A GEOGRAPHIC AREA WHERE THERE IS A CONCENTRATION OF SUCH USES IN PROXIMITY TO EACH OTHER. NEIGHBORHOOD CHARACTER, USE TYPE AND TYPE OF ACTIVITIES, HOURS OF OPERATION, POLICE RESOURCES AND THE SECONDARY EFFECTS RESULTING FROM THESE USES MUST BE TAKEN INTO CONSIDERATION DURING THE ALCOHOL LICENSING PROCESS.

B. APPLICABILITY. ANY LAND USE THAT REQUIRES A LICENSE FROM THE MICHIGAN LIQUOR CONTROL COMMISSION (LCC) FOR THE SALE OR CONSUMPTION OF BEER, WINE OR ALCOHOLIC BEVERAGES (ON- OR OFF-PREMISES, WHETHER PACKAGED, BY THE BOTTLE, BY THE GLASS OR OTHERWISE) AND ANY EXPANSION OR OTHER CHANGES IN SUCH A LAND USE, SHALL REQUIRE REVIEW AND APPROVAL AS SPECIFIED IN TABLE 50.09.07.B. THE ZONING COORDINATOR MAINTAINS THE RIGHT TO DIRECT ANY ALCOHOL APPLICATION TO THE PLANNING COMMISSION FOR REVIEW.

<u>ATTACHMENT</u>:
TABLE 50-83B (EXHIBIT 48)

C. LOCATION OF SDM AND SDD LICENSES. NO BUSINESS OR SERVICE HAVING AN SDM AND/OR SDD LICENSE SHALL BE LOCATED WITHIN 500 FEET, MEASURED BETWEEN THE NEAREST PROPERTY LINES, OF ANOTHER BUSINESS OR SERVICE HAVING AN SDM OR SDD LICENSE. THIS REQUIREMENT SHALL NOT APPLY TO FULL-LINE GROCERIES AND SUPERMARKETS, REGARDLESS OF SIZE, WHICH HAVE THE FOLLOWING DISTINGUISHING CHARACTERISTICS:

1. PROVIDE A FRESH BEEF, PORK AND POULTRY COUNTER AT LEAST SIX (6) FEET IN LENGTH;

2. PROVIDE A FRESH PRODUCE COUNTER OR AREA WITH A MINIMUM OF EIGHT ITEMS IN AT LEAST ONE CASE LOTS EACH AT THE TIME OF PURCHASE;

D. SDM AND SDD LICENSES IN MIXED RESIDENTIAL AND NEIGHBORHOOD CENTER DISTRICTS. NO BUSINESS OR SERVICE HAVING AN SDM AND/OR SDD LICENSE IN THE MR OR NC DISTRICTS SHALL DEVOTE MORE THAN TEN (10) PERCENT OF THE STORE'S FLOOR AREA TO THE SALE OF ALCOHOL FOR OFF-PREMISE CONSUMPTION.

E. APPLICATION REQUIREMENTS. EACH APPLICATION SHALL BE ACCOMPANIED BY A DETAILED SITE PLAN AND SUCH INFORMATION AS IS NECESSARY TO DEMONSTRATE THE PROPOSED USE OR CHANGE IN USE MEETS THE REVIEW STANDARDS CONTAINED HEREIN. THE FOLLOWING SHALL BE SUBMITTED AS PART OF A SPECIAL LAND USE APPLICATION:

1. LICENSE APPLICATION. A COPY OF THE LICENSE APPLICATION SUBMITTED TO THE LCC, OR A COPY OF THE LICENSE APPLICATION SUBMITTED TO THE CITY CLERK.

2. SITE PLAN. A SITE PLAN ILLUSTRATING THE PROPOSED LOCATION WHERE THE ALCOHOL SALES WOULD OCCUR, AS WELL AS ALL OTHER LOCATIONS WHERE SALES PRESENTLY EXIST WITHIN A ONE THOUSAND (1,000) FOOT RADIUS OF THE CLOSEST LOT LINES OF THE SUBJECT SITE, INCLUDING BUT NOT LIMITED TO RESTAURANTS, BARS, CONVENIENCE STORES, AND OTHER ALCOHOL RETAIL OUTLETS. THE LOCATIONS OF OTHER SPECIAL LAND USES, SUCH AS SOCIAL OR SERVICE CLUBS, SECOND HAND SALES AND REGULATED USES SHOULD ALSO BE IDENTIFIED ON THE PLAN.

F. REVIEW STANDARDS. THESE REVIEW STANDARDS SHALL BE USED BY THE PLANNING COMMISSION IN THE CONSIDERATION OF AN ALCOHOL REQUEST. THE APPLICANT SHALL DEMONSTRATE HOW THESE STANDARDS ARE SATISFIED BY PROVIDING A WRITTEN STATEMENT THAT RESPONDS TO THE FOLLOWING:

1. **GIVEN THE CHARACTER, LOCATION, DEVELOPMENT TRENDS AND OTHER ASPECTS OF THE NEIGHBORHOOD IN WHICH THE PROPOSED LLC LICENSED USE OR CHANGE IN AN LCC LICENSED USE IS REQUESTED, IT IS DEMONSTRATED THAT THE NEIGHBORHOOD IS UNDERSERVED BY SUCH A USE AND THAT THE ADDITION OF THE LLC LICENSED USE OR PROPOSED CHANGE IN USE WILL DEMONSTRABLY BE AN ASSET TO THE NEIGHBORHOOD.**

2. **THE USE OR CHANGE IN USE AS CONSTRUCTED AND OPERATED BY THE APPLICANT IS COMPATIBLE WITH THE NEIGHBORHOOD IN WHICH IT WILL BE LOCATED.**

3. **ADJACENT OR NEARBY PARKS (E.G., PUBLIC PARKS OR RECREATION CENTERS), PLAYGROUNDS (E.G., PUBLIC OR PRIVATE), RELIGIOUS INSTITUTIONS, OR SCHOOLS WILL NOT BE ADVERSELY AFFECTED.**

4. **THE OVERALL EFFECT ON THE PUBLIC SAFETY, HEALTH, AND WELFARE OF FLINT RESIDENTS.**

5. **THE USE OR CHANGE IN USE AS CONSTRUCTED AND OPERATED BY THE APPLICANT WILL NOT HAVE ANY, OR MINIMAL, NEGATIVE SECONDARY EFFECTS ON THE NEIGHBORHOOD. NEGATIVE SECONDARY EFFECTS CAN INCLUDE THE FOLLOWING IMPACTS:**

    I. **VEHICULAR AND PEDESTRIAN TRAFFIC, PARTICULARLY DURING LATE NIGHT OR EARLY MORNING HOURS THAT MIGHT DISTURB AREA RESIDENTS.**

    II. **NOISE, ODORS, OR LIGHTS THAT EMANATE BEYOND THE SITE'S BOUNDARIES ONTO PROPERTY IN THE AREA ON WHICH THERE ARE RESIDENTIAL DWELLINGS.**

    III. **EXCESSIVE NUMBERS OF PERSONS GATHERING**

OUTSIDE THE ESTABLISHMENT.

IV. PEAK HOURS OF USE THAT ADD TO CONGESTION OR OTHER NEGATIVE EFFECTS IN THE NEIGHBORHOOD.

V. FIGHTING, BRAWLING, OUTSIDE URINATION OR OTHER BEHAVIOR THAT CAN ACCOMPANY INTOXICATION.

VI. ROBBERIES, SHOPLIFTING AND OTHER CRIMES THAT AFFECT PARTY STORES, CONVENIENCE STORES AND OTHER RETAIL ESTABLISHMENTS OPEN LATE.

6. EVALUATION CONSIDERATIONS. THE PLANNING COMMISSION OR ZONING COORDINATOR, IN THE REVIEW, SHALL TAKE INTO CONSIDERATION THE FOLLOWING:

I. FOR A USE INVOLVING SALES OF BEER AND WINE, OR SALES OF ALCOHOLIC BEVERAGES BY THE GLASS, AN APPLICATION RELATED TO A FULL SERVICE RESTAURANT OFFERING FULL MEALS FOR CONSUMPTION ON THE PREMISES (AND NOT GENERALLY FOR TAKE-OUT) AT ALL TIMES IT IS OPEN FOR BUSINESS AND THAT CLOSES PRIOR TO MIDNIGHT SHALL BE PRESUMED TO HAVE MINIMAL NEGATIVE SECONDARY IMPACTS.

II. FOR A USE INVOLVING RETAIL SALES OF BEER, OF WINE AND/OR OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, AN APPLICATION RELATED TO A FULL SERVICE SUPERMARKET OR AN ESTABLISHMENT THAT FEATURES IMPORTED OR ETHNIC FOOD ITEMS NOT COMMONLY

AVAILABLE IN PARTY, CONVENIENCE OR GROCERY STORES, AND THAT CLOSES BY 11:00 P.M. SHALL BE PRESUMED TO HAVE MINIMAL NEGATIVE SECONDARY IMPACTS.

I. THE PRESUMPTIONS IN PARAGRAPHS (B) AND (C) ABOVE WILL NOT APPLY IF THE CURRENT OR PROPOSED LOCATION HAS HAD INSTANCES OF NEGATIVE SECONDARY IMPACTS OR IF THE APPLICANT HAS OWNED, OPERATED OR OTHERWISE BEEN AFFILIATED WITH AN ESTABLISHMENT THAT HAS HAD INSTANCES OF NEGATIVE SECONDARY IMPACTS SUCH AS THOSE DESCRIBED IN IN PARAGRAPHS (B) AND (C) ABOVE.

G. TERMS.

1. FOR PURPOSES OF THIS SECTION, "NEIGHBORHOOD" MEANS A NEIGHBORHOOD RECOGNIZED BY THIS ORDINANCE, A NEIGHBORHOOD SERVED BY AN ORGANIZED NEIGHBORHOOD ASSOCIATION RECOGNIZED BY THE CITY, OR AN AREA WITHIN A ONE THOUSAND (1,000) FOOT RADIUS OF THE APPLICANT'S SITE, WHICHEVER IS GREATER.

2. FOR THE PURPOSES OF THIS SECTION, "RESTAURANT" SHALL REFER TO A FULL SERVICE RESTAURANT OFFERING FULL MEALS FOR CONSUMPTION ON THE PREMISES DURING ALL BUSINESS HOURS (AND NOT GENERALLY FOR TAKE-OUT) WITH BEER AND WINE, OR SALES OF ALCOHOLIC BEVERAGES BY THE GLASS. FOOD RECEIPTS SHALL EXCEED FIFTY (50) PERCENT OF SALES WHEN COMPARED TO ALCOHOL. THE ESTABLISHMENT SHALL CLOSE AT OR BEFORE MIDNIGHT.

H. OTHER REQUIREMENTS.

1. CASH REGISTER VIEWING WINDOW. THE CASH REGISTER FOR A CONVENIENCE/PACKAGE GOODS STORE SHALL BE CLEARLY VISIBLE FROM THE STREET. THE VIEWING WINDOW SHALL BE AT LEAST FIFTEEN (15) SQUARE FEET IN SIZE AND CONSIST OF CLEAR GLASS. NO SIGNS SHALL BE POSTED ON THE VIEWING WINDOW.

2. ENTERTAINMENT. THE REQUIREMENTS OF SECTION 50-96. ENTERTAINMENT SHALL ALSO APPLY IF A DANCE OR ENTERTAINMENT PERMIT HAS BEEN REQUESTED FROM THE STATE OR CITY.

3. REQUESTS FOR DANCE, ENTERTAINMENT OR AFTER HOURS PERMITS SHALL BE CONSIDERED A CHANGE IN LAND USE AND SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

§ 50-84. AQUACULTURE AND AQUAPONICS

A. AN INTERIOR AQUACULTURE/AQUAPONICS /HYDROPONICS SYSTEM FOR PERSONAL/HOBBY/HOME OCCUPATION USE THAT IS LOCATED WITHIN A DETACHED SINGLE-FAMILY DWELLING IN THE GN-1, GN-2, TN-1, TN-2, GI-1, UC AND MR-1 DISTRICTS, IS ALLOWED AS AN ACCESSORY USE PROVIDED IT DOES NOT TAKE UP MORE THAN 25 PERCENT OF THE DWELLING.

B. AN OUTDOOR AQUACULTURE/AQUAPONICS /HYDROPONICS SYSTEM IS ALLOWED AS AN ACCESSORY USE TO A DETACHED SINGLE-FAMILY DWELLING IN THE GN-1, GN-2, TN-1, TN-2, GI-1, UC AND MR-1 DISTRICTS, WITH THE FOLLOWING CONDITIONS.

   1. REQUIRED LOT OF 8,000 SQUARE FEET OR GREATER.

   2. ALL ACCESSORY STRUCTURES MUST FOLLOW THE RESTRICTIONS OF SECTION 50-60.

C. FISH AND PLANTS/PRODUCE MAY BE SOLD FROM A HOME OCCUPATION PROVIDED THE OPERATION FOLLOWS SECTION 50-99 HOME OCCUPATIONS.

   1. COMMERCIAL SELLERS MUST FOLLOW ALL STATE OF MICHIGAN AQUACULTURE FACILITY LICENSING REGULATIONS.

D. LARGE SCALE COMMERCIAL AQUACULTURE/AQUAPONICS

USES ARE ALLOWED AS A PERMITTED USE IN THE GI-2 AND PC DISTRICTS, AND AS A SPECIAL LAND USE IN THE CE DISTRICTS, WITH THE FOLLOWING CONDITIONS.

1. REQUIRE LOTS 15,000 SQUARE FEET OR GREATER.

2. MEET ANY APPLICABLE STATE REQUIREMENTS.

3. COMMERCIAL SELLERS MUST FOLLOW ALL STATE OF MICHIGAN AQUACULTURE FACILITY LICENSING REGULATIONS.

§ 50-85. ATTACHED SINGLE-FAMILY, AND TWO-FAMILY DWELLINGS

ATTACHED SINGLE-FAMILY DWELLINGS ARE ALLOWED AS A PERMITTED USE IN THE MR-1, MR-2, MR-3, NC, DE AND UC DISTRICTS, AND AS A SPECIAL LAND USE IN THE GN-2, TN-2 AND CC DISTRICTS. TWO-FAMILY DWELLINGS ARE ALLOWED AS A PERMITTED USE IN THE MR-1, MR-2, NC, DE AND UC DISTRICTS, AND AS A SPECIAL LAND USE IN THE TN-2 AND CC DISTRICTS. AN ATTACHED SINGLE-FAMILY OR TWO-FAMILY DWELLING SHARES ONE (1) OR MORE COMMON OR ABUTTING WALLS/FLOORS/CEILINGS WITH ONE (1) OR MORE DWELLING UNITS EITHER ON THE SAME OR AN ADJOINING LOT. EXAMPLES INCLUDE ROW HOUSES AND TOWNHOUSES. ATTACHED DWELLINGS MUST COMPLY WITH THE DIMENSIONAL AND DESIGN STANDARDS OF ARTICLE 4, EXCEPT WHERE SUCH STANDARDS ARE EXPRESSLY MODIFIED BY THE FOLLOWING:

A. MINIMUM BUILDING WIDTH. EACH DWELLING SHALL HAVE A MINIMUM DIMENSION OF EIGHTEEN (18) FEET IN ANY HORIZONTAL DIMENSION.

B. SEPARATION BETWEEN WALLS.

   1. WHEN THE END WALL OF A ROW OF ATTACHED SINGLE-FAMILY DWELLINGS FACES THE FRONT WALL OR REAR WALL OF ANOTHER ROW OF ATTACHED DWELLINGS, THE MINIMUM REQUIRED SEPARATION BETWEEN SUCH BUILDINGS IS TWENTY (20) FEET, UNLESS A LARGER SEPARATION IS REQUIRED BY THE CITY'S BUILDING CODE.

   2. DRIVEWAYS AND OPEN PARKING AREAS MAY BE LOCATED WITHIN THIS SEPARATION AREA, PROVIDED THAT LANDSCAPED PLANTING AREAS WITH A MINIMUM

SEPARATION OF FOUR (4) FEET FROM ONE BUILDING WALL ARE PROVIDED.

C. BUILDING FAÇADES ON PUBLIC STREETS.

1. BUILDING FAÇADES. BUILDING FAÇADES THAT FACE PUBLIC STREETS SHALL INCLUDE ELEMENTS OF A FRONT FAÇADE, INCLUDING DOORS AND/OR WINDOWS.

2. FAÇADE TREATMENT. THE FRONT OF EACH ATTACHED SINGLE-FAMILY DWELLING MUST BE DISTINCT THROUGH EITHER THE USE OF DIFFERENT FAÇADE MATERIALS; STAGGERED BUILDING LINES; AN IDENTIFIABLE PERMANENT ARCHITECTURAL DESIGN ELEMENT SUCH AS A CHIMNEY; PILASTER OR COLUMN; OR A COMBINATION OF METHODS.

3. ROOF LINE. THE ROOF LINE OF EACH ATTACHED SINGLE-FAMILY DWELLING MUST BE DISTINCT THROUGH EITHER A DIFFERENCE IN ROOF DIRECTION, A DIFFERENCE IN ROOF HEIGHT, OR A COMBINATION OF BOTH METHODS.

D. OCCUPANCY. A SINGLE-FAMILY ATTACHED DWELLING MAY BE OCCUPIED BY TWO OR MORE RELATED PERSONS, A SINGLE COHESIVE UNIT, OR NOT MORE THAN FIVE UNRELATED PERSONS, AS DEFINED UNDER "FAMILY" IN ARTICLE 16 OF THIS CHAPTER.

E. GARAGE DOORS.

1. GARAGE DOOR ENTRANCES. GARAGE DOOR ENTRANCES FOR INDIVIDUAL ATTACHED SINGLE-FAMILY DWELLINGS SHALL NOT BE ALLOWED TO FACE THE FRONT YARD. ALLEYS OR INTERIOR DRIVEWAYS SHALL BE USED, EXCEPT AS PROVIDED. GARAGE DOORS THAT SERVE COMMON PARKING AREAS ARE EXEMPT FROM THIS REQUIREMENT.

F. PRIVATE YARDS.

1. PRIVATE YARD. EACH ATTACHED SINGLE-FAMILY DWELLING SHALL BE PROVIDED A PRIVATE YARD. ALL PRIVATE YARDS SHALL HAVE A MINIMUM CONTIGUOUS AREA OF

ONE HUNDRED FIFTY (150) SQUARE FEET.

2. LOCATION. THE PRIVATE YARD SHALL BE LOCATED IMMEDIATELY ADJACENT TO THE FRONT WALL, REAR WALL OR END WALL OF THE ATTACHED SINGLE-FAMILY DWELLING IT SERVES.

3. CONTIGUOUS TO COMMON OPEN SPACE. REQUIRED PRIVATE YARDS MAY BE LOCATED WITHIN A COMMON OPEN SPACE AREA PROVIDED THAT THE COMMON AREA IS CONTIGUOUS AND DIRECTLY ACCESSIBLE TO THE ATTACHED SINGLE-FAMILY DWELLING AND THE PRIVATE YARD AREA IS IN EXCESS OF THE MINIMUM REQUIRED COMMON OPEN SPACE.

4. DRIVEWAYS AND PARKING. DRIVEWAYS OR OFF-STREET PARKING SPACES (OPEN OR ENCLOSED) DO NOT COUNT AS PART OF THE MINIMUM REQUIRED YARD.

G. COMMON OPEN SPACE.

1. MINIMUM REQUIRED OPEN SPACE. IN ADDITION TO REQUIRED PRIVATE YARDS IN PARAGRAPH E ABOVE, ANY ATTACHED SINGLE-FAMILY DWELLING DEVELOPMENT OF FORTY (40) OR MORE UNITS MUST PROVIDE A MINIMUM OF FIFTY (50) SQUARE FEET OF COMMON OPEN SPACE PER DWELLING UNIT.

2. MINIMUM DIMENSIONS. REQUIRED COMMON OPEN SPACE MUST BE LOCATED IN ONE OR MORE USABLE, COMMON AREAS, EACH WITH A MINIMUM DIMENSION OF TWENTY FIVE (25) FEET AND A MINIMUM AREA OF TWO THOUSAND (2,000) SQUARE FEET.

3. ACCESSIBILITY AND LANDSCAPING. COMMON OPEN SPACE AREAS MUST BE ACCESSIBLE TO ALL ATTACHED SINGLE-FAMILY DWELLINGS AND MUST BE IMPROVED WITH LANDSCAPING, RECREATIONAL FACILITIES, AND/OR WALKWAYS.

4. TREES. TREES MUST BE PLANTED WITHIN COMMON OPEN SPACE AREAS AT THE RATE OF ONE TREE FOR EVERY SEVEN HUNDRED FIFTY (750) SQUARE FEET OF REQUIRED COMMON

OPEN SPACE. SUCH TREES MUST HAVE A MINIMUM TWO AND ONE-HALF (2½) INCH CALIPER.

5. DRIVEWAYS AND PARKING. NO DRIVEWAYS OR OFF-STREET PARKING SPACES (OPEN OR ENCLOSED) MAY BE LOCATED WITHIN THE COMMON OPEN SPACE. BOLLARDS, CURBS, WHEEL STOPS OR OTHER SIMILAR FEATURES SHALL BE PROVIDED TO ENSURE THAT REQUIRED REAR YARD OPEN SPACE IS NOT USED FOR OFF-STREET PARKING, LOADING OR VEHICLE CIRCULATION.

H. SCREENING AND LANDSCAPING FOR ATTACHED SINGLE FAMILY HOMES IN TN-2.

1. SCREENING AND LANDSCAPING. A DEVELOPMENT OF THREE (3) OR MORE ATTACHED SINGLE-FAMILY DWELLINGS MUST HAVE A MINIMUM OF A TYPE-ONE TRANSITION YARD AS DESCRIBED IN ARTICLE 13 OF THIS CHAPTER, ALONG ALL BORDERS WITH ADJACENT PARCELS, REGARDLESS OF THE ZONE DISTRICT OF THE ADJACENT PARCELS. AN ADMINISTRATIVE WAIVER MAY BE GRANTED IF AN ADJACENT PARCEL OR PARCELS ALREADY HAVE A MORE INTENSE FORM OF SCREENING/LANDSCAPING IN PLACE PRIOR TO THE ESTABLISHMENT OF THE DEVELOPMENT, BUT ONLY ALONG THE BORDER WITH THAT PARCEL.

ATTACHMENT:
DIAGRAM 50-85G (EXHIBIT 49)

§ 50-86. AUDITORIUM, AMPHITHEATER, THEATER AND BANQUET HALL

A. AUDITORIUMS, THEATERS AND BANQUET HALLS ARE ALLOWED AS AN ACCESSORY USE IN THE OS DISTRICT, AS PERMITTED USES IN THE CC, DE, DC, CE, IC AND UC DISTRICTS, AND AS A SPECIAL LAND USE IN THE NC DISTRICT.

B. ALCOHOL SALES OR ENTERTAINMENT REQUIREMENTS. THE REQUIREMENTS OF SECTION 50-83 ALCOHOL SALES OR SECTION 50-96 ENTERTAINMENT SHALL ALSO APPLY IF SUCH ACTIVITIES SHALL OCCUR ON THE PREMISES.

§ 50-87. BED AND BREAKFAST

A. BED AND BREAKFASTS ARE ALLOWED AS A PERMITTED USE IN THE MR-2, DE AND UC DISTRICTS, AND AS A SPECIAL LAND USE IN THE TN-1, TN-2 AND MR-1 DISTRICTS.

B. PRINCIPAL RESIDENCE OF OWNER. THE DETACHED SINGLE-FAMILY DWELLING IN WHICH THE BED AND BREAKFAST OPERATES SHALL BE THE PRINCIPAL RESIDENCE OF THE OWNER AND THE OWNER SHALL LIVE ON THE PREMISES WHEN THE BED AND BREAKFAST IS IN OPERATION.

C. EXTERIOR APPEARANCE. THE STRUCTURE SHALL MAINTAIN AN EXTERIOR APPEARANCE THAT IS IN CHARACTER WITH SURROUNDING RESIDENTIAL USES.

D. GUEST ROOMS. THE NUMBER OF GUEST ROOMS IS LIMITED TO ONE (1) LESS THAN THE TOTAL NUMBER OF BEDROOMS IN THE DWELLING UNIT, NOT TO EXCEED TEN (10) GUEST ROOMS TOTAL. MAXIMUM OCCUPANCY IS LIMITED TO TWO (2) ADULTS PER GUEST ROOM.

E. BATHROOMS. THE STRUCTURE SHALL HAVE AT LEAST ONE (1) BATHROOM FOR EVERY TWO (2) GUEST ROOMS.

F. MAXIMUM STAY. LENGTH OF STAY FOR A LODGER SHALL NOT EXCEED FOURTEEN (14) CONSECUTIVE DAYS AND NOT MORE THAN 120 DAYS IN ONE (1) CALENDAR YEAR.

G. MINIMUM LOT SIZE. THE MINIMUM LOT SIZE FOR A BED AND BREAKFAST SHALL BE 10,000 SQUARE FEET.

H. PARKING. BED AND BREAKFASTS MUST PROVIDE ONE SURFACED OFF-STREET PARKING SPOT PER GUEST ROOM IN ADDITION TO STANDARD PARKING FOR THE RESIDENCE.

I. SEPARATE COOKING PROHIBITED. NO SEPARATE COOKING FACILITIES SUCH AS A FULL STOVE OR OVEN SHALL BE PROVIDED. HOWEVER, MINOR COOKING APPLIANCES SUCH AS MICROWAVES, RICE COOKERS, MINI-REFRIGERATORS ETC. ARE PERMITTED.

J. SPECIAL EVENTS. A BED AND BREAKFAST ESTABLISHMENT MAY BE USED FOR AN EVENT WHERE NON-GUESTS OF THE BED AND BREAKFAST ARE ALLOWED TO GATHER ON THE PREMISES. FOOD AND DRINK MAY BE SERVED TO NON-GUESTS AT AN APPROVED EVENT. THE OWNER OF THE BED AND BREAKFAST MUST BE PRESENT DURING THE EVENTS. SUCH EVENTS SHALL OCCUR NO MORE THAN FOUR

(4) TIMES WITHIN A CALENDAR YEAR, WITH A MAXIMUM DURATION OF TWO (2) DAYS PER OCCURRENCE. SUFFICIENT PARKING SHALL BE PROVIDED FOR EACH EVENT AND OCCUPANCY SHALL BE DETERMINED BY THE CITY WITH PROPER SAFEGUARDS FOR PLACES OF ASSEMBLY IN FORCE. A TEMPORARY USE PERMIT SHALL BE OBTAINED IN COMPLIANCE WITH SECTION 50-118(E) EXCEPT THAT DURATION OF EACH OCCURRENCE AS SPECIFIED IN THIS PROVISION SHALL APPLY.

§ 50-88. BEEKEEPING/APIARIES

A. EFFECTIVE UPON LEGISLATIVE APPROVAL OF THIS CHAPTER, THE CITY OF FLINT WILL ENACT A TWO-YEAR TRIAL PERIOD FOR BEEKEEPING/APIARIES. BEEKEEPING/APIARIES IS PERMITTED AS AN ACCESSORY USE TO A SINGLE FAMILY RESIDENCE OR COMMUNITY GARDEN WITH THE FOLLOWING CONDITIONS.

1. MAXIMUM 2 HIVES PERMITTED.
2. EACH HIVE SHALL HAVE A MAXIMUM OF 20 CUBIC FEET.
3. BEE COLONIES SHALL BE KEPT IN HIVES WITH REMOVABLE FRAMES, WHICH SHALL BE KEPT IN SOUND AND USABLE CONDITION.
4. HIVES MUST BE IN REAR 1/3 OF LOT.
5. HIVES MUST BE 10' SETBACK FROM REAR AND SIDE LOT LINES AND 25' FROM ANY DWELLING ON A NEIGHBORING PROPERTY.
6. THERE IS A REQUIRED 6 FOOT FLYWAY BARRIER AT LEAST SIX FEET IN HEIGHT SHALL BE MAINTAINED PARALLEL TO THE PROPERTY LINE. THE FLYWAY BARRIER MAY CONSIST OF A WALL, FENCE, DENSE VEGETATION OR A COMBINATION THERE OF, SUCH THAT BEES WILL FLY OVER RATHER THAN THROUGH THE MATERIAL TO REACH THE COLONY.
7. A SUPPLY OF WATER SHALL BE PROVIDED FOR ALL HIVES.
8. NO OUTDOOR STORAGE OF BEE PARAPHERNALIA.
9. AFRICANIZED BEES ARE PROHIBITED.

<u>ATTACHMENT</u>:
DIAGRAM 50-88 (EXHIBIT 50)

B. THE SALE OF SURPLUS HONEY OR BEE'S WAX PRODUCED ON SITE IS PERMITTED AS PART OF A PRODUCE STAND ON THE SAME LOT.

C. BEEKEEPING IS A PERMITTED USE IN THE GREEN NEIGHBORHOOD DISTRICT ON A LOT ADJACENT TO A PRIMARY RESIDENCE WITH THE SAME OWNER WITH THE SAME CONDITIONS AS ABOVE.

D. COMMERCIAL BEEKEEPING (MORE THAN TWO HIVES) IS PERMITTED IN THE GREEN INNOVATION DISTRICTS.

§ 50-89. CHICKEN KEEPING

EFFECTIVE UPON LEGISLATIVE APPROVAL OF THIS CHAPTER, THE CITY OF FLINT WILL ENACT A TWO-YEAR TRIAL PERIOD FOR THE KEEPING OF CHICKENS. KEEPING OF CHICKENS IS ALLOWED AS AN ACCESSORY USE TO DETACHED SINGLE-FAMILY OR TWO-FAMILY DWELLINGS IN GN-1 AND GN-2 DISTRICTS WITH A CHICKEN KEEPING PERMIT.

A. AN ANNUAL CHICKEN KEEPING PERMIT THROUGH THE DEPARTMENT OF PLANNING AND DEVELOPMENT IS REQUIRED.

B. AN APPLICATION TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT MUST INCLUDE A PLOT PLAN IN ACCORDANCE WITH SECTION 50-186(D)(4) THAT INCLUDES DOCUMENTATION THAT THE APPLICANT IS ADHERING TO THE REGULATIONS BELOW. UPON CERTIFYING THAT THE APPLICATION IS COMPLETE, THE ZONING COORDINATOR SHALL FIX A REASONABLE TIME FOR A PUBLIC HEARING WITH THE PLANNING COMMISSION WITHIN 30 DAYS IN ACCORDANCE WITH SECTION 50-189 THE CITY COUNCILMEMBER FROM THE WARD OF THE APPLICANT PROPERTY MUST ALSO RECEIVE NOTICE OF THE HEARING. THE PLANNING COMMISSION SHALL REVIEW THE APPLICATION SHALL APPROVE IT IF ALL APPLICABLE STANDARDS ARE MET.

C. KEEPING OF MORE THAN 4 CHICKENS IS NOT PERMITTED.

D. THE PRINCIPAL USE OF THE PROPERTY IS FOR A SINGLE FAMILY DWELLING OR A TWO-FAMILY DWELLING.

E. NO PERSON SHALL KEEP ANY ROOSTER OR SLAUGHTER ANY CHICKENS.

F. THE CHICKENS SHALL BE PROVIDED WITH A COVERED ENCLOSURE AND MUST BE KEPT IN THE COVERED ENCLOSURE OR A FENCED ENCLOSURE AT ALL TIMES.

G. A PERSON SHALL NOT KEEP CHICKENS IN ANY LOCATION

ON THE PROPERTY OTHER THAN IN THE BACKYARD.

H. THE AREA WHERE CHICKENS ARE KEPT SHALL BE 10 FEET SETBACK FROM ALL PROPERTY LINES.

I. THE AREA WHERE CHICKENS ARE KEPT SHALL BE WELL MAINTAINED AND REGULARLY CLEANED.

J. ALL FEED AND OTHER ITEMS ASSOCIATED WITH THE KEEPING OF CHICKENS THAT ARE LIKELY TO ATTRACT OR TO BECOME AFFECTED BY PESTS SHALL BE PROTECTED AND STORED IN RODENT-RESISTANT AND WEATHER-PROOF CONTAINERS.

§ 50-90. CHILD CARE CENTER

A. STATE REGULATIONS. MUST MEET ALL STATE LICENSING REQUIREMENTS.

B. OUTDOOR PLAY AREA. THERE SHALL BE SUFFICIENT ON-SITE OUTDOOR PLAY AREA TO MEET STATE REGULATIONS. ALL REQUIRED OUTDOOR PLAY AREAS SHALL BE FENCED WITH A MINIMUM OF FOUR (4) FOOT HIGH FENCE. WHERE LOCATED IN THE FRONT YARD, THE FENCE SHALL BE A DECORATIVE METAL FENCE.

C. PICK UP AND DROP OFF AREA. AN ON-SITE DRIVE SHALL BE PROVIDED FOR DROP OFF AND PICK UP OF CHILDREN NEAR THE ENTRANCE. THIS DRIVE SHALL NOT CREATE A HAZARD TO TRAFFIC FLOW ON THE PUBLIC STREET OR CREATE OBSTRUCTIONS TO PEDESTRIAN MOVEMENTS ON SIDEWALKS.

D. ACCESSORY TO INSTITUTIONAL USE. A CHILD CARE CENTER MAY BE PERMITTED AS AN ACCESSORY USE TO AN INSTITUTIONAL USE, SUCH AS A CHURCH, SUBJECT TO SATISFYING ALL OF THE NECESSARY REQUIREMENTS LISTED IN THIS ARTICLE.

§ 50-91. COMMUNITY GARDEN

A. COMMUNITY GARDENS ARE ALLOWED UNDER THE FOLLOWING CONDITIONS AS AN ACCESSORY USE IN THE GN-1, GN-2, TN-1, TN-2, MR-1, MR-2, MR-3, NC, CC, DE, CE, IC, UC AND OS DISTRICTS, AND AS A PERMITTED USE IN THE GI-1, GN-1, GN-2, TN-1, AND TN-2 DISTRICTS. COMMUNITY GARDENS SHALL BE SUBJECT TO ZONING PERMIT REVIEW.

1. SETBACKS FOR THE UNDERLYING ZONING DISTRICT APPLY.

2. COMMUNITY GARDENS ARE INTENDED FOR NEIGHBORHOOD LEVEL USE AND BENEFIT AND ARE NOT INTENDED TO BE FULL COMMERCIAL ENTERPRISES.

3. **COMMUNITY GARDEN PRODUCE MAY BE SOLD THROUGH AN ONSITE PRODUCE STAND IN RESIDENTIAL DISTRICTS AS AN ACCESSORY USE, AND AS A SPECIAL LAND USE IN NC, CC DISTRICTS. PRODUCE STAND REGULATIONS IN 50.5.21 APPLY.**

4. **MECHANICAL EQUIPMENT, OTHER THAN THE TYPE CUSTOMARILY IDENTIFIED AS LAWN AND GARDEN EQUIPMENT, CREATING OFFENSIVE NOISE, DUST, ODOR OR ELECTRICAL DISTURBANCE SHALL BE PROHIBITED. WITHIN A RESIDENTIAL ZONED DISTRICT, THE USE OF MOTORIZED EQUIPMENT SHALL BE RESTRICTED TO HOURS BEGINNING AT 7:00 A.M. AND ENDING AT 9:00 P.M.**

5. **THE SITE SHALL BE DESIGNED AND MAINTAINED TO PREVENT ANY CHEMICAL PESTICIDE, FERTILIZER OR OTHER GARDEN WASTE FROM DRAINING ON TO ADJACENT PROPERTIES.**

6. **AN ON-SITE TRASH STORAGE CONTAINER SHALL BE PROVIDED AND LOCATED AS CLOSE AS PRACTICABLE TO THE REAR LOT LINE WHILE BEING ACCESSIBLE FROM THE GARDEN. TRASH SHALL BE REMOVED FROM THE SITE AT LEAST ONCE A WEEK.**

7. **ACCESSORY STRUCTURES INCLUDING BUILDINGS OR SIGNS SHALL COMPLY WITH REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT.**

8. **ONLY INDIVIDUALS, OR ORGANIZATIONS AUTHORIZED BY THE PROPERTY OWNER SHALL PARTICIPATE IN THE COMMUNITY GARDEN.**

9. **THE OWNER OF ANY LOT USED FOR A COMMUNITY GARDEN SHALL GIVE EACH ABUTTING PROPERTY OWNER OR OCCUPANT WRITTEN NOTICE OF THE OWNER'S OR THE OWNER'S AGENT'S NAME, ADDRESS, AND TELEPHONE NUMBER AND THE USE CONDITIONS PROVIDED IN THIS CODE FOR COMMUNITY GARDENS, NO LESS THAN 30 DAYS PRIOR TO THE START**

OF ANY COMMUNITY GARDEN USE.

10. CULTIVATED AREAS SHALL BE PREVENTED FROM ENCROACHING ONTO ADJACENT PROPERTIES.

11. THE PROPERTY SHALL BE MAINTAINED FREE OF HIGH GRASS, WEEDS OR OTHER DEBRIS. DEAD GARDEN PLANTS SHALL BE REGULARLY REMOVED AND, IN ANY INSTANCE, NO LATER THAN NOVEMBER 15TH OF EACH YEAR IF NOT IN ACTIVE USE FOR SHEET MULCHING.

§ 50-92. DRIVE-IN OR DRIVE-THROUGH FACILITY

THE FOLLOWING REQUIREMENTS ARE INTENDED TO MINIMIZE THE POTENTIALLY ADVERSE EFFECTS OF DRIVE-IN OR DRIVE-THROUGH ACTIVITIES ON ADJACENT RESIDENTIAL PROPERTIES, PEDESTRIANS AND TRAFFIC FLOW.

A. USE. DRIVE-IN OR DRIVE-THROUGH FACILITIES SHALL BE PERMITTED IN SOME DISTRICTS ONLY AS A SECONDARY USE THAT SUPPORTS THE OPERATIONS OF A PRIMARY USE ON THE SAME LOT AND ARE PROHIBITED UNLESS OTHERWISE IDENTIFIED AS ALLOWED AS A PERMITTED, ACCESSORY OR A SPECIAL LAND USE BY THE USE CHARTS OF THIS CHAPTER.

B. HOURS OF OPERATION. HOURS OF OPERATION SHALL BE RESTRICTED TO THE HOURS OF 6 A.M. TO 12 MIDNIGHT IF LOCATED WITHIN ONE HUNDRED FIFTY (150) FEET TO THE NEAREST LOT LINE OF A RESIDENTIAL ZONE DISTRICT.

C. VEHICLE STACKING. SEE ARTICLE 12, SECTION 50-145(I), DRIVE-THROUGH QUEUING.

D. PEDESTRIAN WALKWAYS. PEDESTRIAN WALKWAYS SHALL BE CLEARLY VISIBLE, AND BE EMPHASIZED BY ENHANCED PAVING OR MARKINGS WHERE THEY INTERSECT DRIVE-IN OR DRIVE-THROUGH AISLES.

E. SCREENING REQUIREMENTS. SEE ARTICLE 13, SECTION 50-158(A)(6), DRIVE-THROUGH FACILITY

F. DRIVE-THROUGH LANES SHALL NOT BE PLACED IN THE FRONT OF A BUILDING. THIS REQUIREMENT MAY BE WAIVED IF THE BUILDING IS AT LEAST 50 FEET BACK FROM THE FRONT LOT LINE.

§ 50-93. ELECTRICAL SUBSTATIONS AND PRIVATE UTILITIES

A. OUTDOOR ENCLOSURE. THE OUTDOOR ENCLOSURE OF ABOVE-GROUND ESSENTIAL SERVICE UTILITIES SHALL BE

SCREENED USING A PERMANENT WALL OR FENCE TO RECOGNIZE THE PERMANENCE OF THE INFRASTRUCTURE, REDUCE MAINTENANCE REQUIREMENTS AND LESSEN THE OPPORTUNITY FOR GRAFFITI OR VANDALISM ON SITE.

§ 50-94. ENTERTAINMENT

ENTERTAINMENT USES, DEFINED AS NIGHTCLUBS, THEATERS, HALLS FOR HIRE (INCLUDING "BINGO HALLS" AND SIMILAR ESTABLISHMENTS NOT DEDICATED TO GAMING USES), BOWLING ALLEYS AND SIMILAR ENTERPRISES SHALL MEET THE FOLLOWING REQUIREMENTS:

A. SOUND-PROOFING. THE BUILDING SHALL BE SOUND-PROOFED TO MEET THE REQUIREMENTS OF THE OTHER CHAPTERS OF THE CITY CODE. A NOISE ANALYSIS AND THE METHOD OF CONSTRUCTION BEING USED TO MEET THE STANDARDS OF SAID REGULATIONS SHALL BE PROVIDED TO THE ZONING COORDINATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

B. ENTRANCE FACING RESIDENTIAL PROHIBITED. NO ENTRANCE OR EXIT SHALL FACE A RESIDENTIAL USE ON AN ABUTTING PROPERTY.

C. DOORS AND WINDOWS. ALL DOORS AND WINDOWS, INCLUDING FIRE EXITS, WHICH MAY DIRECT SOUND TO RESIDENTIAL PROPERTIES SHALL REMAIN CLOSED DURING THE ENTERTAINMENT.

D. OUTDOOR MUSIC. OUTDOOR AMPLIFIED MUSIC SHALL ONLY BE PERMITTED IN ASSOCIATION WITH A SPECIAL EVENT OR AS GRANTED BY THE ZONING COORDINATOR.

E. HOURS OF OPERATION. GENERAL HOURS OF OPERATION SHALL NOT EXTEND BEYOND 2:00 A.M., UNLESS APPROVED BY THE PLANNING COMMISSION.

§ 50-95. FOOD CARTS AND TRUCKS (MOBILE VENDING)

A. FOOD CARTS AND TRUCKS ARE PERMITTED IN THE MR-3, NC, CC, IC, UC, DE, DC AND OS DISTRICTS WITH THE FOLLOWING CONDITIONS.

1. LOCATION. FOOD CARTS AND TRUCKS ARE PERMITTED IN THE PUBLIC RIGHT-OF-WAY ONLY WHERE THERE IS A MINIMUM OF SIX FEET OF UNOBSTRUCTED PUBLIC WALKWAY. IF LOCATED ON PRIVATE PROPERTY, THE OPERATOR MUST HAVE SIGNED WRITTEN

PERMISSION FROM THE PROPERTY OWNER.

2. HOURS OF OPERATION. FOOD CARTS AND TRUCKS MAY OPERATE ONLY BETWEEN 8:00 AM AND 12:00 MIDNIGHT. IF ON PRIVATE PROPERTY THE CART OR TRUCK MAY STAY FOR UP TO 200 CONSECUTIVE DAYS WITH SIGNED WRITTEN PERMISSION FROM THE PROPERTY OWNER.

    I. WITHIN THE UC AND DC DISTRICTS, FOOD CARTS AND TRUCKS MAY OPERATE WITH EXTENDED HOURS UNTIL 3:00 AM.

3. APPEARANCE. CARTS AND TRUCKS SHALL BE MOVEABLE AND HAVE AT LEAST TWO WHEELS.

4. NOISE. CARTS AND TRUCKS SHALL NOT USE LOUD GENERATORS OR OTHER NOISE PRODUCING EQUIPMENT.

5. TRAFFIC IMPACTS. FOOD TRUCKS AND CARTS SHALL BE LOCATED SUCH THAT THEY DO NOT IMPACT VEHICULAR TRAFFIC, ON-STREET PARKING, PEDESTRIAN ACCESS AND SAFETY, BICYCLE ACCESS AND SAFETY, OR ACCESS TO SURROUNDING USES.

6. WASTE AND MAINTENANCE. VENDORS MUST PROVIDE A WASTE RECEPTACLE FOR EVERY CART OR TRUCK AND WASTE MUST BE REMOVED FROM THE SITE DAILY.

7. GOODS AVAILABLE. SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED. FOOD CARTS AND TRUCKS MAY ONLY SELL FOOD AND NON-ALCOHOLIC BEVERAGES.

8. LICENSING. VENDORS MUST OBTAIN ALL REQUIRED LICENSING PRIOR TO OPERATING.

§ 50-96. FRATERNITY/SORORITY

FRATERNITIES, SORORITIES AND STUDENT COOPERATIVES SUBJECT TO THE FOLLOWING STANDARDS:

A. FRATERNITIES, SORORITIES AND STUDENT COOPERATIVES ARE PERMITTED USES IN THE DE AND UC DISTRICTS IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

B. ONLY STRUCTURES OCCUPIED BY A COLLECTION OF STUDENTS AFFILIATED WITH A FRATERNITY OR SORORITY AND FORMALLY RECOGNIZED BY A COLLEGE OR UNIVERSITY SHALL BE PERMITTED TO OCCUPY A HOME UNDER THE REQUIREMENTS OF THIS SECTION.

C. FOR STRUCTURES OWNED BY A FRATERNITY /SORORITY, A RESIDENT MANAGER SHALL BE EMPLOYED OR APPOINTED, AND WRITTEN NOTIFICATION OF THE DESIGNATED RESIDENT MANAGER SHALL BE PROVIDED TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT. FOR STRUCTURES OWNED BY A UNIVERSITY OR COLLEGE, A FACILITY MANAGER OR EQUIVALENT ROLE SHALL BE DESIGNATED. HE/SHE SHALL NOT BE REQUIRED TO LIVE ON SITE BUT SHALL OVERSEE OPERATIONS OF THE FRATERNITY /SORORITY SO AS TO MONITOR COMPLIANCE WITH UNIVERSITY OR COLLEGE GUIDELINES AND BEHAVIORAL STANDARDS.

D. THE MINIMUM LOT AREA FOR THE FRATERNITY/SORORITY SHALL BE GREATER THAN 400 SQUARE FEET PER OCCUPANT.

E. ALL REQUIRED PARKING SHALL BE ACCOMMODATED ON-SITE AND IN ACCORDANCE WITH OTHER REQUIREMENTS OF ARTICLE 12 OF THIS CHAPTER.

F. A FRATERNITY, SORORITY OR STUDENT COOPERATIVE ADJACENT TO A SINGLE OR 2-FAMILY STRUCTURE SHALL HAVE A HEDGE, BERM, FENCE OR WALL, FORMING A CONTINUOUS SCREEN AT LEAST 6 FEET HIGH BETWEEN IT AND THE RESIDENTIAL UNITS, TO BE LOCATED ADJACENT TO THE LOT LINE FROM THE FRONT OF THE STRUCTURE TO THE REAR PROPERTY LINE, EXCEPT IN REQUIRED FRONT YARD AND WHERE RESTRICTED BY OTHER ORDINANCE PROVISIONS.

G. AN INCREASE IN THE NUMBER OF BEDROOMS SHALL REQUIRE A SPECIAL LAND USE PERMIT.

H. KITCHEN FACILITIES, COMMON AREAS FOR MEETING AND SOCIAL SPACE, OR HANDICAP ACCESSIBILITY MAY BE EXPANDED BY 10% OF THE FLOOR AREA OR 1,000 SQUARE FEET, WHICHEVER IS LESS, WITHOUT SECURING A SPECIAL EXCEPTION USE PERMIT IF CURRENT PARKING ORDINANCE STANDARDS FOR FRATERNITIES AND SORORITIES ARE MET.

§ 50-97. FRUIT TREES/ORCHARD

A. **GROUPS OF TEN OR LESS TOTAL FRUIT OR NUT BEARING TREES ON A PARCEL ARE PERMITTED WITHOUT CONDITION.**

B. **SMALL ORCHARDS OF ELEVEN (11) OR MORE TREES ACCESSORY TO A RESIDENTIAL USE ARE PERMITTED IN THE GN-1, GN-2, TN-1, TN-2, AND UC DISTRICTS WITH THE FOLLOWING CONDITIONS.**

   1. **REQUIRE LOT OF NOT LESS THAN 8,000 SQUARE FEET AND NOT GREATER THAN ONE ACRE.**

   2. **ESPALIERED TREES MAY BE PERMITTED ALONG A FENCE SO LONG AS THEY ARE PROPERLY MAINTAINED AND DO NOT IMPEDED MOTORIZED OR NON-MOTORIZED RIGHT-OF-WAY TRAFFIC.**

   3. **NON-ESPALIERED TREES MUST BE SET BACK AT LEAST 15 FEET FROM LOT LINES.**

   4. **ORCHARD PRODUCE MAY BE SOLD COMMERCIALLY THROUGH AN ONSITE PRODUCE STAND. PRODUCE STAND REGULATIONS IN 50.8.21 APPLY.**

C. **ORCHARDS ARE ALLOWED AS A PERMITTED USE IN THE GI-1 AND GI-2 DISTRICTS.**

§ 50-98. GREENHOUSE (ACCESSORY STRUCTURE)

A. **GREENHOUSES ARE PERMITTED TO ENCROACH INTO REQUIRED YARDS, SO LONG AS THEY DO NOT EXCEED 12' IN HEIGHT. OTHERWISE, THEY ARE SUBJECT TO THE REQUIRED YARDS OF THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED.**

B. **GREENHOUSES SHALL BE SETBACK FROM ALL PROPERTY LINES AT LEAST 7 FEET.**

C. **GREENHOUSE EXHAUST VENTS SHALL NOT BE LOCATED WITHIN 25 FEET OF A DWELLING UNIT ON ANOTHER LOT.**

D. **GREENHOUSES AS ACCESSORY STRUCTURES ARE ALLOWED AS AN ACCESSORY USE *EXCEPT* IN THE FOLLOWING DISTRICTS: NC, CC, DC, PC, IC**

<u>ATTACHMENT</u>:
DIAGRAM 50-98 (EXHIBIT 51)

§ 50-99. HOME OCCUPATIONS

A. **ONLY THE RESIDENTS OF THE PREMISES SHALL BE ENGAGED IN SUCH OCCUPATION.**

B. FOR REVIEW PURPOSES, HOME OCCUPATIONS SHALL BE CLASSIFIED AS EITHER A TIER 1 HOME OCCUPATION OR A TIER 2 HOME OCCUPATION.

1. TIER 1 HOME OCCUPATIONS ARE HOME OCCUPATIONS THAT ARE ENTIRELY CONDUCTED WITHIN THE PRINCIPAL DWELLING, DO NOT USE ACCESSORY STRUCTURES FOR ANYTHING OTHER THAN MINOR STORAGE IN AN AREA EQUAL TO OR LESS THAN 150 SQUARE FEET, AND GENERATE FIVE OR LESS CUSTOMERS PER DAY, AND HAS TWO OR LESS ADDITIONAL OFF-STREET PARKING SPACE FOR CUSTOMERS. TIER 1 HOME OCCUPATIONS REQUIRE ZONING PERMIT REVIEW.

2. TIER 2 HOME OCCUPATIONS ARE HOME OCCUPATIONS THAT ARE PARTIALLY OR COMPLETELY CONDUCTED IN AN ACCESSORY STRUCTURE, INCLUDE STORAGE IN AN ACCESSORY STRUCTURE AREA THAT EXCEEDS 150 SQUARE FEET, OR GENERATES MORE THAN FIVE CUSTOMERS PER DAY, OR HAS MORE THAN TWO ADDITIONAL OFF-STREET PARKING SPACES FOR CUSTOMERS. TIER 2 HOME OCCUPATIONS REQUIRE A ZONING PERMIT, BUT REVIEW OF SAID PERMIT APPLICATION AND NECESSARY PLOT PLAN SHALL BE CONDUCTED BY THE PLANNING COMMISSION AT A PUBLIC HEARING, WITH NOTICE GIVEN ACCORDING TO SECTION 50-189 OF THIS CHAPTER.

C. THE USE OF THE PRINCIPAL DWELLING UNIT FOR THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO ITS USE FOR RESIDENTIAL PURPOSES BY ITS OCCUPANTS, AND NOT MORE THAN 25% OF THE TOTAL FLOOR AREA OF THE DWELLING UNIT SHALL BE USED IN THE CONDUCT OF THE HOME OCCUPATION. (FOR THE PURPOSES OF THIS SECTION, THE BASEMENT AND/OR CELLAR SHALL NOT BE INCLUDED IN COMPUTATIONS OF TOTAL FLOOR AREA.)

D. HOME OCCUPATION MAY TAKE PLACE IN A CONFORMING ACCESSORY STRUCTURE.

E. THERE SHALL BE NO CHANGE IN THE OUTSIDE APPEARANCE OF THE BUILDING OR PREMISES, NO STRUCTURAL ALTERATIONS, OR OTHER VISIBLE EVIDENCE OF THE CONDUCT OF SUCH HOME OCCUPATION, EXCEPT FOR SIGNAGE PERMITTED IN THE ZONE DISTRICT, CONFORMING ACCESSORY STRUCTURES, AND A PLAY AREA IN THE REAR YARD FOR CHILD DAYCARE OCCUPATIONS.

F. ENTRANCE MAY BE FROM WITHIN THE DWELLING OR AN EXTERIOR ENTRANCE.

G. NO TRAFFIC SHALL BE GENERATED BY SUCH HOME OCCUPATION IN GREATER VOLUMES THAN WOULD NORMALLY BE EXPECTED IN A RESIDENTIAL NEIGHBORHOOD, AND ANY NEED FOR PARKING GENERATED BY THE CONDUCT OF SUCH HOME OCCUPATION SHALL BE MET OFF THE STREET AND OTHER THAN IN A FRONT YARD. HOME OCCUPATIONS SHALL NOT HAVE MORE THAN SIX TOTAL PARKING SPACES.

H. NO EQUIPMENT OR PROCESS SHALL BE USED IN SUCH HOME OCCUPATION WHICH CREATES NOISE, VIBRATION, GLARE, FUMES, ODORS, OR ELECTRICAL INTERFERENCE; NO EQUIPMENT OR PROCESS SHALL BE USED WHICH CREATES VISUAL OR AUDIBLE INTERFERENCE IN ANY RADIO OR TELEVISION RECEIVERS OFF THE PREMISES, OR CAUSES FLUCTUATIONS IN LINE VOLTAGE OFF THE PREMISES.

I. NO STORAGE OR DISPLAY OF MATERIALS, GOODS, SUPPLIES OR EQUIPMENT RELATED TO THE OPERATION OF THE HOME OCCUPATION SHALL BE VISIBLE FROM THE OUTSIDE OF ANY STRUCTURE LOCATED ON THE PREMISES OR ON ADJACENT PREMISES.

J. THE HOME OCCUPATION SHALL NOT INVOLVE THE USE OF COMMERCIAL VEHICLES FOR DELIVERY OF MATERIALS TO OR FROM THE PREMISES; HOWEVER, A VEHICLE OF NO MORE THAN THREE-FOURTH TON CAPACITY MAY BE USED AS PART OF THE HOME OCCUPATION. DELIVERY BY COMMERCIAL SERVICE SUCH AS UPS OR FEDEX SHALL BE ALLOWED.

K. WALK-IN RETAIL TRADE OF PHYSICAL GOODS ON-SITE SHALL BE PROHIBITED.

L. NOTHING IN THIS SECTION SHALL PROHIBIT THE USE OF A RESIDENCE BY AN OCCUPANT OF THAT RESIDENCE TO GIVE OR RECEIVE INSTRUCTION IN A CRAFT, FINE ART, SCIENCE, HUMANITY, OR FIELD OF LEARNING AND NEITHER

SHALL THIS SECTION PROHIBIT THE REGULATION OF NOISE, ADVERTISING, TRAFFIC, OR OTHER CONDITIONS THAT MAY ACCOMPANY THE USE OF A RESIDENCE AS DESCRIBED ABOVE.

M. VISITS BY CUSTOMERS, CLIENTS, STUDENTS OR PATIENTS TO AN APPROVED HOME OCCUPATION SHALL BE LIMITED TO THE HOURS OF 7:00 A.M. TO 8:00 P.M. THIS PROVISION SHALL NOT APPLY TO BED AND BREAKFAST ESTABLISHMENTS, WHICH SHALL COMPLY WITH SECTION 50-87 OF THIS CHAPTER.

N. PROHIBITED HOME OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. ANIMAL PROCESSING.

2. ANY REPAIR OF MOTORIZED VEHICLES, INCLUDING THE PAINTING OR REPAIR OF AUTOMOBILES, TRUCKS, TRAILERS, BOATS, AND LAWN EQUIPMENT.

3. ANIMAL HOSPITALS, VETERINARY CLINICS OR KENNELS.

4. RESTAURANTS, BARS, OR CATERING/FOOD PREPARATION BUSINESSES, EXCEPT CATERING/FOOD PREPARATION BUSINESSES OPERATING IN COMPLIANCE WITH THE COTTAGE FOOD LAW, PA113 OF 2010.

5. ENTERTAINMENT CLUBS INCLUDING AFTER-HOURS ESTABLISHMENTS.

6. MEDICAL OR DENTAL OFFICES.

7. NURSING HOMES.

8. FUNERAL HOMES, MORTUARIES OR SIMILAR ESTABLISHMENTS.

9. CONSTRUCTION BUSINESSES OR LANDSCAPING BUSINESSES THAT PROVIDE THE STORAGE OF GOODS, EQUIPMENT AND MATERIALS TO BE UTILIZED IN THE OPERATION OF THE BUSINESS OR USE.

10. WAREHOUSING.

11. WELDING OR MACHINE SHOPS.

§ 50-100. HOOPHOUSE

A. A SINGLE HOOPHOUSE 200 SQUARE FEET OR LESS ARE PERMITTED AS AN ACCESSORY USE TO A SINGLE FAMILY RESIDENTIAL USE IN THE REAR OR SIDE YARD WITHOUT CONDITION.

B. HOOPHOUSES LARGER THAN 200 SQUARE FEET ARE CONSIDERED ACCESSORY STRUCTURES AND SHALL BE REGULATED AS SUCH.

C. HOOPHOUSES ARE AN ACCESSORY USE IN THE GN-1, GN-2, TN-2, UC, GI-1, GI-2 AND OS DISTRICTS. AS A PRINCIPAL USE THEY ARE ALLOWED AS A SPECIAL LAND USE IN CE AND PERMITTED BY RIGHT IN THE GI-1 AND GI-2 DISTRICTS.

D. HOOPHOUSES IN A TN-2 DISTRICT MUST BE ON A PARCEL WITH AN AREA OF AT LEAST 9,000 SQUARE FEET, OR ON A DIRECTLY ADJOINING LOT TO THE PRIMARY RESIDENCE WHERE THE COMBINED AREA OF BOTH LOTS IS AT LEAST 9,000 SQUARE FEET.

§ 50-101. LIVE-WORK UNIT

A DWELLING UNIT EITHER ATTACHED OR DETACHED, THAT IS USED JOINTLY FOR LIMITED COMMERCIAL, SERVICE OR RETAIL ACTIVITIES AND RESIDENTIAL PURPOSES SERVE AS THE SECONDARY USE. BOTH UNITS MUST BE OWNED BY THE SAME INDIVIDUAL. THE RESIDENTIAL DWELLING UNIT MUST BE ABOVE AND/OR BEHIND A FLEXIBLE GROUND FLOOR SPACE AND MAY PROVIDE LIVE-WORK OPPORTUNITIES THAT ARE APPROPRIATE FOR INCUBATING NEIGHBORHOOD-SERVING RETAIL AND SERVICE USES.

A. LOCATION. LIVE-WORK UNITS SHALL BE A PERMITTED USE WITHIN MR-2, NC, CC, DE AND UC DISTRICTS, AND SHALL BE A SPECIAL LAND USE WITHIN GN-2, IC AND CE DISTRICTS.

B. SPACE LIMITATIONS. FOR CONVERSIONS OF SINGLE-FAMILY OR TWO-FAMILY HOMES INTO LIVE-WORK UNITS, NO MORE THAN 60 PERCENT OF THE USABLE AREA OF THE STRUCTURE MAY BE DEVOTED TO A NON-RESIDENTIAL USE.

C. DIRECT ACCESS. THERE SHALL BE DIRECT ACCESS BETWEEN THE WORKING AND LIVING SPACES WITHIN THE LIVE-WORK UNIT.

D. SEPARATE ENTRANCES. THERE SHALL BE SEPARATE ENTRANCES FOR THE WORK UNIT AND THE DWELLING UNIT.

E. RESIDENCY. AT LEAST ONE FULL-TIME EMPLOYEE OF THE BUSINESS ACTIVITY OCCUPYING THE LIVE- WORK UNIT SHALL ALSO RESIDE IN THE UNIT; CONVERSELY AT LEAST ONE OF THE PERSONS LIVING IN THE LIVE PORTION SHALL WORK IN THE WORK PORTION. RESIDENCE UNITS AND "WORK" UNITS SHALL HAVE SEPARATE ENTRIES.

F. MULTIPLE LIVE-WORK UNITS. WHERE THERE ARE MULTIPLE LIVE-WORK UNITS WITHIN A SINGLE STRUCTURE, EACH UNIT SHALL BE PHYSICALLY SEPARATED FROM OTHER UNITS AND USES WITHIN THE STRUCTURE, AND ACCESS TO INDIVIDUAL UNITS SHALL BE FROM INDIVIDUAL ENTRANCES OR A COMMON OPEN SPACE, CORRIDOR, HALLWAY, OR OTHER COMMON ACCESS AREA.

G. MINIMUM DWELLING UNIT SIZE. NO DWELLING UNIT SHALL BE SMALLER THAN 400 SQUARE FEET.

§ 50-102. MANUFACTURED HOUSING COMMUNITIES

ALL MANUFACTURED HOUSING COMMUNITIES SHALL COMPLY WITH ACT 96 OF THE MICHIGAN PUBLIC ACTS OF 1987, AS AMENDED, AS WELL AS THE REQUIREMENTS OF THIS SECTION. MANUFACTURED HOUSING COMMUNITIES ARE ALLOWED AS A SPECIAL LAND USE IN THE TN-2 DISTRICT.

A. ACCESS AND CIRCULATION. A MANUFACTURED HOUSING COMMUNITY SHALL HAVE TWO POINTS OF INGRESS AND EGRESS, WITH FRONTAGE ON A REGIONAL OR MAJOR STREET AS DEFINED IN THE CITY STREET CLASSIFICATION POLICY. INTERNAL STREETS SHALL MEET ALL APPLICABLE CITY REQUIREMENTS FOR TWO-WAY STREETS.

B. PAVEMENT AND CURBING. ALL INTERNAL STREETS SHALL BE PAVED AND CURBED. ACCESS TO INDIVIDUAL MANUFACTURED HOUSE SITES SHALL ONLY BE PROVIDED VIA INTERNAL STREETS.

C. UTILITIES AND DRAINAGE. PUBLIC WATER AND SEWER SHALL BE CONNECTED TO ALL MANUFACTURED HOUSING UNITS EITHER SEPARATELY OR AS ONE UNIT. THE MANUFACTURED HOUSING COMMUNITY SHALL MANAGE ALL STORMWATER ON SITE.

D. SCREENING AND LANDSCAPING. A MANUFACTURED HOUSING COMMUNITY MUST HAVE A MINIMUM OF A TYPE-ONE TRANSITION YARD AS DESCRIBED IN ARTICLE 13 OF THIS CHAPTER, ALONG ALL BORDERS WITH ADJACENT PARCELS, REGARDLESS OF THE ZONE DISTRICT OF THE ADJACENT PARCELS. AN ADMINISTRATIVE WAIVER MAY BE GRANTED IF AN ADJACENT PARCEL OR PARCELS ALREADY HAVE A MORE INTENSE FORM OF SCREENING/LANDSCAPING IN PLACE PRIOR TO THE ESTABLISHMENT OF THE MANUFACTURED HOUSING COMMUNITY, BUT ONLY

ALONG THE BORDER WITH THAT PARCEL.

E. REQUIRED OPEN SPACE. A MANUFACTURED HOUSING COMMUNITY WITH THIRTY (30) OR MORE HOUSE SITES SHALL CONTAIN AT LEAST ONE (1) DESIGNATED OPEN SPACE AREA OF TWO (2) PERCENT OF THE SQUARE FEET OF THE MANUFACTURED HOUSING COMMUNITY, BUT NOT LESS THAN 10,000 SQUARE FEET.

F. PERSONAL STORAGE AND STORAGE OF RECREATIONAL VEHICLES. NO PERSONAL PROPERTY SHALL BE STORED OUTSIDE OF OR UNDER ANY MANUFACTURED HOUSE. THE STORAGE OF RECREATIONAL VEHICLES SHALL BE PERMITTED ONLY IN THE STORAGE AREA DESIGNATED BY THE OWNER OF THE MANUFACTURED HOUSING COMMUNITY AND LIMITED TO THE USE OF THE RESIDENTS. THE STORAGE YARD SHALL BE COMPLETELY SCREENED AROUND ITS PERIMETER BY A SIX (6) FOOT HIGH SOLID WALL OR FENCE.

G. ACCESSORY STRUCTURES. ONE (1) ACCESSORY STRUCTURE SHALL BE PERMITTED PER MANUFACTURED HOUSING UNIT, NOT TO EXCEED ONE HUNDRED TWENTY (120) SQUARE FEET IN SIZE. ACCESSORY STRUCTURES SHALL NOT BE LOCATED IN THE FRONT YARD. ATTACHED ACCESSORY BUILDINGS SHALL BE AT LEAST TEN (10) FEET FROM AN ADJACENT MANUFACTURED HOUSING UNIT AND CONSIST OF MATERIALS SIMILAR TO THE MAIN BUILDING.

H. SUBMITTAL. APPLICATION FOR THE CONSTRUCTION, ALTERATION, OR EXTENSION OF A MANUFACTURED HOUSING COMMUNITY SHALL BE SUBMITTED FOR SPECIAL LAND USE REVIEW.

§ 50-103. MATERIALS RECEIVING, RECYCLING, WRECKING AND SALVAGE

A. MINIMUM LOT SIZE. THE SITE SHALL BE A MINIMUM OF TWO (2) ACRES IN SIZE.

B. MATERIALS RECEIVING, RECYCLING, WRECKING AND SALVAGE OPERATIONS ARE SUBJECT TO THE FOLLOWING REGULATIONS:

1. THE RECEIVING AND RECYCLING OF REGULAR HOUSEHOLD BYPRODUCTS (INCLUDING BUT NOT LIMITED TO PLASTIC BOTTLES, GLASS BOTTLES AND JARS, METAL CANS, AND OTHER SMALL-SCALE PLASTIC, GLASS OR METAL REFUSE) AND PLASTIC OR GLASS MATERIALS ALREADY HARVESTED FROM OTHER PRODUCTS IS

PERMITTED ONLY IN THE PC DISTRICT.

C. MATERIALS RECEIVING, RECYCLING, WRECKING AND SALVAGE OPERATIONS ARE SUBJECT TO THE FOLLOWING REGULATIONS:

1. IN ADDITION TO THE ITEMS AND PROCESSES PERMITTED IN SECTION B ABOVE, THE RECEIVING OF HOUSEHOLD APPLIANCES, BUILDING MATERIALS, AND AUTOMOBILES IS PERMITTED IN THE PC DISTRICT.

2. THE SALVAGING OR DISASSEMBLY OF PRODUCTS IS A PERMITTED USE IN THE PC DISTRICT.

3. THE PROCESSING AND RESALE OF PRODUCTS RECEIVED AND PROCESSED ON-SITE IS PERMITTED IN THE PC DISTRICT.

D. SCREENING.

1. OUTDOOR STORAGE AND ACTIVITIES SHALL BE COMPLETELY SCREENED FROM VIEW, AS SEEN FROM PUBLIC RIGHTS-OF-WAY AND ADJACENT PROPERTIES, BY A SOLID WALL OR FENCE WITH A UNIFORM HEIGHT OF NOT LESS THAN SIX (6) FEET AND A MAXIMUM HEIGHT OF EIGHT (8) FEET. THE WALL OR FENCE SHALL BE CONSTRUCTED OF UNIFORM, HIGH-QUALITY, WEATHER-RESISTANT MATERIALS. WALLS, FENCES AND GATES SHALL BE KEPT IN GOOD REPAIR (FREE OF CHIPS, PEELING AND GRAFFITI) AND SETBACK A MINIMUM OF SIX (6) FEET FROM LOT LINES ABUTTING PUBLIC RIGHTS-OF-WAY.

2. LANDSCAPING. A VEGETATIVE GROUND COVER SHALL BE PLANTED BETWEEN THE REQUIRED FENCE AND PUBLIC RIGHT-OF-WAY AND MAINTAINED IN GOOD CONDITION. BERMS AND LANDSCAPING SHALL BE INSTALLED AT ALL LOCATIONS AROUND THE SITE THAT LACK NATURAL SCREENING IN ACCORDANCE WITH THE ARTICLE 50.13 OF THIS CHAPTER.

3. PAPER AND PLASTIC RECYCLING ACTIVITIES SHALL BE CONTAINED WITHIN AN ENCLOSED PERMANENT BUILDING, INCLUDING STORAGE AND DELIVERY.

E. MACHINERY, BUILDING, MINING AND STOCKPILE SETBACKS. ALL MACHINERY, EQUIPMENT, BUILDINGS, STRUCTURES AND ACTIVITIES SHALL BE LOCATED AT LEAST TWENTY-FIVE (25) FEET FROM ANY LOT LINE, ONE HUNDRED (100) FEET FROM A RESIDENTIAL ZONE DISTRICT, FIVE HUNDRED (500) FEET FROM A RESIDENCE, AND THREE HUNDRED (300) FEET FROM ANY STREAM, WATER BODY OR WETLAND. WHERE MORE THAN ONE (1) SETBACK STANDARD IN THIS SUBSECTION IS APPLICABLE, THE GREATER SETBACK DISTANCE SHALL APPLY.

F. HAUL ROUTE MAP. AN AREA MAP DELINEATING THE HAUL ROUTE TO BE USED FOR THE PROPOSED OPERATION SHALL BE SUBMITTED TO THE ZONING COORDINATOR. HAUL ROUTES SHALL NOT PASS THROUGH RESIDENTIAL AREAS, EXCEPT ON REGIONAL OR MAJOR STREETS, AND SHALL BE APPROVED BY THE CITY ENGINEER.

G. NOISE CONTROL PLAN. A STUDY AND REPORT PREPARED BY A QUALIFIED PROFESSIONAL THAT ESTIMATES THE NOISE LEVELS AT THE LOT LINES CONTAINING THE EXTRACTION OPERATION AND AT SUCCESSIVE STAGES OF THE OPERATION SHALL BE REQUIRED AS PART OF THE APPLICATION. THIS PLAN SHALL CONTAIN MITIGATION MEASURES TO BE IMPLEMENTED WHEN NOISE LEVELS EXCEED ACCEPTABLE STANDARDS.

H. OPERATION SCHEDULE. HOURS AND DAYS OF OPERATION SHALL LIMITED TO 8:00AM TO 6:00PM WHEN WITHIN TWO HUNDRED (200) FEET OF A RESIDENTIAL PROPERTY.

I. EVIDENCE OF FEDERAL AND/OR STATE LICENSING PERMITS FOR NONMETALLIC MINERAL CRUSHING FACILITIES SHALL BE SUBMITTED AS PART OF THE APPLICATION.

§ 50-104. MULTIPLE-FAMILY DWELLINGS

A. REQUIRED REAR YARD

1. DEFINITION. REAR YARD REFERS TO THE AMOUNT OF LOT AREA REQUIRED TO BE PRESERVED AS OPEN SPACE WITHIN THE REAR YARD. THE REQUIRED OPEN SPACE MUST BE PROVIDED ON THE SAME LOT AS THE DWELLING UNIT(S) IT SERVES.

2. MINIMUM REQUIRED GREENSPACE OR OPEN SPACE IN REAR YARD. FOR EVERY RESIDENTIAL UNIT IN A MULTI-FAMILY

DWELLING, A MINIMUM OF FIFTY (50) SQUARE FEET OF GREENSPACE OR URBAN OPEN SPACE SHALL BE PROVIDED IN THE REAR YARD.

3. MINIMUM DIMENSIONS. THE OPEN SPACE AREA SHALL NOT BE LESS THAN TWELVE (12) FEET ON ANY SIDE.

4. REQUIRED REAR YARD LOCATION. THE REQUIRED REAR YARD OPEN SPACE SHALL BE LOCATED WITHIN THE REAR YARD, AT GROUND LEVEL OR, IF LOCATED ON A TERRACE OR PATIO, WITHIN FOUR (4) FEET OF GROUND LEVEL. WHERE STRUCTURES ARE LOCATED IN THE REAR YARD SETBACK AND DO NOT EXCEED SIX (6) FEET IN HEIGHT, REQUIRED OPEN SPACE MAY BE PROVIDED DIRECTLY ABOVE SUCH STRUCTURES.

5. LANDSCAPING. THE OPEN SPACE AREA SHALL BE SUBSTANTIALLY COVERED WITH GRASS, GROUND COVER, SHRUBS, PLANTS, TREES OR USABLE OUTDOOR SPACE FEATURES, SUCH AS WALKWAYS, PLAZAS OR PATIOS.

6. USEABLE SPACE. REAR YARD SPACE AREAS MUST BE USABLE, AND CANNOT BE OCCUPIED BY MECHANICAL EQUIPMENT, DUMPSTERS OR SERVICE AREAS.

7. EXEMPTIONS. MULTIPLE-FAMILY DWELLINGS ARE EXEMPT FROM PROVIDING THE REAR YARD OPEN SPACE IF THEY MEET ONE OF THE FOLLOWING CONDITIONS:

   I. THE PARCEL IS LOCATED ONE-QUARTER (1/4) MILE OR LESS FROM A PARK, AS MEASURED NEAREST PARCEL LINE TO NEAREST PARCEL LINE.

   II. THE PARCEL IS LOCATED IN THE UNIVERSITY CORE DISTRICT AND THE DEVELOPMENT FRONTS UNIVERSITY AVENUE.

   III. THE PARCEL IS LOCATED IN THE DOWNTOWN CORE OR DOWNTOWN EDGE DISTRICTS.

8. DRIVEWAYS AND PARKING. NO DRIVEWAYS OR OFF-STREET PARKING SPACES (OPEN OR ENCLOSED) SHALL BE LOCATED WITHIN THE REQUIRED REAR YARD SPACE. BOLLARDS, CURBS, WHEEL STOPS OR OTHER SIMILAR FEATURES SHALL BE PROVIDED TO ENSURE THAT REQUIRED REAR YARD OPEN SPACE IS NOT USED FOR OFF-STREET PARKING, LOADING OR VEHICLE CIRCULATION.

ATTACHMENT:
DIAGRAM 50-104 (EXHIBIT 51)

§ 50-105. OUTDOOR RECREATION FIELDS

A. ALCOHOL SALES AND ENTERTAINMENT. THE REQUIREMENTS OF SECTION 50-83. ALCOHOL SALES AND SECTION 50-96 ENTERTAINMENT SHALL ALSO APPLY IF SUCH ACTIVITIES SHALL OCCUR ON THE PREMISES.

B. OUTDOOR LIGHTING. SEE ARTICLE 8, SECTION 50-74(G).

C. NOISE CONTROL. ALL LOUD SPEAKER USE, INCLUDING HOURS OF OPERATION, FREQUENCY, DURATION AND LEVEL SHALL RECEIVE SPECIFIC APPROVAL BY THE PLANNING COMMISSION DURING ITS REVIEW OF THE PROJECT REQUEST.

§ 50-106. OUTDOOR SEATING AREAS

OUTDOOR SEATING AREAS ARE PERMITTED SUBJECT TO THE FOLLOWING REQUIREMENTS AND RESTRICTIONS:

A. ACCESSORY USE. OUTDOOR SEATING AREAS SHALL BE PERMITTED AS AN ACCESSORY USE TO A PERMITTED PRIMARY USE SUCH AS A RESTAURANT, CAFÉ OR SIMILAR ESTABLISHMENT. A USE THAT INCLUDES THE CONSUMPTION OF ALCOHOL SHALL ALSO COMPLY WITH SECTION 50.09.07 OF THIS CHAPTER.

B. PLOT PLAN AND PHOTOGRAPHS. A PLOT PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH SECTION 50-186(D) THAT INCLUDES THE LOCATION AND DIMENSIONS OF THE OUTDOOR SEATING AREA; CIRCULATION AND ACCESS TO THE DINING AREA; SITE DIMENSIONS OF THE BUILDING; AND EXISTING PUBLIC IMPROVEMENTS, SUCH AS FIRE HYDRANTS, BUS SHELTERS, TREES AND TREE GRATES AND PARKING METERS. PHOTOGRAPHS OF THE AREA SHALL BE INCLUDED.

C. PEDESTRIAN SPACE. A MINIMUM PEDESTRIAN CLEAR WIDTH OF FIVE (5) FEET IS REQUIRED ALONG ALL PUBLIC WALKWAYS AT ALL TIMES.

D. TRASH RECEPTACLES. TRASH RECEPTACLES RELATED TO OUTDOOR SEATING AREAS SHALL BE MAINTAINED AND SHALL BE LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY DURING NON-BUSINESS HOURS.

E. DINING AREAS. OUTDOOR DINING AREAS SHALL BE DESIGNED SO AS TO BE ARCHITECTURALLY COMPATIBLE WITH EXISTING STRUCTURES ON THE SUBJECT PROPERTY.

F. ROOFTOP, SIDE AND REAR YARD LOCATIONS. OUTDOOR SEATING AREAS WHICH ARE NOT LOCATED AT THE FRONT OF A BUILDING OR ON A PUBLIC SIDEWALK SHALL BE SUBJECT TO THE SPECIAL LAND USE STANDARDS FOR REVIEW. AN ADMINISTRATIVE WAIVER MAY BE GRANTED FOR SUCH OUTDOOR SEATING AREAS PROVIDED THAT THERE ARE NO RESIDENTIAL USES LOCATED WITHIN THREE HUNDRED (300) FEET OF THE SUBJECT PROPERTY'S LOT LINE OR WHEN THE SPACE SHALL BE USED DURING USUAL BUSINESS HOURS FOR OFFICE WORKERS AND NOT MEMBERS OF THE GENERAL PUBLIC. OFFICE USES SHALL DOCUMENT THE NATURE OF THE USE AS PART OF THE DEPARTURE REQUEST.

G. HOURS OF OPERATION. FOR OUTDOOR SEATING IN MR-3, NC, DE, AND DC DISTRICTS, THE HOURS OF OPERATION ARE PERMITTED TO BE THE SAME AS THE PRINCIPAL ESTABLISHMENT. THE HOURS OF OPERATION FOR OUTDOOR SEATING OR OTHER OUTDOOR ACTIVITIES IN DISTRICTS NOT MENTIONED ABOVE SHALL END AT 10:00 P.M. SUNDAY THROUGH THURSDAY AND 11:00 P.M. ON FRIDAY AND SATURDAY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION.

ATTACHMENT:
DIAGRAM 50-106 (EXHIBIT 53)

§ 50-107. OVERHEAD WALKWAYS OR OTHER CONNECTIONS

NO CONNECTIONS BETWEEN STRUCTURES THAT PASS OVER A PUBLIC STREET SHALL BE CONSTRUCTED EXCEPT AS REVIEWED BY THE PLANNING COMMISSION AND APPROVED BY THE CITY COUNCIL. IN EVALUATING A REQUEST FOR SUCH A CONNECTION, THE PLANNING COMMISSION AND CITY COUNCIL SHALL EVALUATE THE RELATIONSHIP OF THE PROPOSED CONNECTION TO THE STREET, ITS EFFECT ON STREET LEVEL ACTIVITIES AND VIEWS, AND THE FOLLOWING STANDARDS:

A. CLEAR GLASS. THE USE OF CLEAR GLASS ON THE SIDES OF AN OVERHEAD CONNECTION IS REQUIRED AND THE USE OF DARKENED GLASS IS PROHIBITED.

B. EXTERIOR REQUIREMENTS. THE EXTERIOR OF ALL OVERHEAD CONNECTIONS

SHALL BE LEVEL. ANY SLOPING OR RAMPED SURFACE BETWEEN LEVELS SHALL BE ACCOMMODATED WITHIN THE BRIDGE STRUCTURE ITSELF. THE EXTERIOR HEIGHT OF AN OVERHEAD CONNECTION IS LIMITED TO A HEIGHT REASONABLY NECESSARY TO PROVIDE ONE LEVEL PLUS ANY NEEDED SLOPE. NO MULTI-LEVEL CONNECTIONS ARE PERMITTED.

C. CLEAR SPAN. OVERHEAD CONNECTIONS SHALL BE DESIGNED AND CONSTRUCTED TO PROVIDE A CLEAR SPAN ACROSS STREETS, SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY.

D. MINIMUM CLEARANCE. THE MINIMUM CLEARANCE OF ANY OVERHEAD WALKWAY OR CONNECTION ABOVE A PUBLIC STREET OR FIRE LANE SHALL BE SIXTEEN (16) FEET, OR A GREATER DIMENSION IF REQUIRED BY AN ENTITY OR AUTHORITY WITH JURISDICTION OVER A TRAVEL WAY OVER WHICH THE WALKWAY PASSES.

§ 50-108. PARKING STRUCTURES

PARKING STRUCTURES ARE ALLOWED AS A PERMITTED USE IN THE CC, DE, CE, AND PC DISTRICTS, AND AS A SPECIAL LAND USE IN THE MR-3, IC, AND UC DISTRICTS. PARKING STRUCTURES ARE SUBJECT TO THE FOLLOWING CONDITIONS:

A. STRUCTURES SHOULD BE DESIGNED TO CONFORM TO THE DESIGN REQUIREMENTS OF OTHER STRUCTURES IN THAT ZONING DISTRICT, INCLUDING SETBACKS, BULK, ARCHITECTURAL ELEMENTS, AND MATERIALS AND TRANSPARENCY.

B. VEHICULAR INGRESS AND EGRESS POINTS SHALL BE DESIGNED TO MAXIMIZE THE SAFETY OF PEDESTRIANS ON THE PUBLIC SIDEWALK THROUGH THE PRESERVATION OF SIGHT TRIANGLES AND THE CONTINUATION OF SIDEWALKS ACROSS THE CURB CUT THAT PROVIDES ACCESS TO THE PARKING STRUCTURE.

C. IN THE DE, AND MR-3 DISTRICTS, AT LEAST 50% OF THE GROUND FLOOR FRONTAGE OF A PARKING STRUCTURE SHALL BE OCCUPIED BY AN ACTIVE COMMERCIAL USE AS PERMITTED IN THE DISTRICT. THIS ALSO APPLIES TO ANY STRUCTURE IN THE UC DISTRICT ON A PARCEL ALONG UNIVERSITY AVENUE.

§ 50-109. PRODUCE STAND

A. PRODUCE STANDS ARE PERMITTED AS A SPECIAL

LAND USE IN THE CC DISTRICT, AND AS AN ACCESSORY USE IN THE GI-1, GN-1, GN-2, TN-1, TN-2, MR-1, MR-2, MR-3, CC AND UC DISTRICTS IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS.

1. **THEY ARE PERMITTED AS ACCESSORY USE TO RESIDENCES, URBAN GARDENS, AND URBAN AGRICULTURE.**

2. **THEY SHALL NOT BE LOCATED ON THE SITE IN SUCH A WAY AS TO DISRUPT ON-SITE CIRCULATION OR SAFETY, CREATE UNSAFE VISIBILITY FOR PEDESTRIANS OR MOTORISTS, BE DETRIMENTAL TO THE PRIMARY USE, OR OCCUPY PARKING SPACES REQUIRED FOR THE PRIMARY USE TO CONFORM TO ITS ON-SITE PARKING REQUIREMENTS.**

3. **THEY SHALL ONLY SELL PRODUCTS GROWN OR PRODUCED ON THE PROPERTY ON WHICH THE STAND IS LOCATED.**

4. **THEY SHALL ONLY OPERATE BETWEEN 9:00 A.M. AND 7:00 P.M. BETWEEN MAY1 AND OCTOBER 31.**

5. **THEY SHALL NOT BE USED FOR THE SALE OF NON-FOOD RELATED GOODS.**

6. **THEY SHALL NOT BE USED FOR THE PRODUCTION, PROCESSING, OR PREPARATION OF GOODS.**

7. **THE AREA OF THE SITE USED TO DISPLAY GOODS AND FACILITATE OPERATION OF THE STAND SHALL NOT EXCEED 500 SQUARE FEET.**

8. **THE HEIGHT OF ANY STRUCTURES USED TO PROVIDE SHELTER OR ENCLOSURE FOR THE STAND SHALL NOT EXCEED 15' IN HEIGHT.**

§ 50-110. RECYCLING COLLECTION STATIONS

RECYCLING COLLECTION STATIONS SHALL BE SUBJECT TO THE FOLLOWING STANDARDS:

A. **MATERIALS. MATERIALS COLLECTED AT RECYCLING COLLECTION POINTS IN THE CE DISTRICT SHALL BE LIMITED TO ALUMINUM, COPPER, PLASTIC, GLASS, PAPER MATERIALS OR BATTERIES.**

B. **MAINTENANCE. RECYCLING COLLECTION POINTS SHALL BE WELL MAINTAINED AND**

ORDERLY IN APPEARANCE, SUCH AS BINS WITH UNIFORM COLOR, SIZE AND SHAPE. THE AREAS IMMEDIATELY SURROUNDING RECYCLING SITES SHALL BE KEPT CLEAN, IN GOOD REPAIR AND FREE OF MATERIALS, RUBBISH OR DEBRIS. THE EXTERIOR OF OUTSIDE COLLECTION CONTAINERS SHALL REMAIN FREE OF GRAFFITI, CHIPPED OR PEELING PAINT, OR OTHER SIGNS OF ABANDONMENT OR NEGLECT.

C. CONTAINERS. COLLECTION CONTAINERS SHALL BE LOCATED A MINIMUM OF TWENTY (20) FEET FROM ANY LOT LINE ADJACENT TO A RESIDENCE OR RESIDENTIAL ZONE DISTRICT.

D. LOCATION OF STORAGE. STORAGE OF COLLECTIBLE RECYCLABLE MATERIALS MAY BE LOCATED INSIDE OR OUTSIDE OF AN ENCLOSED BUILDING, WITH THE EXCEPTION OF PAPER OR PLASTIC MATERIALS, WHICH MUST BE STORED IN AN ENCLOSED BUILDING. IF LOCATED OUTSIDE, RECYCLABLE MATERIALS SHALL BE STORED WITHIN WEATHER TIGHT CONTAINERS NO LARGER THAN EIGHT (8) FEET IN HEIGHT.

E. SCREENING. COLLECTION CONTAINERS AND RECYCLING LOCATIONS SHALL BE SCREENED FROM EXTERNAL VIEW AS APPROVED BY THE ZONING COORDINATOR, AND MAY INCLUDE SOLID FENCING, A VEGETATIVE SCREEN OR COMBINATION THEREOF.

F. PROCESSING EQUIPMENT. PROCESSING EQUIPMENT, INCLUDING CRUSHERS AND SORTING EQUIPMENT SHALL NOT BE PART OF AN OUTSIDE COLLECTION OPERATION.

G. PARKING. A MINIMUM OF FIVE (5) PARKING SPACES PER RECYCLING COLLECTION POINT OR ONE (1) PARKING SPACE FOR EACH RECEPTACLE, WHICHEVER IS GREATER, SHALL BE REQUIRED.

§ 50-111. RESIDENTIAL REHABILITATION FACILITIES

A. RESIDENTIAL REHABILITATION FACILITIES OF ONE TO SIX RESIDENTS ARE ALLOWED AS A SPECIAL LAND USE IN THE GN-1, GN-2, TN-1, AND MR-1 DISTRICTS. FACILITIES OF SEVEN TO TWENTY RESIDENTS ARE ALLOWED AS A SPECIAL LAND USE IN THE MR-2 AND MR-3 DISTRICTS.

B. ANY RESIDENTIAL REHABILITATION FACILITY HAVING MORE THAN SEVEN (7) BUT NOT MORE THAN TWENTY (20) ADULTS SHALL BE LOCATED AT LEAST ONE THOUSAND FIVE HUNDRED (1,500) FEET FROM ANY OTHER RESIDENTIAL

REHABILITATION FACILITY, TRANSITIONAL OR EMERGENCY SHELTER, SINGLE ROOM OCCUPANCY DWELLING, OR SMALL OR LARGE ADULT FOSTER CARE FACILITY. THE FACILITY SHALL COMPLY WITH ALL STATE OF MICHIGAN REQUIREMENTS, AS APPLICABLE.

C. ANY RESIDENTIAL REHABILITATION FACILITY MUST HAVE ONE PARKING SPACE PER EMPLOYEE AVAILABLE.

§ 50-112. ROOMING AND BOARDING HOME

ROOMING AND BOARDING HOMES ARE ALLOWED AS A PERMITTED USE IN THE UC DISTRICT AND AS A SPECIAL LAND USE IN THE GN-1, GN-2, TN-1, TN-2, MR-1, AND MR-2 DISTRICTS. THEY SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

A. BEDROOM LIMIT. ROOMING AND BOARDING HOUSES SHALL NOT CONTAIN MORE THAN (4) BEDROOMS FOR RENTAL PURPOSES.

B. OCCUPANCY PER BEDROOM. OCCUPANCY BY TENANTS SHALL NOT EXCEED ONE (1) PERSON PER BEDROOM AND SHALL GENERALLY BE FOR DURATIONS LONGER THAN ONE (1) WEEK.

C. NO INDEPENDENT COOKING. INDIVIDUAL ROOMS SHALL NOT CONTAIN INDEPENDENT COOKING FACILITIES; THIS HOWEVER SHALL NOT PROHIBIT THE SERVING OF MEALS TO TENANTS OR THE USE OF A SINGLE KITCHEN BY TENANTS.

D. OWNER OCCUPIED. ROOMING AND BOARDING HOUSES SHALL BE OWNER OCCUPIED AND SERVE AS THE PRIMARY RESIDENCE OF THE OWNER.

§ 50-113. SATELLITE ANTENNAS AS ACCESSORY USES

SATELLITE ANTENNAS ARE ALLOWED AS AN ACCESSORY USE IN ALL DISTRICTS. NO SATELLITE TELEVISION ANTENNA SHALL BE ERECTED, CONSTRUCTED, MAINTAINED OR OPERATED EXCEPT IN CONFORMANCE WITH THE FOLLOWING REGULATIONS:

A. PURPOSE. IT IS THE PURPOSE OF THIS SECTION TO REGULATE SATELLITE TELEVISION ANTENNAS AS ACCESSORY STRUCTURES CONSISTENT WITH THE PRESERVATION OF HEALTH, SAFETY, WELFARE AND RIGHTS OF ALL RESIDENTS OF THE CITY.

B. DEFINITION. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINITION

SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

SATELLITE TELEVISION ANTENNA. AN APPARATUS CAPABLE OF RECEIVING COMMUNICATIONS FROM A TRANSMITTER. NOT INCLUDING SHORT WAVE RADIO ANTENNAE.

C. LOCATION.

1. NO PART OF THE SATELLITE ANTENNA STRUCTURE, INCLUDING THE BASE AND OTHER APPURTENANCES, MAY PROJECT OVER OR ONTO A:

   I. REQUIRED FRONT YARD/SETBACK;

   II. REQUIRED SIDE YARD/SETBACK; OR

   III. REQUIRED INTERIOR YARD/SETBACK (UNLESS 60 FEET OR MORE BACK FROM THE FRONT PROPERTY LINE AND THEN NO CLOSER THAN FIVE FEET TO A LOT LINE).

2. REAR YARD LOCATIONS ARE ALLOWED PROVIDED THAT NO PART OF THE SATELLITE ANTENNA STRUCTURE, INCLUDING THE BASE AND OTHER APPURTENANCES, IS CLOSER THAN FIVE FEET TO A LOT LINE.

D. HEIGHT. THE HEIGHT OF ANTENNA AND STRUCTURE SHALL NOT EXCEED TOTAL HEIGHT REQUIREMENT FOR THE DISTRICT.

E. SIZE. NO LIMIT.

F. ROOF MOUNTING. ALLOWED PURSUANT TO SUBSECTION (D) OF THIS SECTION IF PERMIT OBTAINED FROM THE DIVISION OF BUILDING AND SAFETY INSPECTION, WHICH WILL REVIEW ERECTION FOR CONFORMANCE WITH THE APPLICABLE BUILDING AND ELECTRICAL CODES.

§ 50-114. SELF-STORAGE FACILITIES

SELF-STORAGE FACILITIES SHALL BE PERMITTED USES IN THE CC, CE AND PC DISTRICTS, AND SHALL BE SUBJECT TO THE FOLLOWING STANDARDS:

A. MINIMUM SIZE. MINIMUM SITE SIZE SHALL BE A HALF (1/2) ACRE.

B. BUILDING SETBACKS. NO BUILDING SHALL BE PLACED

CLOSER THAN TWENTY FIVE (25) FEET FROM ANY LOT LINE.

C. **LANDSCAPE REQUIREMENTS. THE FRONT YARD SHALL BE COVERED WITH GRASS OR OTHER GROUND COVER OR PLANT MATERIAL, AND WITH HEDGES AND TREES PLANTED IN A MANNER THAT EFFECTIVELY SCREENS THE FACILITY FROM PUBLIC VIEW. THE PERIMETER OF THE ENTIRE SITE SHALL BE SECURED BY A SIX (6) FOOT ORNAMENTAL FENCE OR SOLID WALL. IN ADDITION, ANY YARD WHICH IS ADJACENT TO A RESIDENTIAL ZONE DISTRICT SHALL HAVE A LANDSCAPE BUFFER OF NOT LESS THAN 25 FEET.**

D. **PROHIBITED ITEMS. NO STORAGE OF COMBUSTIBLE OR FLAMMABLE LIQUIDS OR FIBERS (NOT INCLUDING CLOTHING), OR EXPLOSIVE OR TOXIC MATERIALS SHALL BE PERMITTED.**

E. **OUTDOOR STORAGE OF VEHICLES. OUTDOOR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, TRAILERS, CAMPERS, BOATS, AND OTHER ITEMS OF VALUE IS SUBJECT TO SPECIAL LAND USE APPROVAL.**

F. **ON-SITE MANAGER UNIT. ONE (1) DWELLING UNIT TO HOUSE AN ON-SITE MANAGER MAY BE PROVIDED.**

G. **NO COMMERCIAL ENTERPRISE. THERE SHALL BE NO COMMERCIAL ENTERPRISE ON THE PREMISES, OTHER THAN THE SELF-STORAGE UNITS AND A RELATED RENTAL OFFICE. THIS SHALL NOT PREVENT A BUSINESS FROM USING A STORAGE UNIT TO WAREHOUSE THEIR PRODUCT.**

§ 50-115. SMOKING LOUNGE

A. **NO SMOKING LOUNGE MAY BE LOCATED WITHIN 500 FEET OF A GROUP C ADDITIONALLY REGULATED USE.**

§ 50-116. SOLAR ENERGY COLLECTIONS SYSTEM-LARGE (CAPACITY GREATER THAN OR EQUAL TO 250 KILOWATTS)

A. **LARGE SOLAR ENERGY COLLECTIONS SYSTEMS ARE ALLOWED AS A PERMITTED USE IN THE GI-1 AND GI-2 DISTRICTS, AS A SPECIAL LAND USE IN THE COMMERCE AND EMPLOYMENT, PRODUCTION CENTER AND OPEN SPACE DISTRICTS, AND AS AN ACCESSORY USE IN THE CC, DE, UC AND IC DISTRICTS.**

1. **LARGE SOLAR ENERGY SYSTEMS AS ACCESSORY USES ARE ONLY PERMITTED ON LOTS OF 100,000 OR GREATER SQUARE FEET.**

B. CONSTRUCTION AND OPERATION OF LARGE-SCALE GROUND-MOUNTED SOLAR FACILITIES MUST BE CONSISTENT WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS, INCLUDING BUT NOT LIMITED TO ALL APPLICABLE SAFETY, CONSTRUCTION, ENVIRONMENTAL, ELECTRICAL, COMMUNICATIONS AND AVIATION REQUIREMENTS.

C. SETBACKS AND LOCATION. ALL PARTS OF THE SYSTEM SHALL BE SET BACK AT LEAST TEN FEET FROM THE LOT LINES, OR BUILDINGS ON THE LOT. NO PART OF THE SYSTEM SHALL BE LOCATED IN A PUBLIC UTILITY EASEMENT.

1. BUILDING-MOUNTED SYSTEMS

I. LOCATION. BUILDING MOUNTED SYSTEMS MAY BE LOCATED ON ANY ROOF FACE OF PRINCIPAL OR ACCESSORY STRUCTURES. SYSTEMS SHOULD BE FLUSH MOUNTED WHEN POSSIBLE.

II. ROOF OVERHANG. NO PART OF THE SYSTEM SHALL EXTEND OVER THE EDGE OF THE ROOF.

III. MEASURING HEIGHT. HEIGHT IS MEASURED FROM THE ROOF SURFACE ON WHICH THE SYSTEM IS MOUNTED TO THE HIGHEST EDGE OF THE SYSTEM.

IV. MAXIMUM HEIGHT.

A. SYSTEMS MAY EXCEED THE MAXIMUM HEIGHT FOR A DISTRICT BUT SHALL NOT EXTEND BEYOND FIFTEEN FEET ABOVE SURFACE OF A FLAT ROOF OR TEN FEET ABOVE THE HIGHEST PEAK OF A PITCHED ROOF.

2. FREE-STANDING SYSTEMS

I. MAXIMUM HEIGHT. MAXIMUM HEIGHT SHALL BE 30 FEET IN HEIGHT, MEASURED FROM THE GRADE AT THE BASE OF THE POLE TO THE HIGHEST EDGE OF THE SYSTEM.

D. A PRINCIPAL BUILDING ASSOCIATED WITH THE INSTALLATION IS PERMITTED FOR OFFICE USE. THE SETBACKS FOR THIS STRUCTURE SHOULD FOLLOW THE STANDARDS FOR THE DISTRICT.

E. LOCATION. LARGE SOLAR COLLECTION SYSTEMS ARE PERMITTED IN THE GI DISTRICTS AND ARE A SPECIAL LAND USE IN THE PC, CE AND OS DISTRICTS.

ATTACHMENT:
DIAGRAM 50-116 (EXHIBIT 54)

§ 50-117. SOLAR ENERGY COLLECTIONS SYSTEM-SMALL (CAPACITY LESS THAN 250 KILOWATTS)

A. SMALL SOLAR ENERGY COLLECTION SYSTEMS ARE ALLOWED AS AN ACCESSORY USE IN ALL DISTRICTS, AS A PERMITTED USE IN THE CC, CE, GI-1 AND GI-2 DISTRICTS, AND AS A SPECIAL LAND USE IN THE UC AND OS DISTRICTS WITH THE FOLLOWING CONDITIONS.

1. BUILDING-MOUNTED SYSTEMS

I. LOCATION. BUILDING MOUNTED SYSTEMS MAY BE LOCATED ON ANY ROOF FACE OF PRINCIPAL OR ACCESSORY STRUCTURES. SYSTEMS SHOULD BE FLUSH MOUNTED WHEN POSSIBLE.

II. QUANTITY. THE TOTAL SQUARE FOOTAGE OF THE SYSTEM PANELS MAY NOT EXCEED THE TOTAL AREA OF ROOF SURFACE OF THE STRUCTURE TO WHICH THE SYSTEM IS ATTACHED.

III. ROOF OVERHANG. NO PART OF THE SYSTEM SHALL EXTEND OVER THE EDGE OF THE ROOF.

IV. MEASURING HEIGHT. HEIGHT IS MEASURED FROM THE ROOF SURFACE ON

WHICH THE SYSTEM IS MOUNTED TO THE HIGHEST EDGE OF THE SYSTEM.

V. MAXIMUM HEIGHT.

A. SYSTEMS MAY EXCEED THE MAXIMUM HEIGHT FOR A DISTRICT BUT SHALL NOT EXTEND MORE THAN FIVE FEET ABOVE THE SURFACE OF A FLAT ROOF OR THE HIGHEST PEAK OF A PITCHED ROOF.

2. FREE-STANDING SYSTEMS

I. LOCATION. SYSTEMS ARE PERMITTED IN THE REAR AND SIDE YARDS ONLY.

II. MAXIMUM HEIGHT. MAXIMUM HEIGHT SHALL BE 15 FEET IN HEIGHT, MEASURED FROM THE GRADE AT THE BASE OF THE POLE TO THE HIGHEST EDGE OF THE SYSTEM.

III. SETBACKS. ALL PARTS OF THE FREESTANDING SYSTEM SHALL FOLLOW THE SETBACK REQUIREMENTS OF A DETACHED ACCESSORY STRUCTURE FOUND IN SECTION 50-60(G) OF THIS CHAPTER. ALL PARTS OF A FREESTANDING SYSTEM THAT IS THE PRIMARY USE OF A PARCEL MUST BE SETBACK AT LEAST 10 FEET FROM ALL LOT LINES.

IV. ACCESSORY STRUCTURE. A FREE-STANDING SYSTEM SHALL COUNT TOWARD THE MAXIMUM NUMBER OF ACCESSORY STRUCTURES ALLOWED BUT DOES NOT COUNT TOWARD THE

MAXIMUM GROSS FLOOR AREA OF ACCESSORY STRUCTURES.

V. LOT COVERAGE. A FREE-STANDING SYSTEM ALLOWED AS A PERMITTED OR SPECIAL LAND USE MAY OCCUPY UP TO 90 PERCENT OF THE TOTAL LOT.

VI. ACCESSORY USE ON AN ADJACENT, VACANT LOT. A FREE-STANDING SYSTEM MAY OCCUPY A SEPARATE VACANT LOT ADJACENT TO THE SIDE OR REAR OF THE LOT CONTAINING THE PRINCIPAL USE UNDER THE FOLLOWING CONDITIONS:

A. THE OWNER OF THE LOT OF THE PRINCIPAL USE OWNS OR LEASES THE VACANT LOT.

B. THE FREE-STANDING SYSTEM STILL FOLLOWS THE SETBACK REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES.

C. THE AREA THE FREE-STANDING SYSTEM OCCUPIES IS NOT GREATER THAN 60 PERCENT OF THE TOTAL LOT WHEN ACCESSORY TO A RESIDENTIAL USE, AND NOT GREATER THAN 75 PERCENT WHEN ACCESSORY TO A COMMERCIAL USE.

A. ZONING LOTS WITHIN HISTORIC DISTRICTS ARE SUBJECT TO THE ADDITIONAL REQUIREMENTS OF THE DISTRICT.

ATTACHMENT:
DIAGRAM 50-117 (EXHIBIT 55)

§ 50-118. TEMPORARY STRUCTURES AND USES

A. PURPOSE. THIS SECTION ALLOWS FOR THE ESTABLISHMENT OF CERTAIN TEMPORARY USES OR SPECIAL EVENTS OF LIMITED DURATION, PROVIDED THAT SUCH USES COMPLY WITH THE STANDARDS IN THIS SECTION AND ARE DISCONTINUED UPON THE EXPIRATION OF AN APPROVED TIME PERIOD. THE ZONING COORDINATOR MAY ISSUE A PERMIT FOR TEMPORARY STRUCTURES AND USES BASED UPON RECEIPT OF AN APPLICATION, PLOT PLAN, COMPLIANCE WITH PERMIT REQUIREMENTS OF THIS SECTION, AND A PERMIT FEE AS APPLICABLE. TABLE 50-118A IDENTIFIES THE DURATION OF A PERMIT FOR A GIVEN TEMPORARY USE, AS WELL AS THE TYPE OF PERMIT REQUIRED.

ATTACHMENT:
TABLE 50-118A (EXHIBIT 56)

B. TEMPORARY USES, STRUCTURES OR EVENTS. TEMPORARY USES OR SPECIAL EVENTS THAT OCCUR IN THE PUBLIC RIGHT-OF-WAY OR OTHER LAND SHALL BE GOVERNED BY THE APPLICABLE CITY POLICIES. TEMPORARY USES, STRUCTURES OR EVENTS ON PRIVATE PROPERTY SHALL:

1. **BE COMPATIBLE WITH THE PRINCIPAL USES TAKING PLACE ON THE SITE;**
2. **NOT BE DETRIMENTAL TO PROPERTY OR IMPROVEMENTS IN THE SURROUNDING AREA;**
3. **NOT HAVE SUBSTANTIALLY ADVERSE EFFECTS OR NOISE IMPACTS ON NEARBY RESIDENTIAL NEIGHBORHOODS OR TO THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE;**
4. **NOT INCLUDE PERMANENT ALTERATIONS TO A STRUCTURE OR THE SITE;**
5. **NOT MAINTAIN TEMPORARY SIGNS ASSOCIATED WITH THE USE OR STRUCTURE AFTER THE ACTIVITY ENDS;**
6. **NOT VIOLATE THE APPLICABLE CONDITIONS OF APPROVAL THAT APPLY TO A SITE OR USE ON THE SITE;**
7. **NOT INTERFERE WITH THE NORMAL OPERATIONS OF ANY PERMANENT USE**

LOCATED ON THE PROPERTY;

8. CONTAIN SUFFICIENT LAND AREA TO ALLOW THE TEMPORARY USE, STRUCTURE, OR SPECIAL EVENT TO OCCUR, AS WELL AS ADEQUATE LAND TO ACCOMMODATE THE PARKING AND TRAFFIC MOVEMENT ASSOCIATED WITH THE TEMPORARY USE.

C. CONSTRUCTION-RELATED TEMPORARY STRUCTURES. A PLOT PLAN FOR A TEMPORARY, CONSTRUCTION- RELATED STRUCTURE SHALL SPECIFY BUILDING LOCATION, ASSIGNED PARKING AREAS AND OTHER RELEVANT INFORMATION AS PART OF A SUBMITTAL. THE PERMIT SHALL BE VALID FOR A PERIOD OF NOT MORE THAN TWELVE (12) CALENDAR MONTHS. PERMITS FOR THE SAME LOCATION AND FOR THE SAME PURPOSE MAY BE RENEWED BY THE ZONING COORDINATOR FOR ONE (1) SUCCESSIVE PERIOD OF UP TO TWELVE (12) CALENDAR MONTHS PROVIDED THE EXTENSION IS NEEDED DUE TO CIRCUMSTANCES BEYOND THE IMMEDIATE CONTROL OF THE APPLICANT. THE FOLLOWING TEMPORARY CONSTRUCTION-RELATED BUILDINGS AND USES ARE PERMITTED, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. INCIDENTAL AND NECESSARY USE. TEMPORARY OFFICE BUILDING OR CONSTRUCTION YARD INCIDENTAL AND NECESSARY TO CONSTRUCTION AT THE SITE.

2. MAXIMUM DURATION. TEMPORARY SALES OFFICE OR MODEL HOME INCIDENTAL TO AND NECESSARY FOR THE SALE OR RENTAL OF REAL PROPERTY IN A NEW SUBDIVISION OR HOUSING PROJECT. IN ANY CASE, THE TEMPORARY OFFICE OR MODEL HOME SHALL BE REMOVED WHEN FIFTY (50) PERCENT OF THE LOTS OR UNITS HAVE BEEN SOLD OR LEASED.

D. TEMPORARY STORAGE IN A PORTABLE COMMERCIAL SHIPPING CONTAINER. TEMPORARY STORAGE IN A PORTABLE COMMERCIAL SHIPPING CONTAINER SHALL BE PERMITTED TO SERVE AN EXISTING USE, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. CONFORMING USE. THE DEPARTMENT OF PLANNING AND DEVELOPMENT HAS

APPROVED THE LOT FOR THE EXISTING USE.

2. LOCATION. THE CONTAINER IS NOT LOCATED:

   I. IN THE FRONT YARD, NOR

   II. WITHIN TEN (10) FEET OF ANY LOT LINE OR STRUCTURE.

3. ACCESS. THE CONTAINER IS NOT LOCATED IN A MANNER THAT IMPEDES INGRESS, EGRESS, OR EMERGENCY ACCESS.

4. MAXIMUMDURATION. THE MAXIMUM DURATION OF USE SHALL NOT EXCEED THIRTY (30) TOTAL DAYS OVER A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS.

E. TEMPORARY PORTABLE RESIDENTIAL STORAGE CONTAINERS. THE FOLLOWING REQUIREMENTS SHALL APPLY TO PORTABLE RESIDENTIAL STORAGE CONTAINERS:

1. MAXIMUM SIZE. THE MAXIMUM ALLOWABLE SIZE IS ONE HUNDRED FIFTY (150) SQUARE FEET WITH AN OVERALL LENGTH NOT TO EXCEED SIXTEEN (16) FEET.

2. CLEAR VISION. CLEAR VISION AREAS SHALL BE MAINTAINED AT ALL TIMES, AND PORTABLE STORAGE CONTAINERS SHALL NOT OBSTRUCT THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC.

3. LOCATION. PORTABLE STORAGE CONTAINERS SHALL BE PLACED ON A CONCRETE OR ASPHALT SURFACE NO CLOSER THAN TEN (10) FEET FROM THE FRONT LOT LINE.

4. CONDITION. ALL PORTABLE STORAGE CONTAINERS IN USE ON A LOT SHALL BE IN A CONDITION FREE FROM RUST, PEELING PAINT, AND OTHER VISIBLE FORMS OF DETERIORATION.

5. NUMBER OF CONTAINERS. TWO (2) CONTAINERS MAY BE ON THE SAME LOT AT THE SAME TIME, PROVIDED THE MAXIMUM SQUARE FOOTAGE AND OVERALL LENGTH IN SUBSECTION (E)(1) ABOVE IS NOT EXCEEDED.

6. MAXIMUM DURATION. THE MAXIMUM DURATION OF USE SHALL BE A TOTAL OF THIRTY (30) DAYS, NOT EXCEEDING THREE (3) TIMES OVER A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS.

7. SIGNAGE. TOTAL SIGNAGE ON PORTABLE STORAGE CONTAINERS SHALL NOT EXCEED THIRTY TWO (32) SQUARE FEET.

F. GRAND OPENINGS, PARKING LOT SALES, SIDEWALK SALES, CLEARANCE SALES AND SPECIAL EVENTS. THE TEMPORARY OUTDOOR SALE OF MERCHANDISE, GOODS, MATERIALS OR SERVICES MAY OCCUR IN THE NC, CC, AND DE ZONING DISTRICTS. SUCH USES ARE PERMITTED, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. ACCESSORY USE. OUTDOOR TEMPORARY SALES OR SERVICES SHALL BE AN ANCILLARY FUNCTION TO A PERMITTED USE LOCATED ON THE SAME LOT.

2. PARKING AND ACCESS. ADEQUATE PARKING AND EMERGENCY VEHICLE ACCESS SHALL EXIST, AND A DESIGNATED OFF-STREET PARKING AREA SHALL BE PROVIDED THAT DOES NOT INTERRUPT THE FLOW OF TRAFFIC ON PUBLIC STREETS, OR IMPEDED ACCESS TO THE PRIMARY USE OR PEDESTRIAN MOVEMENTS.

3. AREA OF OPERATION. THE AREA OF OPERATION FOR ALL ACTIVITIES ASSOCIATED WITH OUTDOOR TEMPORARY SALES OR SERVICE:

   I. SHALL NOT EXCEED EIGHT HUNDRED (800) SQUARE FEET AND NO DIMENSION SHALL EXCEED FORTY (40) LINEAR FEET, AND

   II. SHALL BE LOCATED ON AN ASPHALT, CONCRETE OR EQUIVALENT SURFACE.

4. PROHIBITED SALES. SALES OF MERCHANDISE OR THE PROVISION OF SERVICES UNRELATED TO THE PERMITTED PRIMARY USE IS NOT ALLOWED, EXCEPT ANY PERMITTED PRIMARY USE MAY

PERMIT AN OUTDOOR TEMPORARY SALES OR SERVICE USE OPERATED BY OR IN SUPPORT OF OR AS A FUNDRAISER FOR A NONPROFIT ORGANIZATION.

5. MAXIMUM DURATION. THE MAXIMUM DURATION SHALL BE NO MORE THAN TWO (2) EVENTS WITHIN A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS ON THE SAME PROPERTY, UP TO FOURTEEN (14) DAYS PER EVENT.

6. HOURS OF OPERATION. HOURS OF OPERATION MUST BE CONSISTENT WITH THE PRINCIPAL USE.

7. SITE MAINTENANCE. THE SITE SHALL BE KEPT CLEAN AND IN GOOD CONDITION. ALL WASTE MUST BE REMOVED DAILY.

8. MINIMUM WALKWAY. A MINIMUM PEDESTRIAN WALKWAY OF AT LEAST FIVE (5) FEET IN WIDTH ALONG THE FRONT OF THE DISPLAY/SALES AREAS SHALL BE MAINTAINED.

G. OUTDOOR DISPLAY (NO OUTDOOR TRANSACTIONS). THE OUTDOOR DISPLAY OF GOODS AVAILABLE IN A RETAIL USE IS PERMITTED IN THE NC, CC, MR-2, MR-3, DE, DC, UC AND CE DISTRICTS, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. PROHIBITED DISPLAY. DISPLAY OF MERCHANDISE OR SERVICES UNRELATED TO OR UNAVAILABLE IN THE PERMITTED PRIMARY USE IS PROHIBITED.

2. DISTANCE FROM BUILDING. THE ITEMS OR PRODUCTS ON DISPLAY SHALL BE LOCATED NO FARTHER THAN TWENTY (20) FEET FROM THE PRIMARY BUILDING ON LOTS LESS THAN 10,000 SQUARE FEET.

3. MINIMUM WALKWAY. A MINIMUM PEDESTRIAN WALKWAY OF AT LEAST FIVE (5) FEET IN WIDTH ALONG THE FRONT OF THE DISPLAY/SALES AREAS SHALL BE MAINTAINED.

H. ASSEMBLYAND FUNDRAISING ACTIVITIES. ASSEMBLY ACTIVITIES (E.G., CARNIVALS, FAIRS, RODEOS, SPORT EVENTS, CONCERTS, AND SHOWS) AND FUNDRAISING ACTIVITIES

(E.G. POLITICAL FUNDRAISERS, AUCTIONS) AS A TEMPORARY USE THAT BENEFIT A COMMUNITY SERVICE GROUP OR NON-PROFIT ORGANIZATION ARE PERMITTED IN COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. **PARKING AND ACCESS. ADEQUATE PARKING AND EMERGENCY VEHICLE ACCESS SHALL EXIST, AND A DESIGNATED OFF-STREET PARKING AREA SHALL BE PROVIDED THAT DOES NOT INTERRUPT THE FLOW OF TRAFFIC ON PUBLIC STREETS, OR IMPEDED ACCESS TO THE PRIMARY USE OR PEDESTRIAN MOVEMENTS.**

2. **HOURS OF OPERATION. HOURS OF OPERATION SHALL START NO EARLIER THAN 8:00 A.M. AND END NO LATER THAN 8:00 P.M. IN ALL RESIDENTIAL ZONE DISTRICTS, EXCEPT ON FRIDAYS AND SATURDAYS THE HOURS MAY EXTEND TO 10 PM. ALL OTHER DISTRICTS SHALL OPERATE WITHIN THE HOURS OF 8:00 A.M. TO 11:00 P.M. UNLESS OTHERWISE APPROVED BY THE ZONING COORDINATOR.**

3. **MAXIMUM DURATION. THE MAXIMUM DURATION OF USE SHALL BE FOUR (4) CONSECUTIVE DAYS FOR ANY ONE (1) EVENT INCLUDING SETUP AND TAKEDOWN, NOT TO EXCEED FOUR (4) EVENTS WITHIN A PERIOD OF TWELVE (12) CALENDAR MONTHS.**

4. **TEMPORARY SIGNS. TEMPORARY SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH ARTICLE 15 OF THIS CHAPTER FOR EACH EVENT OCCURRENCE. SIGNS MAY BE DISPLAYED NO MORE THAN TEN (10) DAYS PRIOR TO THE EVENT AND SHALL BE REMOVED WITHIN 24 HOURS AFTER THE CONCLUSION OF THE EVENT.**

5. **FUNDRAISING AGREEMENT. GOODS OR SERVICES BEING SOLD BY A COMMERCIAL ENTITY FOR THE PURPOSES OF A FUNDRAISING EVENT SHALL PROVIDE EVIDENCE OF AN EVENT AGREEMENT WITH THE COMMUNITY SERVICE GROUP OR NON-PROFIT ORGANIZATION.**

I. **FARMERS' MARKET. FARMERS' MARKETS PROVIDE FOR THE TEMPORARY SALE OF AN ARRAY OF AGRICULTURAL AND CRAFT PRODUCTS FOR AN EXTENDED PERIOD OF TIME, INVOLVING MULTIPLE VENDORS OCCUPYING ONE OR MORE STALL SPACES.**

1. **PERMANENT OR TEMPORARY USE. FARMERS' MARKETS AS A TEMPORARY USE ARE PERMITTED IN THE MR-2, MR-3, NC, CC, DE, DC, CE, IC, AND UC DISTRICTS. AS A PERMANENT USE THEY ARE ALLOWED IN THE NC, DE, AND UC DISTRICTS.**

2. **DURATION AND HOURS FOR TEMPORARY FARMERS MARKETS. THE MAXIMUM DURATION OF A TEMPORARY FARMERS' MARKET IS NINE (9) MONTHS PER YEAR. ACTIVITY IS LIMITED TO NO MORE THAN THREE (3) DAYS PER WEEK, FROM 7 AM TO 7 PM. EXPANSION OF NUMBER OF DAYS OR HOURS OF OPERATION IS SUBJECT TO SPECIAL LAND USE PROCEDURES OF ARTICLE 17.**

3. **MINIMUM WALKWAY. A MINIMUM PEDESTRIAN WALKWAY OF AT LEAST FIVE (5) FEET IN WIDTH ALONG THE FRONT OF THE DISPLAY/SALES AREAS SHALL BE MAINTAINED.**

4. **ITEMS FOR SALE. ITEMS AVAILABLE FOR SALE SHALL BE LIMITED TO PRODUCTS OBTAINED PRIMARILY THROUGH FARMING OR AGRICULTURAL USES. SUCH AS:**

   I. **FARM PRODUCE**

   II. **FRESH MEAT, EGGS OR DAIRY PRODUCTS**

   III. **FOOD PRODUCTS HAND CRAFTED BY THE VENDOR OR A FAMILY MEMBER**

   IV. **HAND-CRAFT ITEMS**

5. **HAND-CRAFT SALES AREA LIMIT. NO MORE THAN TWENTY (20) PERCENT OF THE MARKET'S SALES AREA MAY BE USED FOR THE SALE OF HAND-MADE CRAFT ITEMS (E.G. JEWELRY, POTTERY, APPAREL, FINE ARTS, ETC.).**

6. **FOOD CARTS AND TRUCKS IN FARMERS' MARKETS ARE STILL**

SUBJECT TO THE REGULATIONS IN THIS ARTICLE.

J. OUTDOOR SEASONAL SALES. THE OUTDOOR SALE OF CERTAIN SEASONAL AGRICULTURAL AND NON-AGRICULTURAL PRODUCTS IS PERMITTED, SUBJECT TO THE FOLLOWING DEFINITIONS AND REQUIREMENTS:

1. SEASONAL SALES. SEASONAL SALES SHALL BE DEFINED AS THE TEMPORARY OUTDOOR SALE OF A LIMITED RANGE OF SEASONAL PRODUCTS (E.G. PUMPKINS IN OCTOBER, CHRISTMAS TREES IN NOVEMBER-DECEMBER, FIREWORKS IN JUNE AND JULY ETC.) AND DO NOT INCLUDE THE SALE OF FRESH PRODUCE THROUGH A PRODUCE STAND (SEE SECTION 50-95 IN THIS ARTICLE) OR PERMANENT OR TEMPORARY FARMERS' MARKETS. SEASONAL SALES ARE LIMITED TO ONE (1) VENDOR PER LOT.

   I. SEASONAL SALES ARE PERMITTED IN COMMERCIAL ZONE DISTRICTS, AND IN ALL OTHER ZONE DISTRICTS ON LOTS APPROVED FOR EDUCATIONAL, GOVERNMENT OR INSTITUTIONAL USES.

   II. THE MAXIMUM DURATION OF SEASONAL SALES SHALL BE FORTY FIVE (45) CONSECUTIVE DAYS ON A LOT OR PARCEL, NOT TO EXCEED TWO (2) EVENTS IN A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS, WITH AT LEAST FIFTEEN (15) DAYS BETWEEN ANY TWO SEASONAL SALES EVENTS ON THE SAME LOT/PARCEL.

   III. IF A SEASONAL OUTDOOR SALE IS PROPOSED FOR A PARKING LOT OF AN ACTIVE USE, THE APPLICANT SHALL DEMONSTRATE THAT THE SEASONAL OUTDOOR SALE WILL NOT OCCUPY REQUIRED PARKING SPACES,

AND LEAVE AMPLE PARKING SPACES FOR PRINCIPAL USES AND FOR BOTH THE SEASONAL OUTDOOR SALE AND ANY OTHER USE ON SITE.

IV. THE SEASONAL OUTDOOR SALES USE SHALL HAVE UP TO FIVE (5) DAYS TO ESTABLISH THE TEMPORARY USE, INCLUDING ERECTION OF TENTS, MERCHANDISE PLACEMENT AND PLACEMENT OF TEMPORARY SIGNS.

V. SEASONAL OUTDOOR SALES MAY INCLUDE UP TO 1 PRIMARY TENT PLUS 1 ADDITIONAL TEMPORARY TENT OR STORAGE CONTAINER OR TRAILER. NO TENT SHALL EXCEED 2,400 SQUARE FEET IN AREA OR 20 FEET IN HEIGHT.

VI. THE GENERAL COLOR SCHEME OF ANY CONTAINER OR TRAILER SHALL BE IN KEEPING WITH THE GENERAL COLOR SCHEME OF THE SURROUNDING DEVELOPMENT OR A NEUTRAL COLOR. ANY CONTAINER OR TRAILER SHALL NOT BE PLACED CLOSER TO THE PUBLIC STREET THAN THE TENT.

VII. A MINIMUM PEDESTRIAN WALKWAY OF AT LEAST FIVE (5) FEET IN WIDTH ALONG THE FRONT OF THE DISPLAY/SALES AREAS SHALL BE MAINTAINED.

VIII. SEASONAL OUTDOOR SALES MAY HAVE ONE SIGN ATTACHED TO A TENT OR OTHER STRUCTURE ON THE SITE. THE SIGN AREA SHALL NOT EXCEED 75 SQUARE FEET. FOR CORNER LOTS, ONE ADDITIONAL SIGN OF UP TO 75 SQUARE FEET MAY BE PERMITTED. IN ADDITION, SIGNS

REQUIRED BY LAW DESIGNATING FIRE ROUTES, TENT ENTRANCES AND EXITS SHALL BE PERMITTED. ALSO, DIRECTIONAL SIGNS UP TO 4 SQUARE FEET IN AREA AND NOT GREATER THAN THREE (3) FEET IN HEIGHT MAY BE PERMITTED AT DRIVEWAYS SERVING THE SITE AND UP TO 4 ADDITIONAL DIRECTIONAL SIGNS MAY BE PLACED AT LOCATIONS WITHIN THE SITE IF NECESSARY FOR WAYFINDING AND/OR TRAFFIC SAFETY. NO BALLOONS, FESTOONS, INFLATABLES OR OTHER SIMILAR DEVICES DESIGNED TO ATTRACT ATTENTION TO THE SITE OR USE SHALL BE PERMITTED.

IX. FIREWORKS SALES MUST BE IN ACCORDANCE WITH THE MICHIGAN FIREWORKS SAFETY ACT (PA 256).

2. TEMPORARY USE PERMIT ADDITIONAL INFORMATION. PRIOR TO THE OPENING OF A SEASONAL SALES AN APPLICATION FOR A TEMPORARY USE PERMIT SHALL BE SUBMITTED FOR REVIEW. IN ADDITION TO THE ITEMS LISTED SUBSECTION M, THE FOLLOWING ARE REQUIRED:

   I. WRITTEN RULES OF OPERATION OR MANAGEMENT PLAN.

   II. DAYS AND HOURS OF OPERATION, PERIOD OF TIME TO BE IN OPERATION, AND A LIST OF PRODUCTS TO BE SOLD.

B. SURFACE PARKING LOTS.

1. TEMPORARY SURFACE PARKING LOTS ARE PERMITTED IN ANY RESIDENTIAL OR INSTITUTIONAL DISTRICT AS OVERFLOW PARKING SUBJECT ZONING COORDINATOR APPROVAL BASED ON

THE FOLLOWING REQUIREMENTS AND CONDITIONS:

I. ADJACENCY. THE LOT BEING PROPOSED FOR OVERFLOW PARKING MUST BE DIRECTLY ADJACENT TO OR ACROSS THE STREET FROM THE LOT CONTAINING THE USE PRODUCING THE DEMAND FOR EXCESS PARKING.

II. PERMEABILITY. PAVING A VACANT, UNPAVED LOT WITH IMPERVIOUS MATERIAL SUCH AS ASPHALT IS PROHIBITED. IN ORDER TO RETAIN OR IMPROVE THE VACANTLOT'S STORMWATER MANAGEMENT PERFORMANCE, THE PARKING AREA SHALL BE SURFACED WITH GRAVEL, CRUSHED SHELLS OR STONES OR SIMILAR MATERIAL, OR PAVED WITH PERMEABLE PAVERS.

III. PARKING LOT PLOT PLAN. A PLOT PLAN SHALL BE SUBMITTED THAT INCLUDES SITE DIMENSIONS, EXISTING PUBLIC IMPROVEMENTS, AND PROPOSED SITE LAYOUT OF THE TEMPORARY PARKING LOT. INTERIOR PARKING LOT LANDSCAPE PARKING REQUIREMENTS LISTED IN ARTICLES 12 AND 13 SHALL BE WAIVED FOR TEMPORARY SURFACE PARKING LOTS FOR OVERFLOW. MINIMUM PARKING LOT SCREENING AND BICYCLE REQUIREMENTS SHALL APPLY IF THE PARKING LOT WILL BE USED FOR MORE THAN SIX (6) MONTHS.

IV. MAXIMUM DURATION. THE DURATION OF THE USE SHALL BE ONE (1) YEAR. THIS PERIOD MAY BE RENEWED FOR UP

TO ONE (1) ADDITIONAL YEAR, UPON APPROVAL OF A WRITTEN REQUEST SUBMITTED TO THE ZONING COORDINATOR AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE TEMPORARY USE PERMIT.

2. TEMPORARY SURFACE PARKING LOTS ARE PERMITTED IN ANY COMMERCIAL, EMPLOYMENT, INDUSTRIAL AND INSTITUTIONAL DISTRICTS PENDING THE CONSTRUCTION OF A DEVELOPMENT PROJECT. APPROVAL OF A TEMPORARY PARKING LOT IS SUBJECT TO ZONING COORDINATOR APPROVAL BASED ON THE FOLLOWING REQUIREMENTS AND CONDITIONS:

   I. PARKING LOT PLOT PLAN. A PLOT PLAN SHALL BE SUBMITTED THAT INCLUDES SITE DIMENSIONS, EXISTING PUBLIC IMPROVEMENTS, AND PROPOSED SITE LAYOUT OF THE TEMPORARY PARKING LOT. INTERIOR PARKING LOT LANDSCAPE, PEDESTRIAN AND BICYCLE PARKING REQUIREMENTS LISTED IN ARTICLES 12 AND 13 SHALL BE WAIVED FOR TEMPORARY SURFACE PARKING LOTS. MINIMUM PARKING LOT SCREENING REQUIREMENTS SHALL APPLY IF THE PARKING LOT WILL BE USED FOR MORE THAN SIX (6) MONTHS.

   II. APPROVED DEVELOPMENT PLAN. EVIDENCE OF AN APPROVED SITE PLAN FOR A NEW DEVELOPMENT SHALL BE SUBMITTED WITH THE TEMPORARY USE PERMIT. A RESOLUTION OF APPROVAL BY THE ZONING COORDINATOR OR PLANNING COMMISSION MAY BE USED TO

SATISFY THIS REQUIREMENT.

III. PHASING DESCRIPTION. A LETTER DEFINING THE VARIOUS PHASES OF THE DEVELOPMENT PROJECT WITH ANTICIPATED DATES OF COMPLETION SHALL BE SUBMITTED AS PART OF THE REQUEST.

IV. MAXIMUM DURATION. THE DURATION OF THE USE SHALL BE ONE (1) YEAR. THIS PERIOD MAY BE RENEWED FOR UP TO ONE (1) ADDITIONAL YEAR, UPON APPROVAL OF A WRITTEN REQUEST SUBMITTED TO THE ZONING COORDINATOR AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE TEMPORARY USE PERMIT.

C. FOOD PREPARATION AND COOKING (NOT FOOD TRUCK OR CART). OUTDOOR FOOD PREPARATION AND COOKING SHALL BE SUBJECT TO TEMPORARY USE APPROVAL AND THE FOLLOWING REQUIREMENTS:

1. FOOD PREPARATION SHALL BE DIRECTLY RELATED TO THE PRINCIPAL USE ON THE SAME LOT.

2. MEETS ALL HEALTH CODES AND CITY LICENSING AND PERMIT REQUIREMENTS.

3. ALL EQUIPMENT SHALL BE LOCATED ON PRIVATE PROPERTY.

4. COOKING APPARATUS MUST BE SEPARATED FROM AREAS OF PEDESTRIAN MOVEMENT.

5. SMOKE EMISSIONS SHALL NOT IMPAIR PEDESTRIANOR VEHICULAR SIGHT DISTANCES OR SERVE AS A DISTRACTION AT STREET INTERSECTIONS.

D. GARAGE SALES. GARAGE SALES DO NOT REQUIRE A PERMIT, HOWEVER SUCH SALES SHALL NOT OCCUR MORE THAN TWO (2) TIMES WITHIN A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS, AND FOR NO MORE THAN THREE (3) CONSECUTIVE DAYS PER SALE. ITEMS OFFERED FOR

SALE SHALL BE LIMITED TO PERSONAL PROPERTY NOT ACQUIRED FOR RESALE BY THE RESIDENTS OF THE LOT WHERE THE SALE OCCURS. SALES THAT OCCUR MORE FREQUENTLY OR DO NOT INVOLVE PERSONAL EFFECTS SHALL BE CONSIDERED A COMMERCIAL RETAIL SALES BUSINESS AND ARE PROHIBITED IN A RESIDENTIAL ZONE DISTRICT.

E. TEMPORARY USE PERMIT REQUIREMENTS. APPROVAL OF A TEMPORARY USE PERMIT IS SUBJECT TO THE FOLLOWING REQUIREMENTS AND CONDITIONS:

1. A COMPLETE APPLICATION.

2. A PLOT PLAN THAT INCLUDES THE LOCATION AND DIMENSIONS OF THE SALES AND PARKING AREAS; SITE DIMENSIONS OF ANY BUILDINGS OR TENTS; AND EXISTING PUBLIC IMPROVEMENTS, SUCH AS FIRE HYDRANTS, BUS SHELTERS, TREES AND TREE GRATES AND PARKING METERS. CERTAIN TEMPORARY USE SITE PLANS MAY REQUIRE ADDITIONAL OR DIFFERENT INFORMATION, SEE SPECIFIC USE SUBSECTION FOR DETAILS.

3. PHOTOGRAPHS OF THE AREA(S) WHERE THE TEMPORARY USE WILL OCCUR.

4. PROOF OF OWNERSHIP. PROOF OF OWNERSHIP OR A SIGNED LETTER OF PERMISSION FROM EITHER THE PROPERTY OWNER OR RESPONSIBLE PERSON SHALL BE INCLUDED IN THE TEMPORARY PERMIT APPLICATION.

5. TEMPORARY STRUCTURES. ALL TEMPORARY STRUCTURES SHALL CONFORM TO THE ZONING DISTRICT SETBACK REQUIREMENTS, UNLESS OTHERWISE SPECIFIED IN THE APPROVAL.

6. SANITARY FACILITIES. SANITARY FACILITIES, EITHER PORTABLE OR PERMANENT, SHALL BE MADE AVAILABLE TO ALL EMPLOYEES, ATTENDANTS AND PARTICIPANTS DURING HOURS OF OPERATION. IF PORTABLE, THEY SHALL BE MAINTAINED TO MINIMIZE ODORS AND TO REMAIN FULLY FUNCTIONAL.

7. PARKING. THE NUMBER OF ADDITIONAL PARKING SPACES REQUIRED FOR THE

TEMPORARY USE OR BUILDING SHALL BE DETERMINED BY THE ZONING COORDINATOR. REQUIRED PARKING SPACES FOR A PERMANENT USE OR BUILDING LOCATED ON THE PROPOSED SITE SHALL BE CONSIDERED IN THE PARKING CALCULATION.

8. ENCROACHMENT PERMIT. ANY USE OF PUBLIC RIGHTS-OF-WAY SHALL REQUIRE A PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS.

9. FEES. THE FEES TO BE CHARGED FOR THE ISSUANCE OF THE PERMIT AND FOR INSPECTIONS BY THE CITY SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL.

10. CLEAN UP. ALL SITES SHALL BE COMPLETELY CLEANED OF DEBRIS AND TEMPORARY STRUCTURES INCLUDING, BUT NOT LIMITED TO: TRASH RECEPTACLES, SIGNS, STANDS, POLES, ELECTRICAL WIRING OR ANY OTHER FIXTURES AND APPURTENANCES OR EQUIPMENT CONNECTED THEREWITH, WITHIN FIVE (5) DAYS OF THE TERMINATION OF THE TEMPORARY USE.

11. CONDITIONS OF APPROVAL. IN GRANTING THE APPROVAL, THE ZONING COORDINATOR MAY ATTACH CONDITIONS TO THE PERMIT THAT WOULD MINIMIZE DISTURBANCE TO AND COMPATIBILITY WITH THE AREA AND SURROUNDING LAND USES, AND/OR PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

12. PERFORMANCE GUARANTEE. AS A CONDITION OF APPROVAL, THE ZONING COORDINATOR MAY REQUIRE A PERFORMANCE GUARANTEE OR SURETY ACCEPTABLE TO THECITY TO ENSURE COMPLIANCE WITH THIS CHAPTER AND ALL OTHER APPLICABLE CITY ORDINANCES, STANDARDS, RULES AND REGULATIONS.

13. OTHER REQUIREMENTS. THIS PERMIT SHALL BE IN ADDITION TO OTHER LICENSES, PERMITS OR APPROVALS OTHERWISE REQUIRED

BY ANY GOVERNMENTAL ENTITY.

§ 50-119. TRANSITIONAL OR EMERGENCY SHELTERS

A. TRANSITIONAL OR EMERGENCY SHELTERS ARE ALLOWED AS A SPECIAL LAND USE IN THE MR-2, MR-3, NC, CC, DE, AND UC DISTRICTS.

B. A TRANSITIONAL OR EMERGENCY SHELTER HAVING MORE THAN TWELVE (12) ADULTS SHALL BE LOCATED AT LEAST ONE THOUSAND FIVE HUNDRED (1,500) FEET FROM ANY OTHER TRANSITIONAL OR EMERGENCY SHELTER, RESIDENTIAL REHABILITATION FACILITY, SINGLE ROOM OCCUPANCY DWELLING, OR SMALL OR LARGE ADULT FOSTER CARE FACILITY.

§ 50-120. URBAN AGRICULTURE

A. URBAN AGRICULTURE IS ALLOWED IN THE TN-2, GN-1, GN-2, GI-1 AND GI-2 DISTRICTS AS A PERMITTED USE AND IN THE UC AND OS DISTRICTS AS AN ACCESSORY USE. URBAN AGRICULTURE IS SUBJECT TO THE FOLLOWING STANDARDS.

1. THE MINIMUM SITE SIZE IS AT LEAST 30,000 CONTIGUOUS SQUARE FEET OR 10 CONTIGUOUS LOTS, THE SMALLER OF WHICH MAY APPLY.

2. A PHASE ONE ENVIRONMENTAL SITE EVALUATION SHALL BE SUBMITTED WITH THE ZONING APPLICATION. THE EVALUATION SHALL INCLUDE:

I. HISTORY OF THE SITE AND SURROUNDING AREA LISTING ALL POTENTIAL SOIL CONTAMINANTS SUSPECTED FROM PAST AND CURRENT LAND USES BASED ON "SOURCES OF CONTAMINANTS IN SOIL", APPENDIX A, OF *URBAN LIVESTOCK TECHNICAL WORKGROUP REPORT* (AN APPENDIX TO *URBAN LIVESTOCK WORKGROUP RECOMMENDATIONS TO DIRECTOR CLOVER-ADAMS AND SENATOR HUNE).*

II. REPRESENTATIVE SAMPLING SOIL TEST RESULTS FOR THE SITE WHICH INCLUDES

TESTING FOR LIKELY CONTAMINANTS BASED ON THE HISTORY OF THE SITE AND FOR LEAD BASED ON SOIL TESTING PROTOCOL DEVELOPED BY WAYNE STATE UNIVERSITY PUBLISHED IN *RISK ANALYSIS* "SPATIAL VARIATION OF SOIL LEAD IN AN URBAN COMMUNITY GARDEN: IMPLICATIONS FOR RISK-BASED SAMPLING" VOLUME 34, ISSUE 1, JANUARY 2014, PAGES 17-27; AND SOIL TESTING PROTOCOL FOR CADMIUM AND ARSENIC BASED ON URBAN AGRICULTURE IN MICHIGAN, THINGS TO CONSIDER ABOUT SOIL AND WATER; *WORKING WITH SOIL IN URBAN AREAS*; AND INTERSTATE TECHNOLOGY REGULATORY COUNCIL'S (ITRC) *INCREMENTAL SAMPLING METHODOLOGY* AND SPECIFIC INSTRUCTIONS FROM THE LABORATORY CONDUCTING THE SOIL ANALYSIS.

3. THE SITE SHALL NOT BE USED FOR URBAN AGRICULTURE UNLESS IT MEETS ONE OF THE FOLLOWING:

III. SOIL TEST RESULTS SHOW AT OR BELOW SAFE CONCENTRATIONS OF SOIL CONTAMINANTS AS SHOWN IN APPENDIX B, OF *URBAN LIVESTOCK TECHNICAL WORKGROUP REPORT* (AN APPENDIX TO *URBAN LIVESTOCK WORKGROUP RECOMMENDATIONS TO DIRECTOR CLOVER-ADAMS AND SENATOR HUNE).*

IV. CONTAMINATED SOIL HAS BEEN REMOVED AND REPLACED WITH CLEAN SOIL.

V. A BARRIER IS PLACED BETWEEN CONTAMINATED SOIL AND CROPS. THE BARRIER SHALL BE SUFFICIENT LAYER(S) OF CLEAN SOIL, CONCRETE, GEOTEXTILE FABRIC, OR ROCK, AND THE BARRIERS SHALL BE CONTINUOUSLY INSPECTED AND REPLACED AS NEEDED.

VI. CROPS ARE ONLY GROWN IN RAISED BEDS.

VII. CROPS ARE KEPT ABOVE THE CONTAMINATED SOIL.

4. STORAGE AND STACKING OF NUTRIENT SOURCES (MANURE PILES, CHEMICAL OR ORGANIC FERTILIZERS) SHALL BE SET BACK 100 FEET FROM ANY SURFACE WATER. WITHIN 10 FEET OF THE WATER'S EDGE (OR LANDWARD BEACH/VEGETATION LINE) A VEGETATION BELT SHALL BE MAINTAINED BY NOT REMOVING TREES WITH A TRUNK DIAMETER OF THREE INCHES AT CHEST HEIGHT, OR GREATER, UNLESS DEAD OR CHRONICALLY DISEASED. TREES AND OTHER WOODY PLANT MATERIAL OF A SMALLER DIAMETER AT CHEST HEIGHT (4½ FEET), SHALL NOT BE REMOVED, EXCEPT TO PRUNE OR CLEAR A FILTERED VIEW OF THE WATER BODY. IT SHALL BE THE LANDOWNER'S RESPONSIBILITY TO MAINTAIN THIS VEGETATION BELT IN A HEALTHY STATE.

5. THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED AS PART OF THE REVIEW PROCESS:

I. CROP AREAS AND GENERAL DESCRIPTION OF PROPOSED CROPS.

II. LOCATION, DESCRIPTION, AND DIMENSIONS OF PROPOSED STRUCTURES.

III. SETBACKS.

IV. FENCING OR WALLS.

V. LOCATION OF COMPOST PILES.

VI. **INGRESS AND EGRESS.**

VII. **LOCATION OF LOADING AREAS.**

VIII. **LOCATION OF TRASH CONTAINERS AND/ OR DUMPSTERS.**

IX. **LOCATION OF STORAGE STRUCTURES AND ITEMS TO BE STORED.**

X. **A NARRATIVE THAT DESCRIBES THE FOLLOWING AS APPLICABLE:**

A. **THE TYPES, METHODS OF APPLICATION, AND STORAGE OF PROPOSED PESTICIDES, HERBICIDES, FERTILIZERS, AND ANY OTHER CHEMICALS THAT WILL BE USED AS PART OF THE OPERATION AND PROCESSES. REFER TO ANY APPLICABLE STATE LAWS AND REGULATIONS REGARDING APPLICATION AND STORAGE.**

B. **THE TYPE OF MACHINERY AND EQUIPMENT PROPOSED OR ANY OTHER FACET OF THE PROPOSED OPERATION, ESPECIALLY AS REGARDS EXTERNAL EMISSIONS, SUCH AS NOISE, VIBRATION, SMOKE, ODOR, DUST, DIRT, OR OTHER EXTERNALITY THAT MAY BE A NUISANCE TO ADJACENT SURROUND**

ING LAND USES.

C. ENVIRONMENTAL IMPACT OF THE PROPOSED OPERATION, ESPECIALLY WITH REGARD TO AIR QUALITY, WATER QUALITY, SOIL EROSION, AND SEDIMENTATION.

D. TYPES OF VEHICLES, HOURS, FREQUENCY OF USE, AND THE PROPOSED ACCESS ROUTES.

E. WASTE-HANDLING AND DISPOSAL PROCEDURES FOR SUCH AS MANURE, ORGANIC AND NON-ORGANIC MATTER, AND WASTEWATER.

F. THE USE OF A DUST MANAGEMENT PLAN, SOIL EROSION PLAN, AND OTHER NECESSARY PLANS AND PROCEDURES.

G. EVALUATION OF EXISTING SOIL CONDITIONS AND PLANS TO MITIGATE SOIL ISSUES, AS NECESSARY, AND/ OR DEMONSTRATION OF HOW METHODS OF CULTIVATION AND CROPS ARE PROTECTED FROM POSSIBLE NEGATIVE IMPACTS.

H. THE APPLICANT'S COMPLIAN

CE WITH ANY EXISTING LAND USE GRANTS AT OTHER LOCATIONS, AND THE OPERATION'S COMPLIANCE WITH ENVIRONMENTAL, ZONING, CITY OF FLINT MASTER PLAN, AND ANY OTHER APPLICABLE REGULATIONS, PLANS, AND POLICIES.

I. THE APPLICANT'S PERSONAL CONNECTION TO THE PROPOSED SITE. DETAILED DOCUMENTATION OF SUPPORT FROM SURROUNDING RESIDENTS TO THE PROPOSED SITE,

6. RESIDENTIAL AREAS. URBAN AGRICULTURE IN THE GREEN NEIGHBORHOOD DISTRICTS HAVE THE FOLLOWING CONDITIONS.

   I. URBAN AGRICULTURE PRODUCE MAY BE SOLD COMMERCIALLY AND THROUGH AN ONSITE PRODUCE STAND. PRODUCE STAND REGULATIONS IN 50.9.21 APPLY.

   II. MECHANICAL EQUIPMENT, OTHER THAN THE TYPE CUSTOMARILY IDENTIFIED AS LAWN AND GARDEN EQUIPMENT, CREATING OFFENSIVE NOISE, DUST, ODOR OR ELECTRICAL DISTURBANCE SHALL BE PROHIBITED. THE USE OF MOTORIZED EQUIPMENT SHALL BE RESTRICTED TO HOURS BEGINNING AT 7:00 A.M. AND ENDING AT 9:00 P.M.

III. THE SITE SHALL BE DESIGNED AND MAINTAINED TO PREVENT ANY CHEMICAL PESTICIDE, FERTILIZER OR OTHER FARM WASTE FROM DRAINING ON TO ADJACENT PROPERTIES.

IV. AN ON-SITE TRASH STORAGE CONTAINER SHALL BE PROVIDED AND LOCATED AS CLOSE AS PRACTICABLE TO THE REAR LOT LINE. TRASH SHALL BE REMOVED FROM THE SITE AT LEAST ONCE A WEEK.

V. ACCESSORY STRUCTURES INCLUDING BUILDINGS OR SIGNS SHALL COMPLY WITH REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT.

VI. CULTIVATED AREAS SHALL BE PREVENTED FROM ENCROACHING ONTO ADJACENT PROPERTIES.

VII. THE PROPERTY SHALL BE MAINTAINED FREE OF HIGH GRASS, WEEDS OR OTHER DEBRIS. DEAD GARDEN PLANTS SHALL BE REGULARLY REMOVED AND, IN ANY INSTANCE, NO LATER THAN NOVEMBER 15TH OF EACH YEAR IF NOT IN ACTIVE USE FOR SHEET MULCHING.

VIII. URBAN AGRICULTURE BUILDINGS SHALL BE SET BACK FROM PROPERTY LINES OF A RESIDENTIAL DISTRICT A MINIMUM DISTANCE OF FIVE (5) FEET.

IX. NO BUILDING OR OTHER STRUCTURE DIRECTLY RELATED TO URBAN AGRICULTURE SHALL BE GREATER THAN TWENTY-FIVE

(25) FEET IN HEIGHT.

X. PARKING AND WALKWAYS. OFF-STREET PARKING SHALL BE PERMITTED ONLY FOR THOSE GARDEN SITES EXCEEDING 15,000 SQUARE FEET IN LOT AREA. SUCH PARKING SHALL BE LIMITED IN SIZE TO TEN PERCENT (10%) OF THE AGRICULTURAL SITE LOT AREA AND SHALL BE EITHER UNPAVED OR SURFACED WITH GRAVEL OR SIMILAR LOOSE MATERIAL OR SHALL BE PAVED WITH PERVIOUS PAVING MATERIAL. WALKWAYS SHALL BE UNPAVED EXCEPT AS NECESSARY TO MEET THE NEEDS OF INDIVIDUALS WITH DISABILITIES.

XI. SIGNS MUST MEET THE REQUIREMENTS OF ARTICLE 15 OF THIS CHAPTER.

§ 50-121. VEHICLE FUEL STATIONS (WITHOUT VEHICLE SERVICE OR REPAIR, MAY INCLUDE CONVENIENCE STORE OR OTHER RETAIL USE)

A. VEHICLE FUEL STATIONS WITHOUT VEHICLE SERVICE OR REPAIR ARE ALLOWED AS A PERMITTED USE IN THE CC, CE, AND PC DISTRICTS, AND AS A SPECIAL LAND USE IN THE MR-3, NC, DE AND UC DISTRICTS. SUCH FACILITIES MAY INCLUDE A CONVENIENCE STORE OR OTHER RETAIL USE PROVIDED THAT USE DOES NOT EXCEED 1,000 SQUARE FEET IN AREA.

B. LOCATION OF FUEL PUMPS. FUEL PUMPS, PUMP ISLANDS, DETACHED CANOPIES, COMPRESSED AIR CONNECTIONS, VACUUMS, AND SIMILAR EQUIPMENT SHALL BE SET BACK A MINIMUM OF FIFTEEN (15) FEET FROM A STREET RIGHT-OF-WAY, AND A MINIMUM OF TWENTY (20) FEET FROM ALL LOT LINES ADJACENT TO A RESIDENTIAL USE OR ZONE DISTRICT.

C. LANDSCAPE BUFFER. WHEN GASOLINE OR FUEL SALES ARE ADJACENT TO A RESIDENTIAL USE OR ZONE DISTRICT, A TYPE 2 TRANSITION YARD AS DESCRIBED IN SECTION 50-156 SHALL BE PROVIDE BETWEEN SUCH USES.

D. OUTDOOR DISPLAYS. OUTDOOR DISPLAYS OF MERCHANDISE SHALL BE LOCATED DIRECTLY ADJACENT TO THE FRONT OF THE BUILDING AND SHALL BE LIMITED TO TYPICAL SERVICE STATION MERCHANDISE (E.G. ROAD SALT, AUTOMOBILE FLUIDS, BEVERAGES, AND ICE).

E. CASH REGISTER VIEWING WINDOW. THE CASH REGISTER SHALL BE CLEARLY VISIBLE FROM THE STREET. THE VIEWING WINDOW SHALL BE AT LEAST FIFTEEN (15) SQUARE FEET IN SIZE AND CONSIST OF CLEAR GLASS. NO SIGNS SHALL BE POSTED ON THE VIEWING WINDOW.

F. SINGLE-BAY CAR WASH. A SINGLE-BAY CAR WASH IS ALLOWED AS AN ACCESSORY USE TO A PERMITTED VEHICLE FUEL STATION, SUBJECT TO THE FOLLOWING DEVELOPMENT AND DESIGN STANDARDS:

1. THE ENTRANCE TO THE CAR WASH BAY SHALL BE SITED SO AS NOT TO BE VISIBLE FROM THE LOT'S PRIMARY STREET, AS DETERMINED BY THE ZONING COORDINATOR.

2. THE CAR WASH BAY SHALL BE LIMITED IN SIZE TO ACCOMMODATE A SINGLE VEHICLE AT A TIME.

3. THE CAR WASH BAY SHALL BE LOCATED OUTSIDE OF ALL REQUIRED SETBACK AND LANDSCAPE AREAS.

4. IN ADDITION TO ANY OTHER OFF-STREET PARKING REQUIREMENTS OR DRIVE-THROUGH STACKING REQUIREMENTS, THE LOT SHALL CONTAIN ADEQUATE SPACE TO ALLOW A MINIMUM OF THREE (3) CARS TO STACK IN A LINE FOR CAR WASH SERVICES WITHOUT USING OR OBSTRUCTING ANY PORTION OF AN ADJACENT PUBLIC SIDEWALK OR RIGHT-OF-WAY.

5. WHERE A CAR WASH IS ADJACENT TO A RESIDENTIAL USE OR ZONE DISTRICT, THE HOURS OF OPERATION SHALL BE LIMITED TO 8 A.M. THROUGH 10 P.M.

§ 50-122. VEHICLE SALES/LEASING AND/OR AUTO RENTAL

THIS SECTION SHALL BE USED IN CONJUNCTION WITH SECTION 50-123 VEHICLE SERVICE OR REPAIR WHERE SUCH SERVICES ARE COMPONENTS OF THE BUSINESS OPERATION. VEHICLE

SALES/RENTAL AS A PRINCIPAL USE ARE ALLOWED AS A PERMITTED USE IN THE CC, CE, AND PC DISTRICTS. THE FOLLOWING REQUIREMENTS SHALL APPLY:

A. MINIMUM LOT SIZE. THE SITE SHALL BE A MINIMUM OF ONE-HALF (.5) ACRE IN SIZE WHERE VEHICLES ARE DISPLAYED OUTDOORS.

B. OPEN DRIVE AISLES. OUTDOOR DISPLAY AND STORAGE AREAS OF VEHICLES SHALL MAINTAIN AN OPEN DRIVE AISLE SO THAT ALL VEHICLES MAY BE READILY ACCESSED.

C. APPROVED PARKING SPACES. ALL VEHICLES WAITING TO BE PICKED UP BY THE VEHICLE OWNER/RENTER SHALL BE STORED ON SITE IN APPROVED PARKING SPACES AND SHALL NOT BE STORED ON OR OBSTRUCT ACCESS TO A PUBLIC RIGHT-OF-WAY.

D. LICENSING. VEHICLE LICENSING REQUIREMENTS OF THE STATE OF MICHIGAN SHALL BE FOLLOWED IN THE REVIEW AND APPROVAL OF VEHICLE SALES REQUESTS.

E. FLAG OR PENNANT. ONE (1) FLAG OR PENNANT MAY BE DISPLAYED ON EACH VEHICLE FOR SALE OR LEASE. THE MAXIMUM SIZE OF EACH FLAG OR PENNANT SHALL NOT EXCEED 12 INCHES X 18 INCHES.

§ 50-123. VEHICLE SERVICE OR REPAIR

THIS SECTION SHALL BE USED IN CONJUNCTION WITH SECTION 50-122 VEHICLE FUEL STATIONS WHERE VEHICLE REPAIR OR SERVICE IS A COMPONENT OF THE BUSINESS OPERATION, OR SEPARATELY FOR NON-FUELING VEHICLE SERVICE OR REPAIR FACILITIES. VEHICLE SERVICE OR REPAIR IS ALLOWED AS A PERMITTED USE IN THE CC, CE, AND PC DISTRICTS, AND AS A SPECIAL LAND USE IN THE UC DISTRICT. THE FOLLOWING REQUIREMENTS SHALL APPLY:

A. SCREENING. VEHICLE SERVICE BAY OPENINGS SHALL BE ORIENTED AWAY FROM ANY PUBLIC STREET OR RESIDENTIAL ZONE DISTRICT TO SCREEN THE VIEW OF THE VEHICLE SERVICE AREA AND TO LIMIT NOISE IMPACTS. AS AN ADMINISTRATIVE WAIVER, THE ZONING COORDINATOR MAY PERMIT BERMING, EVERGREEN SHRUBS, EVERGREEN TREES, MASONRY WALLS, SOLID WOODEN FENCING, OR ANY COMBINATION OF THESE TO MINIMIZE THE BAY OPENINGS FROM VIEW.

B. ENCLOSED EQUIPMENT. HYDRAULIC HOISTS, PITS, AND ALL LUBRICATIONS, GREASING, AUTOMOBILE WASHING, OR REPAIRING EQUIPMENT SHALL BE ENCLOSED WITHIN A BUILDING. WHEN ANY SUCH

BUILDING OR PORTION OF A BUILDING FACES OR IS ADJACENT TO RESIDENTIAL USE OR ZONE DISTRICT, THE CLOSEST ADJACENT BUILDING WALL SHALL CONSIST OF A SOLID WALL WITH NO OPENINGS OTHER THAN THOSE REQUIRED BY APPLICABLE BUILDING CODES.

C. ENCLOSED PARTS. ALL VEHICLE PARTS, DISMANTLED VEHICLES AWAITING REPAIR (NON-SALVAGE OR WRECKING), AND SIMILAR MATERIALS, AND ALL DISCARDED MATERIALS SUCH AS TIRES, CANS AND DRUMS SHALL BE STORED WITHIN AN ENCLOSED BUILDING.

D. ENCLOSED ACTIVITIES. ALL REPAIR AND MAINTENANCE ACTIVITIES SHALL BE PERFORMED ENTIRELY WITHIN AN ENCLOSED BUILDING OR STRUCTURE.

E. STORAGE OF VEHICLES. DAMAGED OR WRECKED VEHICLES SHALL NOT BE STORED ON SITE FOR PURPOSES OTHER THAN REPAIR.

F. APPROVED PARKING SPACES. ALL VEHICLES AWAITING REPAIR OR TO BE PICKED UP BY THE VEHICLE OWNER SHALL BE STORED ON-SITE IN APPROVED PARKING SPACES AND SHALL NOT BE STORED ON, OR OBSTRUCT ACCESS TO, A PUBLIC RIGHT-OF-WAY.

G. USED VEHICLE SALES. THE SALE OF NO MORE THAN TWO (2) USED VEHICLES SHALL BE PERMITTED AS AN ACCESSORY USE.

§ 50-124. WIND ENERGY COLLECTION SYSTEM-LARGE

A. LARGE WIND ENERGY SYSTEMS ARE ALLOWED AS A PERMITTED USE IN THE GI-2 DISTRICT, A SPECIAL LAND USE IN THE GI-1, PC AND OS DISTRICTS, AND AN ACCESSORY USE IN IC AND UC DISTRICTS, ALL WITH THE FOLLOWING CONDITIONS.

1. FACILITY MAY NOT BE LOCATED WITHIN 300 FEET OF A RESIDENTIAL DISTRICT.

2. SETBACKS. THE BASE OF THE SYSTEM SHALL BE SETBACK 1.1 TIMES THE HEIGHT OF THE HIGHEST EDGE OF THE SYSTEM FROM ALL PROPERTY LINES, OVERHEAD UTILITY LINE POLES, PUBLIC SIDEWALKS OR TRAILS, AND PUBLIC RIGHTS-OF-WAY.

3. HEIGHT. THE MAXIMUM HEIGHT OF A WIND TURBINE IS 125 FEET.

4. CLEARANCE. MINIMUM CLEARANCE BETWEEN THE LOWEST TIP OF THE ROTOR OR BLADE

AND THE GROUND IS 20 FEET.

5. LIGHTING SHALL BE INSTALLED FOR SECURITY AND SAFETY PURPOSES ONLY. EXCEPT WITH RESPECT TO LIGHTING REQUIRED BY THE FCC OR FAA, ALL LIGHTING SHALL BE SHIELDED SO THAT NO GLARE EXTENDS SUBSTANTIALLY BEYOND THE BOUNDARIES OF THE SITE.

ATTACHMENT:
DIAGRAM 50-124 (EXHIBIT 57)

§ 50-125. WIND ENERGY COLLECTION SYSTEM-SMALL

A. SMALL WIND ENERGY COLLECTION SYSTEMS (WEC) ARE PERMITTED AS AN ACCESSORY USE ON ALL ZONING DISTRICTS WITH THE FOLLOWING CONDITIONS.

1. FREESTANDING SYSTEMS.

I. FREESTANDING SYSTEMS ARE NOT ALLOWED ON ZONING LOTS LESS THAN 10,000 SQ. FT. FOR INFORMATION ON ALL OTHER ZONING LOT SIZES, REFER TO TABLE 50.9.49.A.

ATTACHMENT:
TABLE 50-125A (EXHIBIT 58)

II. CLEARANCE. MINIMUM CLEARANCE BETWEEN THE LOWEST TIP OF THE ROTOR OR BLADE AND THE GROUND IS 12 FEET.

III. PERMITTED YARD LOCATION. ALLOWED ONLY IN THE SIDE AND REAR YARDS.

IV. HEIGHT. NO ACCESSORY SMALL WEC MAY BE GREATER IN HEIGHT THAN THE MAXIMUM BUILDING HEIGHT IN THE ZONE DISTRICT.

V. FRONT YARDS. TURBINES MAY BE ALLOWED IN THE FRONT YARDS OF NONRESIDENTIAL DISTRICTS WITH A SPECIAL LAND USE PERMIT PROVIDED THERE ARE NO RESIDENTIAL DISTRICTS WITHIN 120 FEET OF ANY PROPERTY LINE OF THE ZONING

LOT WHERE THE TURBINE WILL BE LOCATED.

VI. SETBACKS. THE BASE OF THE SYSTEM SHALL BE SETBACK 1.1 TIMES THE HEIGHT OF THE HIGHEST EDGE OF THE SYSTEM FROM ALL PROPERTY LINES, OVERHEAD UTILITY LINE POLES, PUBLIC SIDEWALKS OR TRAILS, AND PUBLIC RIGHTS-OF-WAY. ANY SYSTEM OR ANY ANCILLARY EQUIPMENT SHALL NOT BE LOCATED WITHIN ANY REQUIRED SETBACKS OF THE RESPECTIVE ZONING DISTRICT.

VII. ACCESS. CLIMBING ACCESS (RUNGS OR FOOT PEGS) TO THE TOWER SHALL NOT START UNTIL TWELVE (12) FEET ABOVE GRADE TO PREVENT UNAUTHORIZED ACCESS.

ATTACHMENT:
DIAGRAM 50-125 (EXHIBIT 59)

2. BUILDING MOUNTED SYSTEMS.

I. QUANTITY. ONE TURBINE IS ALLOWED FOR EVERY 750 SQUARE FEET OF THE COMBINED ROOF AREA OF ALL STRUCTURES ON A ZONING LOT. FOR A PITCHED ROOF, EACH SURFACE OF THE ROOF SHALL BE INCLUDED IN THE ROOF AREA CALCULATION.

II. RATED CAPACITY. A MAXIMUM RATED CAPACITY OF 3KW PER TURBINE IS ALLOWED.

III. HEIGHT. THE MAXIMUM HEIGHT OF FIVE (5) FEET IS MEASURED FROM THE ROOF SURFACE ON WHICH THE SYSTEM IS MOUNTED TO THE HIGHEST EDGE OF THE SYSTEM WITH THE EXCEPTION OF ANY PITCHES

10:12 OR GREATER. THE SYSTEM SHALL NOT EXTEND MORE THAN FIVE FEET ABOVE THE HIGHEST PEAK OF A PITCHED ROOF.

IV. LOCATION. ALLOWED ON ALL PRINCIPAL AND ACCESSORY STRUCTURES.

3. REQUIREMENTS FOR ALL SMALL WIND ENERGY SYSTEMS.

I. NOISE. EXCEPT DURING SUCH SHORT-TERM EVENTS SUCH AS UTILITY OUTAGE OR A SEVERE WINDSTORM, A WIND ENERGY SYSTEM SHALL NOT EXCEED 55 DBA WHEN IN OR ADJACENT TO ALL RESIDENTIAL DISTRICTS, AND 60 DBA WHEN IN OR ADJACENT TO ALL NON-RESIDENTIAL DISTRICTS. NOISE LEVELS SHALL BE MEASURED AT THE ADJACENT LOT LINE.

II. SAFETY. EVERY WIND ENERGY SYSTEM SHALL HAVE AN INTERNAL AUTOMATIC BRAKING DEVICE TO PREVENT UNCONTROLLED ROTATION OF OVER SPEEDING.

§ 50-126. WIRELESS COMMUNICATION FACILITIES

A. PURPOSE. THE PURPOSE OF THIS SECTION IS TO PERMIT FACILITIES WITHIN THE CITY THAT ARE NECESSARY FOR THE OPERATION OF WIRELESS COMMUNICATIONS SYSTEMS.

1. IN RECOGNITION OF THE PUBLIC NEED AND DEMAND FOR ADVANCED TELECOMMUNICATION AND INFORMATION TECHNOLOGIES AND SERVICES AND THE IMPACTS SUCH FACILITIES MAY HAVE ON PROPERTIES WITHIN THE CITY, IT IS THE FURTHER INTENT OF THIS SECTION TO:

I. MAXIMIZE THE USE OF EXISTING AND FUTURE WIRELESS COMMUNICATION FACILITIES BY ENCOURAGING CO-

LOCATION OF MULTIPLE ANTENNAE ON A FACILITY WHERE FEASIBLE.

II. CONSIDER PUBLIC HEALTH AND SAFETY IN THE LOCATION AND OPERATION OF WIRELESS COMMUNICATIONS FACILITIES, AND PROTECT RESIDENTIAL AREAS, COMMUNITY FACILITIES, HISTORIC SITES AND BUILDINGS FROM POTENTIAL ADVERSE IMPACTS OF SUCH FACILITIES.

III. MINIMIZE THE ADVERSE VISUAL AND OTHER IMPACTS OF SUCH FACILITIES THROUGH INNOVATIVE DESIGN, ADEQUATE SCREENING, SUFFICIENT SETBACK AREA, AND TIMELY REMOVAL OF FACILITIES UPON THE DISCONTINUANCE OF USE.

IV. MINIMIZE THE ADVERSE IMPACTS CAUSED BY THESE FACILITIES ON THE PUBLIC HEALTH AND SAFETY OF PERSONS AND PROPERTY WITHIN THE CITY, AS WELL AS TO MINIMIZE THE ADVERSE AESTHETIC IMPACTS CAUSED BY THESE FACILITIES.

2. IT IS NOT THE INTENT OF THIS SECTION TO MATERIALLY LIMIT WIRELESS TRANSMISSION OR RECEPTION, OR UNNECESSARILY BURDEN ACCESS TO WIRELESS SERVICES OR COMPETITION AMONG DIFFERENT COMMUNICATION PROVIDERS. THE ELECTRO-MAGNETIC EFFECT CANNOT BE CONSIDERED FOR

ADVERSE HEALTH OR AESTHETIC IMPACTS PER THE FEDERAL TELECOMMUNICATIONS ACT.

B. APPLICATION REVIEW.

1. APPLICATION. THE CITY OF FLINT SHALL PREPARE AND MAKE PUBLICLY AVAILABLE AN APPLICATION FORM WHICH SHALL BE LIMITED TO THE INFORMATION NECESSARY FOR THE CITY OF FLINT TO CONSIDER WHETHER AN APPLICATION IS AN ELIGIBLE FACILITIES REQUEST. THE APPLICATION MAY NOT REQUIRE THE APPLICANT TO DEMONSTRATE A NEED OR BUSINESS CASE FOR THE PROPOSED MODIFICATION.

2. TYPE OF REVIEW. UPON RECEIPT OF AN APPLICATION FOR AN ELIGIBLE FACILITIES REQUEST PURSUANT TO THIS CHAPTER, THE PLANNING DEPARTMENT SHALL REVIEW SUCH APPLICATION TO DETERMINE WHETHER THE APPLICATION SO QUALIFIES.

3. TIMEFRAME FOR REVIEW. 60 DAYS OF THE DATE ON WHICH AN APPLICANT SUBMITS AN APPLICATION SEEKING APPROVAL UNDER THIS CHAPTER, THE CITY OF FLINT SHALL APPROVE THE APPLICATION UNLESS IT DETERMINES THAT THE APPLICATION IS NOT COVERED BY THIS SECTION FOR ELIGIBLE FACILITIES.

4. PAUSING OF THE TIMEFRAME FOR REVIEW. THE 60-DAY REVIEW PERIOD BEGINS TO RUN WHEN THE APPLICATION IS FILED, AND MAY BE PAUSED ONLY BY MUTUAL AGREEMENT BY THE CITY OF FLINT AND THE APPLICANT, OR IN CASES WHERE THE PLANNING DEPARTMENT DETERMINES THAT THE APPLICATION IS INCOMPLETE. THE TIMEFRAME FOR REVIEW IS NOT PAUSED BY A MORATORIUM ON THE REVIEW OF APPLICATIONS.

I. TO PAUSE THE TIMEFRAME FOR INCOMPLETENESS, THE CITY OF FLINT MUST PROVIDE WRITTEN NOTICE TO THE APPLICANT WITHIN 14 DAYS OF RECEIPT OF THE APPLICATION, SPECIFICALLY DELINEATING

ALL MISSING DOCUMENTS OR INFORMATION REQUIRED IN THE APPLICATION.

II. THE TIMEFRAME FOR REVIEW BEGINS RUNNING AGAIN WHEN THE APPLICANT MAKES A SUPPLEMENTAL SUBMISSION IN RESPONSE TO THE CITY OF FLINT'S NOTICE OF INCOMPLETENESS.

III. FOLLOWING A SUPPLEMENTAL SUBMISSION, THE CITY OF FLINT WILL NOTIFY THE APPLICANT WITHIN 5 DAYS THAT THE SUPPLEMENTAL SUBMISSION DID NOT PROVIDE THE INFORMATION IDENTIFIED IN THE ORIGINAL NOTICE DELINEATING MISSING INFORMATION. THE TIMEFRAME IS PAUSED IN THE CASE OF SECOND OR SUBSEQUENT NOTICES PURSUANT TO THE PROCEDURES IDENTIFIED IN PARAGRAPH (D) OF THIS SECTION. SECOND OR SUBSEQUENT NOTICES OF INCOMPLETENESS MAY NOT SPECIFY MISSING DOCUMENTS OR INFORMATION THAT WERE NOT DELINEATED IN THE ORIGINAL NOTICE OF INCOMPLETENESS.

C. COLLOCATIONS ALLOWED BY ADMINISTRATIVE APPROVAL OR REQUIRING SITE PLAN APPROVAL. FOR PROPOSED COLLOCATIONS THAT MEET 1-4 BELOW, REVIEW FEES SHALL NOT EXCEED THE ACTUAL REVIEW AND PROCESSING FEES OR $1,000, WHICHEVER IS LESS. ANY PROPOSED COLLOCATION THAT MEETS ITEMS 1 & 2 BELOW, BUT NOT 3 & 4, SHALL FOLLOW THE PROCEDURES FOR SITE PLAN REVIEW AS PROVIDED IN SECTION 50-190. ADMINISTRATIVE APPROVAL SHALL BE GRANTED IF THE FOLLOWING CONDITIONS ARE MET:

1. EQUIPMENT MUST BE COLLOCATED ON AN EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE

OR IN AN EXISTING WIRELESS EQUIPMENT COMPOUND.

2. THE EXISTING WIRELESS SUPPORT STRUCTURE OR EXISTING EQUIPMENT COMPOUND IS IN COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE OR WAS APPROVED BY THE CITY OF FLINT.

3. THE PROPOSED COLLOCATION WOULD NOT DO ANY OF THE FOLLOWING:

   I. INCREASE THE OVERALL HEIGHT OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE BY MORE THAN 20 FEET OR 10% OF ITS ORIGINAL HEIGHT, WHICHEVER IS GREATER.

   II. INCREASE THE WIDTH OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE BY MORE THAN THE MINIMUM NECESSARY TO PERMIT COLLOCATION.

   III. INCREASE THE AREA OF THE EXISTING EQUIPMENT COMPOUND TO GREATER THAN 2,500 SQUARE FEET.

   IV. THE PROPOSED COLLOCATION COMPLIES WITH THE TERMS AND CONDITIONS OF ANY PREVIOUS FINAL APPROVAL OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR EQUIPMENT COMPOUND BY THE APPROVING BODY.

D. NEW FACILITIES PERMITTED AS SPECIAL LAND USES IN THE OS, CE AND PC DISTRICTS. WIRELESS COMMUNICATION FACILITIES WITH MONOPOLE SUPPORT STRUCTURES SHALL BE PERMITTED AS SPECIAL LAND USES OR SPECIAL ACCESSORY USES ONLY, IN THE CE AND PC DISTRICTS, EXCEPT THAT THEY SHALL NOT BE LOCATED WITHIN FIVE HUNDRED (500) FEET OF ANY DISTRICT ZONED FOR SINGLE-FAMILY RESIDENTIAL. IF LOCATED ON THE SAME PARCEL WITH ANOTHER PERMITTED USE,

SUCH FACILITIES AND ANY OTHER STRUCTURES CONNECTED THEREWITH SHALL NOT BE LOCATED IN A FRONT YARD.

E. NEW FACILITIES PERMITTED AS SPECIAL LAND USES IN OTHER DISTRICTS. IF AN APPLICANT CAN DEMONSTRATE TO THE SATISFACTION OF THE PLANNING DEPARTMENT THAT A LOCATION PERMITTED IN IN SECTIONS C AND D ABOVE CANNOT REASONABLY MEET THE COVERAGE AND/OR CAPACITY NEEDS OF THE APPLICANT, AND THE APPLICANT CAN DEMONSTRATE THAT IT HAS REASONABLY EXHAUSTED ALL EFFORTS TO LOCATE ITS FACILITY IN ACCORDANCE WITH SUBPARAGRAPH C AND D ABOVE, A WIRELESS COMMUNICATION FACILITY WITH A MONOPOLE SUPPORT STRUCTURE MAY BE PERMITTED AS A SPECIAL LAND USE OR A SPECIAL ACCESSORY USE WITHIN ALL OTHER ZONING DISTRICTS, SUBJECT TO THE FOLLOWING STANDARDS:

1. THEY SHALL NOT BE LOCATED WITHIN FIVE HUNDRED (500) FEET OF ANY DISTRICT ZONED FOR SINGLE-FAMILY RESIDENTIAL.

2. THEY SHALL BE LOCATED ON A PRIORITY BASIS ONLY ON THE FOLLOWING SITES:

3. MUNICIPALLY OWNED SITES;

4. OTHER GOVERNMENTALLY OWNED SITES;

5. RELIGIOUS OR OTHER INSTITUTIONAL SITES;

6. PUBLIC PARK AND OTHER LARGE PERMANENT OPEN SPACE AREA WHEN COMPATIBLE; OR

7. PUBLIC OR PRIVATE SCHOOL SITES.

8. WIRELESS COMMUNICATION SUPPORT STRUCTURES IN SUCH LOCATIONS SHALL BE OF AN ALTERNATIVE OR STEALTH DESIGN SUCH AS (WITHOUT LIMITATION) A STEEPLE, BELL TOWER, TREE, OR OTHER FORM WHICH IS COMPATIBLE WITH THE EXISTING CHARACTER OF THE PROPOSED SITE, THE ADJACENT NEIGHBORHOODS, AND THE GENERAL AREA, AS APPROVED BY THE PLANNING COMMISSION.

F. **REQUIRED INFORMATION. THE FOLLOWING INFORMATION SHALL BE PROVIDED FOR ALL NEW WIRELESS COMMUNICATION FACILITIES PERMITTED AS SPECIAL LAND USES IN SECTIONS D-E ABOVE:**

1. ***SITE PLAN.*** **A SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH SECTION 50-190 ET SEQ., SHOWING DRAWINGS FOR ALL PROPOSED ATTACHED WIRELESS COMMUNICATION FACILITIES OR WIRELESS COMMUNICATION SUPPORT STRUCTURES.**

2. ***DEMONSTRATION OF NEED.*** **THE APPLICANT SHALL DEMONSTRATE THE NEED FOR THE PROPOSED WIRELESS COMMUNICATION SUPPORT STRUCTURE DUE TO A MINIMUM OF ONE OF THE FOLLOWING:**

3. **PROXIMITY TO AN INTERSTATE OR LIMITED-ACCESS HIGHWAY OR MAJOR THOROUGHFARE.**

4. **PROXIMITY TO AREAS OF POPULATION CONCENTRATION.**

5. **PROXIMITY TO COMMERCIAL OR INDUSTRIAL BUSINESS CENTERS.**

6. **AVOIDANCE OF SIGNAL INTERFERENCE DUE TO BUILDINGS, WOODLANDS, TOPOGRAPHY, OR OTHER OBSTRUCTIONS.**

7. **OTHER SPECIFIC REASONS.**

8. ***SERVICE AREA AND POWER.*** **AS APPLICABLE, A DESCRIPTION OF THE EXISTING AND PLANNED SERVICE AREAS, WIRELESS COMMUNICATION SUPPORT STRUCTURE HEIGHT AND TYPE, AND SIGNAL POWER EXPRESSED IN EFFECTIVE RADIATED POWER (ERP) UPON WHICH THE SERVICE AREA HAS BEEN PLANNED.**

9. ***MAP OF NEARBY FACILITIES.*** **A MAP SHOWING EXISTING OR PROPOSED WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY, AND FURTHER SHOWING EXISTING AND KNOWN PROPOSED WIRELESS COMMUNICATION FACILITIES WITHIN A SEVEN MILE RADIUS WHICH ARE RELEVANT IN TERMS OF POTENTIAL**

COLLOCATION OR IN DEMONSTRATING THE NEED FOR THE PROPOSED FACILITY. IF THE INFORMATION IS ON FILE WITH THE CITY, THE APPLICANT SHALL UPDATE AS NEEDED. A WRITTEN REQUEST FOR CONFIDENTIALITY MUST BE PROMINENTLY STATED BY THE APPLICANT.

10. ***DATA ON NEARBY FACILITIES.*** **FOR EACH LOCATION IDENTIFIED BY THE APPLICANT/PROVIDER, THE APPLICANT SHALL INCLUDE THE FOLLOWING DATA, IF KNOWN, WITH THE APPLICANT/PROVIDER EXPECTED TO EXERCISE REASONABLE DILIGENCE TO OBTAIN INFORMATION:**

    I. **THE STRUCTURAL CAPACITY AND WHETHER IT CAN ACCOMMODATE THE APPLICANT'S FACILITY, AS PROPOSED OR MODIFIED.**

    II. **EVIDENCE OF PROPERTY OWNER APPROVALS.**

    III. **WHETHER THE LOCATION COULD BE USED BY THE APPLICANT/PROVIDER FOR PLACEMENT OF ITS ATTACHED WIRELESS COMMUNICATION FACILITY; IF THE LOCATION CANNOT BE USED, A DISCLOSURE OF THE TECHNOLOGICAL CONSIDERATIONS INVOLVED, WITH SPECIFIC REFERENCE TO HOW USE OF THE LOCATION WOULD PROHIBIT THE APPLICANT/PROVIDER FROM PROVIDING SERVICES.**

11. ***FALL ZONE AND LOAD CERTIFICATION.*** **TO**

DETERMINE THE REQUIRED SETBACKS, A STATE OF MICHIGAN REGISTERED ENGINEER SHALL SUBMIT A DETERMINATION AND CERTIFICATION REGARDING THE MANNER IN WHICH THE PROPOSED STRUCTURE WILL FALL. THE FALL ZONE OR COLLAPSE DISTANCE AS CITED IN THE CERTIFICATION SHALL BE THE MINIMUM SETBACK REQUIRED FROM A PROPERTY LINE OR OCCUPIED STRUCTURE. IN THE ABSENCE OF AN ENGINEER'S CERTIFICATION, THE MINIMUM SETBACK SHALL EQUAL 75 FEET OR THE HEIGHT OF THE TOWER, WHICHEVER IS GREATER. THE ENGINEER SHALL ALSO VERIFY THAT THE TOWER CAN CARRY THE ADDITIONAL LOAD OF COLLOCATED ANTENNAE.

12. ***DESCRIPTION OF SECURITY FOR REMOVAL. A PERFORMANCE GUARANTEE SHALL BE REQUIRED FOR THE WIRELESS COMMUNICATION SUPPORT STRUCTURE TO ENSURE REMOVAL AND MAINTENANCE, IN ACCORDANCE WITH THIS SECTION.*** **THE SECURITY SHALL BE IN THE FORM OF A PERFORMANCE BOND OR DEDICATED ESCROW ACCOUNT PLACED WITH THE CITY FOR COVERAGE OF STATED PURPOSES, AND MAY BE REQUIRED AS PART OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE APPLICANT. THE SECURITY SHALL BE A PROMISE OF THE APPLICANT AND OWNER OF THE PROPERTY TO REMOVE THE FACILITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, WITH THE PROVISION THAT THE APPLICANT AND OWNER SHALL PAY COSTS AND ATTORNEY'S FEES INCURRED BY THE CITY IN SECURING REMOVAL.**

13. ***FCC AND FAA APPROVAL.*** **THE APPLICANT SHALL PROVIDE PROOF OF APPROVAL FOR THE LOCATION AND DESIGN OF THE WIRELESS COMMUNICATION FACILITY FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), FEDERAL COMMUNICATIONS COMMISSION (FCC),**

AND MICHIGAN AERONAUTICS COMMISSION (MCC).

14. *LOT AREA.* ALL WIRELESS COMMUNICATION FACILITIES SHALL BE LOCATED ON A MINIMUM OF A ONE-HALF ACRE PARCEL AND SHALL HAVE DIRECT OR DEEDED ACCESS TO A PUBLIC ROAD RIGHT-OF-WAY. VERIFICATION OF SAID ACCESS SHALL BE PROVIDED UPON APPLICATION FOR APPROVAL.

15. *SCREENING.* ALL EXISTING VEGETATION SHALL BE SHOWN ON THE SITE PLAN AND SHALL BE PRESERVED DURING AND AFTER INSTALLATION TO THE MAXIMUM EXTENT POSSIBLE. FURTHERMORE, ADDITIONAL LANDSCAPING SHALL BE REQUIRED IN ACCORDANCE WITH ANY PROVISIONS OF ARTICLE 13 OF THIS CHAPTER FOR THE DISTRICT IN WHICH IT IS LOCATED.

16. *SECURITY INFORMATION.* ALL WIRELESS COMMUNICATION SITES SHALL BE FENCED WITH APPROPRIATE MATERIAL WITH A MINIMUM HEIGHT OF SIX FEET AND A MAXIMUM HEIGHT OF EIGHT FEET. ALL ACCESSORY BUILDINGS SHALL BE LOCATED WITHIN THE FENCED AREA. THE USE OF BARBED WIRE, ELECTRIC CURRENT OR CHARGE OF ELECTRICITY IS STRICTLY PROHIBITED.

G. COMPATIBILITY OF SUPPORT STRUCTURES. WIRELESS COMMUNICATION SUPPORT STRUCTURES SHALL NOT BE INJURIOUS TO THE NEIGHBORHOOD OR DETRIMENTAL TO THE PUBLIC SAFETY AND WELFARE. SUPPORT STRUCTURES SHALL BE HARMONIOUS WITH THE SURROUNDING AREAS, AND AESTHETICALLY AND ARCHITECTURALLY COMPATIBLE WITH THE NATURAL ENVIRONMENT. IN ADDITION, ALL STRUCTURES SHALL BE EQUIPPED WITH AN ANTI-CLIMBING DEVICE TO PREVENT UNAUTHORIZED ACCESS.

H. MAXIMUM HEIGHT. THE MAXIMUM HEIGHT OF WIRELESS COMMUNICATION SUPPORT STRUCTURES SHALL BE THE LESSER OF 200 FEET, THE MINIMUM HEIGHT

DEMONSTRATED TO BE NECESSARY BY THE APPLICANT, OR SUCH LOWER HEIGHTS AS REQUIRED AND APPROVED BY THE FEDERAL AVIATION ADMINISTRATION.

1. THE APPLICANT SHALL DEMONSTRATE A JUSTIFICATION FOR THE HEIGHT AND PROVIDE AN EVALUATION OF ALTERNATIVE DESIGNS THAT MIGHT RESULT IN LOWER HEIGHTS.

2. ACCESSORY BUILDINGS SHALL BE LIMITED TO THE MAXIMUM HEIGHT FOR ACCESSORY STRUCTURES WITHIN RESPECTIVE ZONING DISTRICTS.

I. SETBACKS FROM ALL ZONING DISTRICTS. WIRELESS COMMUNICATION SUPPORT STRUCTURES ABUTTING ANY LOT ZONED FOR OTHER THAN RESIDENTIAL PURPOSES SHALL HAVE A MINIMUM SETBACK IN ACCORDANCE WITH THE REQUIRED SETBACKS FOR THE PRINCIPAL BUILDINGS FOR THE ZONING DISTRICT IN WHICH THE SUPPORT STRUCTURE IS LOCATED. BUT IN NO CASE SHALL THE REQUIRED SETBACK BE LESS THAN 75 FEET. WIRELESS FACILITIES SHALL BE SET BACK NOT LESS THAN 500 FEET FROM ANY RESIDENTIAL DISTRICT.

J. VARIANCES. THE ZONING BOARD OF APPEALS MAY GRANT VARIANCES FOR THE SETBACK OF A WIRELESS COMMUNICATION SUPPORT STRUCTURE TO ACCOMMODATE A CHANGE THAT WOULD REDUCE ITS VISUAL IMPACT OR TO MEET THE REQUIRED COLLOCATION STANDARDS. THE ZONING BOARD OF APPEALS MAY ALSO GRANT VARIANCES FOR THE HEIGHT OF A SUPPORT STRUCTURE IN CASES WHERE A VARIANCE WOULD PERMIT ADDITIONAL COLLOCATIONS.

K. COMPATIBILITY OF ACCESSORY STRUCTURES. WIRELESS COMMUNICATION FACILITIES PROPOSED ON THE ROOF OF A BUILDING WITH AN EQUIPMENT ENCLOSURE SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE PRINCIPAL BUILDING UPON WHICH THEY ARE LOCATED. THE EQUIPMENT ENCLOSURE MAY BE LOCATED WITHIN THE PRINCIPAL BUILDING OR MAY BE AN ACCESSORY BUILDING, PROVIDED THE ACCESSORY BUILDING CONFORMS WITH ALL DISTRICT REQUIREMENTS

FOR ACCESSORY BUILDINGS AND IS CONSTRUCTED OF THE SAME OR COMPATIBLE BUILDING MATERIAL AS THE PRINCIPAL BUILDING.

L. APPEARANCE OF SUPPORT STRUCTURES. THE COLOR OF WIRELESS COMMUNICATION SUPPORT STRUCTURES AND ALL ACCESSORY BUILDINGS SHALL MINIMIZE DISTRACTION, REDUCE VISIBILITY, MAXIMIZE AESTHETICS, AND ENSURE COMPATIBILITY WITH ITS SURROUNDINGS. THE APPLICANT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE WIRELESS COMMUNICATION FACILITY IN A NEAT AND ORDERLY CONDITION, AS WELL AS MAINTAINING THE SAFETY OF THE SITE AND STRUCTURAL INTEGRITY OF ANY STRUCTURES.

M. FEDERAL AND STATE REQUIREMENTS. THE REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION, FEDERAL COMMUNICATION COMMISSION, AND MICHIGAN AERONAUTICS COMMISSION SHALL BE NOTED ON THE SITE PLAN. STRUCTURES SHALL BE SUBJECT TO ANY STATE AND FEDERAL REGULATIONS CONCERNING NON-IONIZING ELECTROMAGNETIC RADIATION. FURTHERMORE, IF MORE RESTRICTIVE STATE OR FEDERAL STANDARDS ARE ADOPTED IN THE FUTURE, THE ANTENNA SHALL BE MADE TO CONFORM TO THE EXTENT REQUIRED BY SUCH STANDARD OR THE APPROVAL AND PERMIT FOR THE STRUCTURE SHALL BE SUBJECT TO REVOCATION BY THE CITY. THE COST OF TESTING AND VERIFICATION OF COMPLIANCE SHALL BE BORNE BY THE OPERATOR OF THE ANTENNA.

1. LIGHTING. LIGHTING ON A WIRELESS COMMUNICATION FACILITY SHALL BE PROHIBITED UNLESS OTHERWISE REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR MICHIGAN AERONAUTICS COMMISSION. THE PLANNING COMMISSION MAY REQUIRE A HEIGHT REDUCTION TO ELIMINATE THE NEED FOR LIGHTING UNLESS THE APPLICANT PROVIDES ADEQUATE TECHNICAL DATA DEMONSTRATING THE NEED FOR THE REQUESTED HEIGHT, INCLUDING AN ANALYSIS DEMONSTRATING THAT OTHER SITES

ARE UNAVAILABLE OR INADEQUATE FOR THEIR PURPOSES.

2. COLLOCATION OFFER REQUIRED. AN APPLICATION FOR A NEW WIRELESS COMMUNICATION SUPPORT STRUCTURE SHALL INCLUDE A LETTER FROM THE APPLICANT TO ALL POTENTIAL USERS OFFERING AN OPPORTUNITY FOR COLLOCATION. IF, DURING A PERIOD OF 30 DAYS AFTER THE NOTICE LETTERS ARE SENT TO POTENTIAL USERS, A USER REQUESTS IN WRITING TO COLLOCATE ON THE NEW SUPPORT STRUCTURE, THE APPLICANT SHALL ACCOMMODATE THE REQUEST(S) UNLESS COLLOCATION IS NOT FEASIBLE BASED ON THE CRITERIA OF THIS SECTION.

N. REMOVAL. WHEN A WIRELESS COMMUNICATION FACILITY HAS NOT BEEN USED FOR TWO FULL CONSECUTIVE CALENDAR YEARS, THE PARTY WHO OWNS OR CONTROLS SUCH A FACILITY SHALL NOTIFY THE CITY IN WRITING OF ITS DISCONTINUED USE AND SHALL UNDERTAKE REMOVAL OF ALL OR PARTS OF THE WIRELESS COMMUNICATION FACILITY BY THE USERS OR OWNERS OR THEIR SUCCESSORS OF THE FACILITY AND OWNERS OF THE PROPERTY ON WHICH THE FACILITY IS LOCATED WITHIN 90 DAYS OF NOTIFYING THE CITY.

1. THE REMOVAL OF ANTENNAE OR OTHER EQUIPMENT FROM THE FACILITY, OR THE CESSATION OF OPERATIONS (TRANSMISSION OR RECEPTION OF RADIO SIGNALS) SHALL BE CONSIDERED AS THE BEGINNING OF A PERIOD OF NON-USE. THE SITUATION(S) IN WHICH REMOVAL OF A WIRELESS COMMUNICATION FACILITY IS REQUIRED MAY BE APPLIED AND LIMITED TO A PORTION OF THE FACILITY.

2. UPON THE OCCURRENCE OF ONE OR MORE OF THE EVENTS REQUIRING REMOVAL, THE PROPERTY OWNER OR PERSONS WHO HAD USED THE WIRELESS COMMUNICATION FACILITY SHALL IMMEDIATELY APPLY FOR AND SECURE THE

APPLICATION FOR ANY REQUIRED DEMOLITION OR REMOVAL PERMITS, AND IMMEDIATELY PROCEED WITH AND COMPLETE THE DEMOLITION/REMOVAL, RESTORING THE CONDITION WHICH EXISTED PRIOR TO THE CONSTRUCTION OF THE FACILITY.

3. IF THE REQUIRED REMOVAL OF THE WIRELESS COMMUNICATION FACILITY OR A PORTION THEREOF HAS NOT BEEN LAWFULLY COMPLETED WITHIN 60 DAYS OF THE APPLICABLE DEADLINE, AND AFTER AT LEAST 30 DAYS WRITTEN NOTICE SENT BY CERTIFIED MAIL, THE CITY MAY REMOVE OR SECURE THE REMOVAL OF THE FACILITY OR REQUIRED PORTIONS THEREOF, WITH ITS ACTUAL COSTS AND REASONABLE ADMINISTRATIVE CHARGES TO BE DRAWN OR COLLECTED FROM THE SECURITY POSTED AT THE TIME APPLICATION WAS MADE FOR ESTABLISHING THE FACILITY OR, IF NECESSARY, THROUGH APPROPRIATE JUDICIAL REMEDIES.

O. RADIO FREQUENCY EMISSION STANDARDS. WIRELESS COMMUNICATION FACILITIES SHALL COMPLY WITH APPLICABLE FEDERAL AND STATE STANDARDS RELATIVE TO ELECTROMAGNETIC FIELDS AND THE ENVIRONMENTAL EFFECTS OF RADIO FREQUENCY EMISSIONS.

P. EFFECT OF APPROVAL. FINAL APPROVAL FOR A WIRELESS COMMUNICATION SUPPORT STRUCTURE SHALL BE EFFECTIVE FOR A PERIOD OF 365 CALENDAR DAYS. PROVIDED THAT A WRITTEN REQUEST IS SUBMITTED PRIOR TO THE EXPIRATION DATE, ONE EXTENSION OF UP TO AN ADDITIONAL 365 CALENDAR DAYS SHALL BE GRANTED BY THE ZONING COORDINATOR.

§ 50-83. ALCOHOL SALES AND CONSUMPTION

Table 50-83B (Exhibit 48):

Table 50-83B. Approval Procedures for the Sales or Service of Alcohol

	License	Description	Review Procedure
On-Premise Consumption	Class C, Club, Hotel, Resort, Tavern	New license for a new bar	Special Land Use (SU) review
		Expansion of an existing bar	Administrative Site Plan Review
		New license for a new or existing restaurant; or expansion of an existing restaurant with alcohol	Administrative Site Plan Review if the establishment closes at or before midnight; Special Land Use Review if hours extend past midnight.
	Brewpub, Micro Brewer, Tasting Room	New license and expansion	Special Land Use review
	Entertainment, Dance, After Hours	New license and expansion	Special Land Use review
	Outdoor Service	New outdoor license for a new or existing bar or restaurant	Administrative Site Plan Review if along public right-of-way at the ground floor and in compliance with hours for outdoor service (10:00 p.m. Sunday through Thursday; 11:00 p.m. Friday through Saturday); Special Land Use review if not at right-of-way, outside of approved hours, or within 300 feet of a residential use.
		Expansion of an existing outdoor service area not abutting the public right- of-way	Administrative Site Plan Review if seating capacity and/or square footage of dedicated area is enlarged by less than 20% and hours of operation are in compliance with ordinance; Special Land Use if greater than 20% or hours exceed 10:00p.m. Sunday through Thursday and/or 11:00 p.m. Friday through Saturday, or within 300 feet of a residential use.
Off-Premise Consumption	SDM	New retail license	SU review; unless in conjunction with a restaurant or brewpub then administrative Site Plan Review so long as there is no assigned floor area or display dedicated to packaged alcohol sales.
		Expansion of existing sales area	SU review
	SDD	New or expanded license	SU review

§ 50-85. Attached Single-Family, and Two-Family Dwellings
Diagram 50-85G (Exhibit 49):

Attached Single-Family and Two-Family Dwellings - Common Open Space

§ 50-85G

§ 50-88. BEEKEEPING/APIARIES
Diagram 50-88 (Exhibit 50):

Apiaries

§ 50-88

§ 50-98. GREENHOUSE (ACCESSORY STRUCTURE)

Diagram 50-98 (Exhibit 51):

§ 50-104. MULTIPLE-FAMILY DWELLINGS

Diagram 50-104 (Exhibit 51):

§ 50-106. OUTDOOR SEATING AREAS

Diagram 50-106 (Exhibit 53):

Outdoor Seating

§ 50-106

§ 50-116. SOLAR ENERGY COLLECTIONS SYSTEM-LARGE (CAPACITY GREATER THAN OR EQUAL TO 250 KILOWATTS)

Diagram 50-116 (Exhibit 54):

Solar Energy Collections System Large

§ 50-116

§ 50-117. SOLAR ENERGY COLLECTIONS SYSTEM-SMALL (CAPACITY LESS THAN 250 KILOWATTS)

Diagram 50-117 (Exhibit 55):

§ 50-118. TEMPORARY STRUCTURES AND USES

Table 50-118A (Exhibit 56):

Table 50-118A. Temporary Structures and Uses		
Structure or Use	Duration	Permit Required
Construction-Related Temporary Structures	1 year	Building and Temporary Use Permit
Temporary Storage in a Portable Commercial Shipping Container	30 days per calendar year	None
Temporary Portable Residential Storage Containers	30 days, 3 times per year	None
Grand Openings, Parking Lot Sales, Sidewalk Sales and Clearance Sales	14 days, 2 times per year	Temporary Use Permit
Outdoor Display	No Limit	None
Assembly and Fundraising Activities	4 days, 4 times per year	Temporary Use Permit
Farmers' Market	Nine consecutive months per year	Temporary Use Permit
Seasonal Sales	45 days, 2 times per year	Temporary Use Permit
Surface Parking Lot	1 year	Temporary Use Permit
Concession Sales	200 consecutive days per year	Temporary Use Permit
Garage Sales	3 days, 2 times per year	None

§ 50-124. WIND ENERGY COLLECTION SYSTEM-LARGE

Diagram 50-124 (Exhibit 57):

Wind Energy - Large Turbines

§ 50-124

§ 50-125. WIND ENERGY COLLECTION SYSTEM-SMALL

Table 50-125A (Exhibit 58):

Table 50-125A. Minimum Lot Size requirements by Wind Energy Generation Capacity

	Maximum Quantity Allowed by Rated Capacity		
Zoning Lot Size (in sq ft)	less than/ equal to 5kW	less than/ equal to 20kW	less than/ equal to 40kW
10,000 - 29,999	1	none	none
30,000 – 129,999	unlimited	unlimited	none
greater than/equal to 130,000	unlimited	unlimited	unlimited

Diagram 50-125 (Exhibit 59):

ARTICLE 10 PLANNED UNITDEVELOPMENT (PUD)

§ 50-127. INTENT AND PURPOSE

A. THE PURPOSE OF THE REGULATIONS, STANDARDS, AND CRITERIA CONTAINED IN THIS CHAPTER IS TO PROVIDE AN ALTERNATE ZONING PROCEDURE UNDER WHICH LAND CAN BE DEVELOPED ORREDEVELOPED WITH INNOVATION, IMAGINATION, AND CREATIVE ARCHITECTURAL DESIGN WHEN SUFFICIENTLY JUSTIFIED UNDER THE PROVISIONS OF THIS CHAPTER. THE OBJECTIVE OFTHE PLANNED UNIT DEVELOPMENT IS TO ENCOURAGE A HIGHER LEVEL OF DESIGN AND AMENITY THAN IS POSSIBLE TO ACHIEVE UNDER OTHERWISE APPLICABLE

ZONING REGULATIONS. THE END RESULT CAN BE A PRODUCT WHICH FULFILLS THE OBJECTIVES OF THE FLINT MASTER PLAN AND PLANNING POLICIES OF THE CITY WHILE DEPARTING FROM THE STRICT APPLICATION OF THE USE AND BULK REGULATIONS OF THE ZONING TITLE. THE PLANNED UNIT DEVELOPMENT IS INTENDED TO PERMIT AND ENCOURAGE SUCH FLEXIBILITY AND TO ACCOMPLISH THE FOLLOWING PURPOSES:

1. TO STIMULATE CREATIVE APPROACHES TO THE DEVELOPMENT OFLAND.
2. TO PROVIDE MORE EFFICIENT USE OFLAND.
3. TO BETTER PRESERVEAND PROTECTNATURAL FEATURES, ENVIRONMENTAL AREAS, AND ECOLOGICAL SYSTEMS.
4. TO DEVELOP NEW APPROACHES TO THEBUILT ENVIRONMENTTHROUGH VARIETY INTYPE, DESIGN ANDLAYOUT OF BUILDINGS,TRANSPORTATION SYSTEMS, AND PUBLIC FACILITIES.
5. RECOGNIZING GREATER FLEXIBILITYIN ZONING STANDARDS FOR LARGER AND MULTI-LOT SITES.
6. ENCOURAGING A SENSITIVE DESIGNTHAT RESPECTS THE NEIGHBORHOOD CHARACTER AS WELLAS NATURAL OR CONSTRUCTED FEATURES OF THE SITEAND SURROUNDINGAREA.
7. TO UNIFY BUILDING AND STRUCTURES THROUGH DESIGN.
8. TO PROMOTE JOB CREATION AND TAX BASE INCREASE
9. TO PROMOTE SUSTAINABLE BEST

PRACTICES AND ENERGY EFFICIENCY.

10. TO ALLOW FOR APPROPRIATE USES OF LAND THAT SUPPORT LOCAL EMPLOYMENT AND ECONOMIC BENEFIT TO THE COMMUNITY.

11. TO BETTER FACILITATE INFILL AND BROWNFIELD DEVELOPMENT IN AN EFFORT TO TRANSFORM KEY AREAS OF THE CITY.

12. TO PROMOTE LONG TERM PLANNING PURSUANT TO THE FLINT MASTER PLAN, WHICH WILL ALLOW HARMONIOUS AND COMPATIBLE LAND USES OR COMBINATION OF USES WITH SURROUNDING AREAS.

B. THE DEVELOPMENT OF CITY OWNED BUILDINGS AND PROPERTY SHALL BE EXEMPT FROM THEREQUIREMENTS OF THIS SECTION.

§ 50-128. GENERAL PROVISIONS

A. TO FULFILL THE INTENDED PURPOSE OF THIS DISTRICT, THE FOLLOWINGDEVELOPMENTS SHALL BE DEVELOPED O DEVELOPMENT INACCORDANCE WITH THISCHAPTER, UNLESS EXE DEVELOPMENT NOTMEETING ANY OF THE CONDITIONS IDENTIFIEDA

1. THE PLANNING COMMISSION IS THE APPROVING BODY FOR ANY PUD UP TO FIVE (5) ACRES IN SIZE.

2. CITY COUNCIL IS THE APPROVING BODY FOR ANY PUD GREATER

THAN FIVE (5) ACRES IN SIZE, FOLLOWING A RECOMMENDATION FROM THE PLANNING COMMISSION.

B. EACH PLANNED UNIT DEVELOPMENT SHOULD BE PRESENTED AND JUDGED ON ITS OWN MERITS. IT SHALL NOT BE SUFFICIENT TO BASE JUSTIFICATION FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT UPON AN ALREADY EXISTING PLANNED UNIT DEVELOPMENT EXCEPT TO THE EXTENT SUCH PLANNED UNIT DEVELOPMENT HAS BEEN APPROVED AS PART OF A DEVELOPMENT MASTER PLAN.

C. THE BURDEN OF PROVIDING EVIDENCE AND PERSUASION THAT ANY PLANNED UNIT DEVELOPMENT IS NECESSARY AND DESIRABLE SHALL IN EVERY CASE REST WITH THE APPLICANT.

D. BUILDINGS AND USES OR COMBINATIONS OF USES WITHIN A PLANNED UNIT DEVELOPMENT SHALL BE LIMITED SOLELY TO THOSE APPROVED AS PART OF A PLANNED UNIT DEVELOPMENT PERMIT; PROVIDED, HOWEVER, THAT ANY BUILDINGS AND USES OR COMBINATIONS OF USES IN COMPLIANCE WITH A DEVELOPMENT MASTER PLAN APPROVED AS PART OF A PLANNED UNIT DEVELOPMENT PERMIT MAY BE APPROVED BY THE CITY COUNCIL.

§ 50-129. STANDARDS FOR REVIEW

A. MODIFICATIONS IN CONVENTIONAL ZONING AND SUBDIVISION REGULATIONS ARE PRIVILEGES AND WILL BE CONSIDERED BY THE CITY ONLY IN DIRECT RESPONSE TO THE ACCRUAL OF TANGIBLE BENEFITS FROM THE PLANNED UNIT DEVELOPMENT TO THE CITY OR THE NEIGHBORHOOD/AREA IN WHICH IT WOULD BE LOCATED. THESE BENEFITS SHALL BE IN THE FORM OF EXCEPTIONAL AMENITIES, LANDSCAPE, ARCHITECTURAL OR SITE DESIGN, SUSTAINABLE BEST PRACTICES, OR THE CONSERVATION OF SPECIAL CONSTRUCTED OR NATURAL FEATURES OF THE SITE. IN REVIEWING AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT, THE PLANNING COMMISSION AND/OR THE CITY COUNCIL, AS THE CASE MAY BE, SHALL BE REQUIRED TO MAKE CERTAIN FINDINGS BASED ON THE FOLLOWING STANDARDS.

1. REQUIRED FINDINGS. NO APPLICATION FOR A PLANNED UNIT DEVELOPMENT SHALL BE APPROVED UNLESS ALL OF THE FOLLOWING FINDINGS

ARE MADE ABOUT THE DEVELOPMENT:

I. MASTER PLAN. THE PLANNED UNIT DEVELOPMENT SHALL CONFORM TO THE GENERAL PLANNING POLICIES OF THE CITY AS SET FORTH IN THE MASTER PLAN.

A. ANY PUD MUST BE ALIGNED WITH THE VISION OF THE PARCEL(S) PLACE TYPE. THE PLANNING COMMISSION MAY MAKE AN EXCEPTION IF THE APPLICANT CAN DEMONSTRATE THAT THE PUD AS PRESENTED WOULD BETTER FIT THE SURROUNDING NEIGHBORHOOD OR SITE CONTEXT.

II. PUBLIC WELFARE. THE PLANNED UNIT DEVELOPMENT SHALL BE SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED AND MAINTAINED THAT IT WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY AND WILL NOT SUBSTANTIALLY INCREASE THE DANGER OF FIRE OR OTHERWISE ENDANGER THE PUBLIC HEALTH, SAFETY AND WELFARE.

III. IMPACT ON OTHER PROPERTY. THE PLANNED UNIT DEVELOPMENT SHALL NOT BE INJURIOUS TO THE USE OR ENJOYMENT OF OTHER PROPERTY IN THE NEIGHBORHOOD FOR THE PURPOSES PERMITTED IN THE DISTRICT, SHALL NOT IMPEDE THE NORMAL AND

ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTIES FOR USES PERMITTED IN THE ZONING DISTRICT, SHALL NOT BE INCONSISTENT WITH THE COMMUNITY CHARACTER OF THE NEIGHBORHOOD, SHALL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD AND SHALL BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES SET FORTH IN THE MASTER PLAN, AND SHALL NOT SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD, OR BE INCOMPATIBLE WITH OTHER PROPERTY IN THE IMMEDIATE VICINITY.

IV. IMPACT ON PUBLIC FACILITIES AND RESOURCES. THE PLANNED UNIT DEVELOPMENT SHALL BE SO DESIGNED THAT ADEQUATE UTILITIES, ROAD ACCESS, DRAINAGE, AND OTHER NECESSARY FACILITIES WILL BE PROVIDED TO SERVE IT AT THE COST OF THE DEVELOPER.

V. ARCHAEOLOGICAL, HISTORICAL OR CULTURAL IMPACT. THE PLANNED UNIT DEVELOPMENT SHALL NOT SUBSTANTIALLY ADVERSELY AFFECT A KNOWN ARCHAEOLOGICAL, HISTORICAL, OR CULTURAL RESOURCE LOCATED ON OR OFF OF THE PARCEL PROPOSED FOR DEVELOPMENT.

VI. PARKING AND TRAFFIC. THE PLANNED UNIT DEVELOPMENT SHALL HAVE OR MAKE ADEQUATE

PROVISION TO PROVIDE INGRESS AND EGRESS TO THE PROPOSED USE IN A MANNER THAT MINIMIZES TRAFFIC CONGESTION IN THE PUBLIC STREETS, PROVIDES APPROPRIATE CROSS ACCESS TO ADJACENT PROPERTIES AND PARKING AREAS, AND PROVIDE ADEQUATE ACCESS FOR EMERGENCY VEHICLES.

VII. ADEQUATE BUFFERING. THE PLANNED UNIT DEVELOPMENT SHALL HAVE ADEQUATE LANDSCAPING, PUBLIC OPEN SPACE, AND OTHER BUFFERING FEATURES TO PROTECT USES WITHIN THE DEVELOPMENT AND SURROUNDING PROPERTIES.

VIII. SIGNAGE. ANY SIGNAGE ON THE SITE OF THE PLANNED UNIT DEVELOPMENT SHALL BE IN CONFORMITY WITH THE SIGN REGULATIONS.

2. MODIFICATION STANDARDS. IN ADDITION TO THE FINDINGS REQUIRED ABOVE, THE FOLLOWING STANDARDS SHALL BE UTILIZED IN CONSIDERING APPLICATIONS FOR MODIFICATIONS OF THE CONVENTIONAL ZONING AND SUBDIVISION REGULATIONS FOR A PLANNED UNIT DEVELOPMENT. THESE STANDARDS SHALL NOT BE REGARDED AS INFLEXIBLE, BUT SHALL BE USED AS A FRAMEWORK BY THE CITY TO TEST THE QUALITY OF THE AMENITIES, BENEFITS TO THE COMMUNITY, AND DESIGN AND DESIRABILITY OF THE PROPOSAL.

I. INTEGRATED DESIGN. A PLANNED UNIT DEVELOPMENT SHALL BE LAID OUT AND DEVELOPED AS A UNIT IN ACCORDANCE WITH AN INTEGRATED OVERALL

DESIGN. THIS DESIGN SHALL PROVIDE FOR SAFE, EFFICIENT, CONVENIENT AND HARMONIOUS GROUPING OF STRUCTURES, USES AND FACILITIES, AND FOR APPROPRIATE RELATION OF SPACE INSIDE AND OUTSIDE BUILDINGS TO INTENDED USES AND STRUCTURAL FEATURES. THE APPLICATION MUST DESCRIBE HOW ANY ZONING REGULATIONS ARE BEING MODIFIED AND WHY THIS IS NECESSARY TO ACHIEVE THE OVERALL DESIGN.

II. BENEFICIAL COMMON OPEN SPACE. ANY COMMON OPEN SPACE IN THE PLANNED UNIT DEVELOPMENT SHALL BE INTEGRATED INTO THE OVERALL DESIGN. SUCH SPACES SHALL HAVE A DIRECT FUNCTIONAL OR VISUAL RELATIONSHIP TO THE MAIN BUILDING(S) AND NOT BE OF ISOLATED OR LEFTOVER CHARACTER. THE FOLLOWING WOULD NOT BE CONSIDERED USABLE COMMON OPEN SPACE:

A. AREAS RESERVED FOR THE EXCLUSIVE USE OR BENEFIT OF AN INDIVIDUAL TENANT OR OWNER.

B. DEDICATED STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAY.

C. VEHICULAR DRIVES, PARKING, LOADING AND STORAGE AREA.

D. IRREGULAR OR UNUSABLE NARROW STRIPS OF LAND LESS THAN FIFTEEN FEET (15') WIDE.

III. FUNCTIONAL AND MECHANICAL FEATURES. EXPOSED STORAGE AREAS, TRASH AND GARBAGE RETAINERS, EXPOSED MACHINERY INSTALLATIONS, SERVICE AREAS, TRUCK LOADING AREAS, UTILITY BUILDINGS AND STRUCTURES, AND SIMILAR ACCESSORY AREAS AND STRUCTURES SHALL BE ACCOUNTED FOR IN THE DESIGN OF THE PLANNED UNIT DEVELOPMENT AND MADE AS UNOBTRUSIVE AS POSSIBLE. THEY SHALL BE SUBJECT TO SUCH SETBACKS, SPECIAL PLANTING OR OTHER SCREENING METHODS AS SHALL REASONABLY BE REQUIRED TO PREVENT THEIR BEING INCONGRUOUS WITH THE EXISTING OR CONTEMPLATED ENVIRONMENT AND THE SURROUNDING PROPERTIES.

IV. VISUAL AND ACOUSTICAL PRIVACY. THE PLANNED UNIT DEVELOPMENT SHALL PROVIDE REASONABLE VISUAL, AND ACOUSTICAL PRIVACY FOR EACH DWELLING UNIT. FENCES, INSULATIONS, WALKS, BARRIERS AND LANDSCAPING SHALL BE USED AS APPROPRIATE FOR THE PROTECTION AND AESTHETIC ENHANCEMENT OF PROPERTY AND THE PRIVACY OF ITS OCCUPANTS, SCREENING OF OBJECTIONABLE VIEW OR USES, AND REDUCTION OF NOISES.

V. ENERGY EFFICIENT DESIGN. A PLANNED UNIT DEVELOPMENT SHALL BE DESIGNED WITH CONSIDERATION GIVEN TO VARIOUS METHODS OF SITE DESIGN AND BUILDING LOCATION, ARCHITECTURAL DESIGN OF INDIVIDUAL STRUCTURES, AND LANDSCAPING DESIGN CAPABLE OF REDUCING ENERGY CONSUMPTION WITHIN THE PLANNED UNIT DEVELOPMENT AND TO THE EXTENT FEASIBLE, THE APPLICANT WILL BE ENCOURAGED TO OBTAIN LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION FOR THE PROJECT AND/OR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN FOR NEIGHBORHOOD DEVELOPMENT (LEED-ND) FOR THE PROJECT.

VI. DRIVES, PARKING AND CIRCULATION. PRINCIPAL VEHICULAR ACCESS SHALL BE FROM DEDICATED PUBLIC STREETS, AND ACCESS POINTS SHALL BE DESIGNED TO ENCOURAGE SMOOTH TRAFFIC FLOW WITH CONTROLLED TURNING MOVEMENTS AND MINIMUM HAZARDS TO VEHICULAR OR PEDESTRIAN TRAFFIC. WITH RESPECT TO VEHICULAR AND PEDESTRIAN CIRCULATION, INCLUDING WALKWAYS, INTERIOR DRIVES AND PARKING, SPECIAL ATTENTION SHALL BE GIVEN TO LOCATION AND NUMBER OF ACCESS POINTS TO THE PUBLIC STREETS, WIDTH OF INTERIOR DRIVES AND ACCESSPOINTS,

GENERAL INTERIOR CIRCULATION, SEPARATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, ADEQUATE PROVISION FOR SERVICE BY EMERGENCY VEHICLES, AND ARRANGEMENT OF PARKING AREAS THAT ARE SAFE AND CONVENIENT, AND INSOFAR AS FEASIBLE, DO NOT DETRACT FROM THE DESIGN OF PROPOSED BUILDINGS AND STRUCTURES AND THE NEIGHBORING PROPERTIES.

VII. SURFACE WATER DRAINAGE. SPECIAL ATTENTION SHALL BE GIVEN TO PROPER SITE SURFACE DRAINAGE SO THAT REMOVAL OF SURFACE WATERS WILL NOT ADVERSELY AFFECT NEIGHBORING PROPERTIES OR THE PUBLIC STORM DRAINAGE SYSTEM. SURFACE WATER IN ALL PAVED AREAS SHALL BE COLLECTED AT INTERVALS SO THAT IT WILL NOT OBSTRUCT THE FLOW OF VEHICULAR OR PEDESTRIAN TRAFFIC.

VIII. SIGNAGE MODIFICATIONS. ANY MODIFICATION TO SIGN REGULATIONS MUST DEMONSTRATE NEED ACCORDING TO THE STANDARDS OF SECTION 50-178.

§ 50-130. SITE DEVELOPMENT ALLOWANCES

A. NOTWITHSTANDING ANY LIMITATIONS ON VARIATIONS WHICH CAN BE APPROVED AS CONTAINED ELSEWHERE IN THE ZONING REGULATIONS, SITE DEVELOPMENT ALLOWANCES, I.E., DEVIATIONS OR VARIATIONS FROM THE UNDERLYING ZONING PROVISIONS SET FORTH OUTSIDE THIS CHAPTER MAY BE APPROVED PROVIDED THE APPLICANT SPECIFICALLY IDENTIFIES EACH SUCH SITE DEVELOPMENT ALLOWANCE

AND DEMONSTRATES HOW EACH SUCH SITE DEVELOPMENT ALLOWANCE WOULD BE COMPATIBLE WITH SURROUNDING DEVELOPMENT, IS IN FURTHERANCE OF THE STATED OBJECTIVES OF THIS SECTION, AND IS NECESSARY FOR PROPER DEVELOPMENT OF THE SITE.

§ 50-131. PROCEDURES

THE FOLLOWING STEPS ARE PROVIDED TO ASSURE THE ORDERLY REVIEW OF EVERY PLANNED UNIT DEVELOPMENT APPLICATION IN A TIMELY AND EQUITABLE MANNER: REVIEW AND ACTION BY THE CITY COUNCIL IS ONLY APPLICABLE IF THE PROPOSED PUD PROJECT IS GREATER THAN 5 ACRES IN SPACE, FOLLOWING A RECOMMENDATION BY THE PLANNING COMMISSION. IF THE PROPOSED PUD IS LESS THAN 5 ACRES, THE PLANNING COMMISSION WILL HEAR AND ACT ON THE CASE.

A. PRELIMINARY PUD REVIEW WITH APPROVING BODY:

1. APPLICATION, PURPOSE, AND PROCEDURE:

I. A PROSPECTIVE APPLICANT, PRIOR TO MEETING WITH CITY STAFF FOR A FORMAL PRE-FILING REVIEW, SHALL APPEAR BEFORE THE PROPER APPROVING BODY FOR A PRELIMINARY PUD REVIEW. THE APPLICANT SHALL COORDINATE WITH THE ZONING COORDINATOR TO BE PLACED ON THE MEETING AGENDA AND SCHEDULED FOR THE EARLIEST APPROPRIATE MEETING. AT A MINIMUM, THE APPLICANT SHALL PROVIDE THE FOLLOWING MATERIALS TO THE APPROVING BODY FOR ITS PRELIMINARY REVIEW: 1) PRELIMINARY CONCEPT PLAN OF THE DEVELOPMENT, AND 2) A BRIEF NARRATIVE DESCRIBING THE OVERALL CHARACTER, INTENSITY, USES, AND NATURE OF THE PROPOSED PLANNED UNIT DEVELOPMENT.

II. THE PURPOSE OF SUCH REVIEW

SHALL BE TO BROADLY ACQUAINT THE APPROVING BODY WITH THE APPLICANT'S PROPOSAL AND TO PROVIDE THE APPLICANT WITH ANY PRELIMINARY VIEWS OR CONCERNS THAT MEMBERS OF THE BODY MAY HAVE AT A TIME IN THE PROCESS WHEN POSITIONS ARE STILL FLEXIBLE AND ADJUSTMENT IS STILL POSSIBLE AND PRIOR TO THE TIME WHEN THE APPLICANT IS REQUIRED TO EXPEND THE FUNDS NECESSARY TO PREPARE THE COMPLETE DOCUMENTATION REQUIRED FOR A FORMAL APPLICATION.

III. AT THE MEETING AT WHICH THE PRELIMINARY PUD REVIEW IS CONDUCTED, ANY MEMBER OF THE APPROVING BODY MAY MAKE ANY COMMENTS, SUGGESTIONS OR RECOMMENDATIONS REGARDING THE PRELIMINARY DEVELOPMENT CONCEPT DEEMED NECESSARY OR APPROPRIATE BY THAT, MEMBER; PROVIDED, HOWEVER, THAT NO FINAL OR BINDING ACTION SHALL BE TAKEN WITH RESPECT TO ANY PRELIMINARY APPLICATION. ANY VIEWS EXPRESSED IN THE COURSE OF THE APPROVING BODY'S REVIEW OF ANY PRELIMINARY DEVELOPMENT CONCEPT SHALL BE DEEMED TO BE ONLY PRELIMINARY AND ADVISORY AND ONLY THE INDIVIDUAL VIEWS OF THE MEMBER EXPRESSING THEM. NOTHING SAID OR DONE IN THE COURSE OF SUCH REVIEW SHALL BE DEEMED TO CREATE, OR TO PREJUDICE, ANY RIGHTS OF THE APPLICANT OR

TO OBLIGATE THE APPROVING BODY, OR ANY MEMBER OF IT, TO APPROVE OR DENY ANY FORMAL APPLICATION FOLLOWING FULL CONSIDERATION THEREOF AS REQUIRED BY THIS CODE.

ATTACHMENT:

DIAGRAM 50-131 (EXHIBIT 59)

B. NEIGHBORHOOD MEETING.

1. PURPOSE. THE PURPOSE OF A NEIGHBORHOOD MEETING IS TO EDUCATE OCCUPANTS AND OWNERS OF NEARBY PROPERTIES ABOUT THE PROPOSED DEVELOPMENT APPLICATION, RECEIVE COMMENTS AND ADDRESS CONCERNS ABOUT THE DEVELOPMENT PROPOSAL; AND RESOLVE CONFLICTS AND OUTSTANDING ISSUES, WHERE POSSIBLE. THE MEETING IS INTENDED TO RESULT IN AN APPLICATION THAT IS RESPONSIVE TO NEIGHBORHOOD CONCERNS AND TO EXPEDITE AND LESSEN THE EXPENSE OF THE REVIEW PROCESS BY AVOIDING NEEDLESS DELAYS, APPEALS, REMANDS OR DENIALS.

2. APPLICABILITY.

   I. A NEIGHBORHOOD MEETING IS REQUIRED FOR ANY PROJECT SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROCESS THAT MAY HAVE AN IMPACT ON NEIGHBORING PROPERTIES.

   I. THE ZONING COORDINATOR AND/OR PLANNING COMMISSION MAY DIRECT AN APPLICANT TO CONDUCT A NEIGHBORHOOD MEETING IF THE PROPOSED PROJECT IS EXPECTED TO HAVE SIGNIFICANT LAND USE, APPEARANCE, TRAFFIC, PUBLIC FACILITY OR OTHER IMPACTS ON NEIGHBORING LANDS.

II. FAILURE TO HOLD A NEIGHBORHOOD MEETING SHALL NOT STOP OR DELAY THE REVIEW PROCESS; HOWEVER, SUCH AN OMISSION MAY RESULT IN THE TABLING OF A REQUEST.

3. RECOMMENDED PROCEDURE.

I. NOTICE OF THE MEETING SHALL BE GIVEN TO NEIGHBORS AND NEIGHBORHOOD AND/OR BUSINESS ASSOCIATION REPRESENTATIVES WITHIN A REASONABLE TIMEFRAME.

II. THE MEETING SHALL BE HELD IN A NEUTRAL LOCATION AFTER 5 P.M. ON A WEEKDAY.

III. AT THE MEETING, THE APPLICANT SHALL EXPLAIN THE DEVELOPMENT PROPOSAL, ANSWER ANY QUESTIONS, AND RESPOND TO CONCERNS. PROPOSED WAYS TO RESOLVE CONFLICTS, IF ANY EXIST, SHOULD BE DISCUSSED.

IV. IT IS RECOMMENDED THAT A SIGN-IN SHEET AND SUMMARY ADDRESSING ISSUES AND DISCUSSIONS FROM THE MEETING BE SUPPLIED TO THE ZONING COORDINATOR FOLLOWING THE NEIGHBORHOOD MEETING. THIS INFORMATION SHALL BE SUPPLIED TO THE PLANNING COMMISSION HEARING THE MATTER.

V. CITY STAFF SHALL ATTEND THE NEIGHBORHOOD MEETING FOR PURPOSES OF ADVISING THE ATTENDEES REGARDING APPLICABLE PROVISIONS OF THIS CHAPTER, BUT SHALL NOT SERVE AS FACILITATORS OR BECOME INVOLVED IN

DISCUSSIONS AT THE NEIGHBORHOOD MEETING.

VI. THE APPLICANT IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE NEIGHBORHOOD MEETING.

C. PRE-FILING REVIEW AND TRANSMITTAL OF APPLICATION:

1. CONFERENCE:

I. A PROSPECTIVE APPLICANT, PRIOR TO SUBMITTING A FORMAL APPLICATION FOR A PLANNED UNIT DEVELOPMENT, SHALL MEET FOR A PRE-FILING CONFERENCE(S) WITH THE ZONING COORDINATOR AND ANY OTHER CITY OFFICIAL OR EMPLOYEE DESIGNATED BY THE ZONING COORDINATOR. THE PURPOSE OF THE CONFERENCE(S) IS TO HELP THE APPLICANT UNDERSTAND THE MASTER PLAN, THE ZONING ORDINANCE, THE SITE DEVELOPMENT ALLOWANCES, THE STANDARDS BY WHICH THE APPLICATION WILL BE EVALUATED, AND THE APPLICATION REQUIREMENTS.

II. AFTER REVIEWING THE PLANNED UNIT DEVELOPMENT PROCESS, THE APPLICANT MAY REQUEST A WAIVER OF ANY APPLICATION REQUIREMENT WHICH IN THE APPLICANT'S JUDGMENT SHOULD NOT APPLY TO THE PROPOSED PLANNED UNIT DEVELOPMENT. SUCH REQUEST SHALL BE MADE IN WRITING PRIOR TO THE SUBMISSION OF THE FORMAL APPLICATION DOCUMENTS.

III. ALL REQUESTS FOR WAIVER SHALL BE REVIEWED WITHIN FIFTEEN

(15) WORKING DAYS BY THE ZONING COORDINATOR. A FINAL DETERMINATION REGARDING THE WAIVER SHALL BE GIVEN TO THE PROSPECTIVE APPLICANT FOLLOWING THE DECISION.

2. FILING OF APPLICATION: FOLLOWING THE COMPLETION OF THE PREFILLING CONFERENCE(S), THE APPLICANT SHALL FILE AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH THIS SECTION. THE ZONING COORDINATOR SHALL DELIVER COPIES OF THE APPLICATION TO OTHER APPROPRIATE CITY DEPARTMENTS FOR REVIEW AND COMMENT.

3. DEFICIENCIES: THE ZONING COORDINATOR SHALL DETERMINE WHETHER THE APPLICATION IS COMPLETE. IF THE ZONING COORDINATOR DETERMINES THAT THE APPLICATION IS NOT COMPLETE, HE/SHE SHALL NOTIFY THE APPLICANT IN WRITING OF ANY DEFICIENCIES AND SHALL TAKE NO FURTHER STEPS TO PROCESS THE APPLICATION UNTIL THE DEFICIENCIES ARE REMEDIED.

4. REPORT ON COMPLIANCE: A COPY OF THE COMPLETE APPLICATION AND A WRITTEN REPORT INCORPORATING THE COMMENTS OF CITY STAFF AND OTHER AGENCIES REGARDING THE COMPLIANCE OF THE PROPOSED PLANNED UNIT DEVELOPMENT WITH THE REQUIREMENTS AND STANDARDS OF THIS SECTION SHALL BE DELIVERED TO THE PLANING COMMISSION PRIOR TO THE PUBLIC HEARING.

5. DETERMINATION NOT BINDING: NEITHER THE ZONING COORDINATOR'S DETERMINATION THAT AN APPLICATION IS COMPLETE NOR ANY COMMENT MADE BY THE ZONING COORDINATOR OR CITY STAFF AT A PREFILING CONFERENCE OR AS PART OF THE REVIEW PROCESS SHALL BE INTENDED OR CONSTRUED AS A

FORMAL OR INFORMAL RECOMMENDATION FOR THE APPROVAL OF A PLANNED UNIT DEVELOPMENT, OR COMPONENT PART THEREOF, NOR SHALL BE INTENDED OR CONSTRUED AS A BINDING DECISION OF THE CITY, THE PLANNING COMMISSION, OR ANY STAFF MEMBER.

D. REVIEW AND ACTION BY THE PLANNING COMMISSION:

1. REVIEW AND ACTION BY THE CITY COUNCIL IS ONLY APPLICABLE IF THE PROPOSED PUD PROJECT IS GREATER THAN 5 ACRES.

2. UPON RECEIVING THE REPORT FROM THE ZONING COORDINATOR, THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING ON THE PROPOSED PLANNED UNIT DEVELOPMENT.

3. THE ZONING COORDINATOR OR DESIGNEE SHALL PUBLISH NOTICE OF THE REQUEST FOR HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF FLINT NOT LESS THAN 15 DAYS BEFORE THE DATE OF THE HEARING.

4. NOTICE SHALL ALSO BE SENT BY MAIL OR PERSONAL DELIVERY TO THE OWNERS OF PROPERTY FOR WHICH APPROVAL IS BEING CONSIDERED. NOTICE SHALL ALSO BE SENT TO ALL PERSONS TO WHOM REAL PROPERTY IS ASSESSED WITHIN 300 FEET OF THE PROPERTY AND TO THE OCCUPANTS OF ALL STRUCTURES WITHIN 300 FEET OF THE PROPERTY REGARDLESS OF WHETHER THE PROPERTY OR OCCUPANT IS LOCATED IN THE ZONING JURISDICTION. THE NOTICE SHALL BE GIVEN NOT LESS THAN 15 DAYS BEFORE THE DATE THE APPLICATION WILL BE CONSIDERED FOR APPROVAL. THE NOTICE IS CONSIDERED GIVEN WHEN DEPOSITED DURING NORMAL BUSINESS HOURS FOR DELIVERY WITH THE UNITED STATES POSTAL SERVICE OR OTHER PUBLIC OR PRIVATE DELIVERY SERVICES. IF THE NAME OF THE OCCUPANT IS NOT KNOWN, THE TERM "OCCUPANT" MAY BE

USED IN MAKING NOTIFICATION UNDER THIS SUBSECTION.

5. THE NOTICE SHALL DO ALL OF THE FOLLOWING:

   I. DESCRIBE THE NATURE OF THE REQUEST.

   II. INDICATE THE PROPERTY THAT IS THE SUBJECT OF THE REQUEST. THE NOTICE SHALL INCLUDE A LISTING OF ALL EXISTING STREET ADDRESSES WITHIN THE PROPERTY. STREET ADDRESSES NEED NOT BE CREATED AND LISTED. IF NO SUCH ADDRESSES EXIST WITHIN THE PROPERTY, OTHER MEANS OF IDENTIFICATION MAY BE USED.

   III. STATE WHEN AND WHERE THE REQUEST WILL BE CONSIDERED.

   IV. INDICATE WHEN AND WHERE WRITTEN COMMENTS WILL BE RECEIVED CONCERNING THE REQUEST.

6. THE PLANNING COMMISSION SHALL REVIEW THE APPLICATION, THE STANDARDS AND REQUIREMENTS ESTABLISHED BY THIS SECTION, THE REPORT OF THE ZONING COORDINATOR, AND ANY ORAL AND WRITTEN COMMENTS RECEIVED BY THE PLANNING COMMISSION BEFORE OR AT THE PUBLIC HEARING INCLUDING COMMENTS RECEIVED AT THE NEIGHBORHOOD MEETING. WITHIN FORTY FIVE (45) DAYS FOLLOWING THE CLOSE OF THE PUBLIC HEARING AND AT A REGULAR MEETING, THE PLANNING COMMISSION SHALL MAKE SPECIFIC WRITTEN FINDINGS ADDRESSING EACH OF THE STANDARDS SET FORTH IN THIS SECTION AND TRANSMIT SUCH FINDINGS, TOGETHER WITH A RECOMMENDATION OF APPROVAL, APPROVAL WITH CONDITIONS, OR DISAPPROVAL.

7. ANY ACTION TAKEN BY THE PLANNING

COMMISSION SHALL REQUIRE THE CONCURRENCE OF A MAJORITY OF ALL THE COMMISSION MEMBERS THEN HOLDING OFFICE.

8. IN APPROVING A PLANNED UNIT DEVELOPMENT, THE PLANNING COMMISSION MAY ATTACH SUCH CONDITIONS TO THE APPROVAL AS IT DEEMS NECESSARY TO HAVE THE PROPOSED USE OR COMBINATION OF USES MEET THE STANDARDS SET FORTH IN THIS SECTION AND TO PREVENT OR MINIMIZE ADVERSE EFFECTS ON OTHER PROPERTY IN THE IMMEDIATE VICINITY. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO: LIMITATIONS ON SIZE, BULK AND LOCATION; REQUIREMENTS FOR LANDSCAPING, SIGNAGE, OUTDOOR LIGHTING, PROVISIONS FOR ADEQUATE INGRESS AND EGRESS; HOURS OF OPERATION; AND SUCH OTHER CONDITIONS AS THE PLANNING COMMISSION MAY DEEM TO BE IN FURTHERANCE OF THE OBJECTIVES OF THIS SECTION.

E. REVIEW AND ACTION BY THE CITY COUNCIL:

1. REVIEW AND ACTION BY THE CITY COUNCIL IS ONLY APPLICABLE IF THE PROPOSED PUD PROJECT IS GREATER THAN 5 ACRES.

2. UPON RECEIVING THE REPORT FROM THE ZONING COORDINATOR, THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING ON THE PROPOSED PLANNED UNIT DEVELOPMENT. NOTICE OF THE REQUIRED PUBLIC HEARING SHALL BE GIVEN IN THESAME MANNER AS DESCRIBED IN ITEM D ABOVE.

3. THE CITY COUNCIL SHALL REVIEW THE APPLICATION, THE STANDARDS AND REQUIREMENTS ESTABLISHED BY THIS SECTION, THE REPORT OF THE ZONING COORDINATOR, AND ANY ORAL AND WRITTEN COMMENTS RECEIVED BY THE CITY COUNCIL BEFORE OR AT THE PUBLIC HEARING. WITHIN FORTY FIVE (45) DAYS FOLLOWING THE CLOSE OF THE PUBLIC HEARING AND AT A REGULAR MEETING, THE CITY COUNCIL

SHALL MAKE SPECIFIC WRITTEN FINDINGS ADDRESSING EACH OF THE STANDARDS SET FORTH IN THIS SECTION AND TRANSMIT SUCH FINDINGS, TOGETHER WITH A RECOMMENDATION OF APPROVAL, APPROVAL WITH CONDITIONS, OR DISAPPROVAL.

4. ANY ACTION TAKEN BY THE CITY COUNCIL PURSUANT TO SUBSECTION (C)(1) ABOVE SHALL REQUIRE THE CONCURRENCE OF A MAJORITY OF ALL THE CITY COUNCIL THEN HOLDING OFFICE.

5. IN APPROVING A PLANNED UNIT DEVELOPMENT, THE CITY COUNCIL MAY ATTACH SUCH CONDITIONS TO THE APPROVAL AS IT DEEMS NECESSARY TO HAVE THE PROPOSED USE OR COMBINATION OF USES MEET THE STANDARDS SET FORTH IN THIS SECTION AND TO PREVENT OR MINIMIZE ADVERSE EFFECTS ON OTHER PROPERTY IN THE IMMEDIATE VICINITY. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO: LIMITATIONS ON SIZE, BULK AND LOCATION; REQUIREMENTS FOR LANDSCAPING, SIGNAGE, OUTDOOR LIGHTING, PROVISIONS FOR ADEQUATE INGRESS AND EGRESS; HOURS OF OPERATION; AND SUCH OTHER CONDITIONS AS THE CITY COUNCIL MAY DEEM TO BE IN FURTHERANCE OF THE OBJECTIVES OF THIS SECTION.

§ 50-132. APPLICATION REQUIREMENTS

A. THE FOLLOWING STEPS ARE PROVIDED TO ASSURE THE ORDERLY REVIEW OF EVERY PLANNED UNIT DEVELOPMENT APPLICATION IN A TIMELY AND EQUITABLE MANNER.

B. AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT MAY ONLY BE FILED BY ONE WHO HAS AN OWNERSHIP INTEREST, OR THE AGENTS THEREOF; OR ANY CONTRACT PURCHASER OR ANYONE HOLDING AN OPTION TO PURCHASE THE PARCEL OF LAND ON WHICH THE USE OR COMBINATION OF USES IS TO BE LOCATED.

C. APPLICATIONS FOR A PLANNED UNIT DEVELOPMENT SHALL BE FILED WITH THE ZONING COORDINATOR IN SUCH FORM AND ACCOMPANIED BY

SUCH INFORMATION, WITH SUFFICIENT COPIES, AS SHALL BE ESTABLISHED FROM TIME TO TIME BY THE CITY. EVERY APPLICATION SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING INFORMATION AND RELATED DATA:

1. **THE NAMES AND ADDRESSES OF THE OWNER, OR OWNERS IF MORE THAN ONE, OF THE SUBJECT PROPERTY.**

2. **A STATEMENT FROM THE OWNER OF THE SUBJECT PROPERTY, IF NOT THE APPLICANT, APPROVING OF THE FILING OF THE APPLICATION BY THE PARTICULAR APPLICANT.**

3. **A SURVEY OF, AND LEGAL DESCRIPTION AND STREET ADDRESS FOR THE SUBJECT PROPERTY.**

4. **A STATEMENT INDICATING COMPLIANCE OF THE PROPOSED PLANNED UNIT DEVELOPMENT WITH THE MASTER PLAN; AND EVIDENCE OF THE PROPOSED PROJECT'S COMPLIANCE IN SPECIFIC DETAIL WITH EACH OF THE "STANDARDS FOR REVIEW" IN SECTION 50-129 FOR PLANNED UNIT DEVELOPMENTS.**

5. **A SCALED SITE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-190 SITE PLAN SUBMITTAL REQUIREMENTS.**

6. **A SCHEDULE OF DEVELOPMENT SHOWING THE APPROXIMATE DATE FOR BEGINNING AND COMPLETION OF EACH STAGE OF CONSTRUCTION OF THE PLANNED UNIT DEVELOPMENT.**

7. **A PROFESSIONAL TRAFFIC STUDY ACCEPTABLE TO THE CITY MAY BE REQUIRED, SHOWING THE PROPOSED TRAFFIC CIRCULATION PATTERN WITHIN AND IN THE VICINITY OF THE AREA OF THE PLANNED UNIT DEVELOPMENT, INCLUDING THE LOCATION AND DESCRIPTION OF PUBLIC IMPROVEMENTS TO BE INSTALLED, AND ANY STREETS AND ACCESS EASEMENTS.**

8. **A PROFESSIONAL ECONOMIC ANALYSIS ACCEPTABLE TO THE CITY, INCLUDING THE FOLLOWING:**

I. THE FINANCIAL CAPABILITY OF THE APPLICANT TO COMPLETE THE PROPOSED PLANNED UNIT DEVELOPMENT;

II. EVIDENCE OF THE PROJECT'S ECONOMIC VIABILITY; AND

III. AN ANALYSIS SUMMARIZING THE ECONOMIC IMPACT THE PROPOSED PLANNED UNIT DEVELOPMENT WILL HAVE UPON THE CITY.

9. AN ANALYSIS SETTING FORTH THE ANTICIPATED DEMAND ON ALL CITY SERVICES.

10. A PLAN SHOWING OFF-SITE UTILITY IMPROVEMENTS REQUIRED TO SERVICE THE PROPOSED PLANNED UNIT DEVELOPMENT, AND A REPORT SHOWING THE COST ALLOCATIONS AND FUNDING SOURCES FOR THOSE IMPROVEMENTS.

D. EVERY APPLICATION MUST BE ACCOMPANIED BY THE FEE SET OUT IN APPENDIX A OF THE MASTER FEE SCHEDULE OF THE CITY CODE. ADDITIONAL MATERIALS MAY BE REQUIRED DURING THE REVIEW OF A PROPOSED PLANNED UNIT DEVELOPMENT IF DETERMINED NECESSARY BY THE PLANNING COMMISSION OR THE CITY COUNCIL.

§ 50-133. EFFECT OF APPROVAL OR DENIAL

A. APPROVAL OF THE PLANNED UNIT DEVELOPMENT PERMIT BY EITHER APPROVING BODY AUTHORIZES THE APPLICANT TO PROCEED WITH ANY NECESSARY APPLICATIONS FOR BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND OTHER PERMITS WHICH THE CITY MAY REQUIRE FOR THE PROPOSED PLANNED UNIT DEVELOPMENT. THE PLANNING DEPARTMENT SHALL REVIEW APPLICATIONS FOR THESE PERMITS FOR COMPLIANCE WITH THE TERMS OF THE PLANNED UNIT DEVELOPMENT PERMIT GRANTED BY THE APPROVING BODY. NO BUILDING PERMIT SHALL BE ISSUED FOR DEVELOPMENT WHICH DOES NOT COMPLY WITH THE TERMS OF THE PLANNED UNIT DEVELOPMENT PERMIT.

B. THE CITY COUNCIL SHALL DIRECT THE ZONING COORDINATOR TO REVISE THE OFFICIAL ZONING MAP TO REFLECT THE EXISTENCE AND BOUNDARIES OF EACH

PLANNED UNIT DEVELOPMENT.

C. SUBJECT TO SUBSECTION (G) BELOW, AN APPROVAL OF A PLANNED UNIT DEVELOPMENT PERMIT BY THE APPROVING BODY SHALL BE NULL AND VOID IF THE RECIPIENT DOES NOT FILE AN APPLICATION FOR A BUILDING PERMIT RELATIVE TO THE PROPOSED PLANNED UNIT DEVELOPMENT WITHIN TWELVE (12) MONTHS AFTER THE DATE OF ADOPTION OF THE ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT PERMIT.

D. SUBJECT TO SUBSECTION (G) BELOW, AN APPROVAL OF A PLANNED UNIT DEVELOPMENT PERMIT BY THE APPROVING BODY SHALL BE NULL AND VOID IF CONSTRUCTION HAS NOT COMMENCED WITHIN TWELVE (12) MONTHS, AND IS NOT COMPLETED WITHIN THIRTY (30) MONTHS AFTER THE DATE OF ADOPTION OF THE ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT PERMIT.

E. SUBJECT TO SUBSECTION (G) BELOW, AN APPROVAL OF A PLANNED UNIT DEVELOPMENT PERMIT WITH A PHASING PLAN SHALL BE NULL AND VOID IF CONSTRUCTION HAS NOT COMMENCED OR IS NOT COMPLETED IN ACCORDANCE WITH THE TERMS OF THAT PHASING PLAN.

F. AN APPROVAL OF A PLANNED UNIT DEVELOPMENT PERMIT WITH A MASTER DEVELOPMENT PLAN SHALL BE NULL AND VOID IF CONSTRUCTION HAS NOT COMMENCED OR IS NOT COMPLETED IN ACCORDANCE WITH THE TERMS AND CONDITIONS CONTAINED IN THE DEVELOPMENT MASTER PLAN.

G. AN EXTENSION OF THE TIME REQUIREMENTS STATED IN SUBSECTIONS (C), (D), AND (E) OF THIS SECTION MAY BE GRANTED BY THE CITY COUNCIL FOR GOOD CAUSE SHOWN BY THE APPLICANT, PROVIDED A WRITTEN REQUEST IS FILED WITH THE CITY CLERK AT LEAST FOUR (4) WEEKS PRIOR TO THE RESPECTIVE DEADLINE.

H. NO APPLICATION FOR A PLANNED UNIT DEVELOPMENT WHICH WAS PREVIOUSLY DENIED BY EITHER APPROVING BODY SHALL BE CONSIDERED BY THE PLANNING COMMISSION OR THE CITY COUNCIL IF IT IS RESUBMITTED IN SUBSTANTIALLY THE SAME FORM AND/OR CONTENT WITHIN SIX (6) MONTHS OF THE DATE OF SUCH PRIOR DENIAL. IN THIS REGARD:

1. THE ZONING COORDINATOR SHALL

REVIEW THE APPLICATION FOR A PLANNED UNIT DEVELOPMENT AND DETERMINE IF THE APPLICATION IS OR IS NOT SUBSTANTIALLY THE SAME. AN APPLICANT HAS THE RIGHT TO REQUEST A HEARING BEFORE THE APPROPRIATE APPROVING BODY TO APPEAL THE DETERMINATION OF THE ZONING COORDINATOR THAT THE APPLICATION IS SUBSTANTIALLY THE SAME, PROVIDED A PETITION FOR APPEAL IS FILED IN WRITING WITH THE CITY CLERK WITHIN TEN (10) DAYS OF THE ZONING COORDINATOR'S DETERMINATION.

2. THE APPROVING BODY SHALL AFFIRM OR REVERSE THE DETERMINATION OF THE ZONING COORDINATOR, REGARDING WHETHER THE NEW APPLICATION IS IN SUBSTANTIALLY THE SAME FORM, WITHIN THIRTY (30) DAYS OF RECEIPT OF A PETITION FOR APPEAL.

3. IF IT IS DETERMINED THAT THE NEW APPLICATION IS NOT SUBSTANTIALLY IN THE SAME FORM, THEN THE APPLICANT SHALL BE ENTITLED TO CONTINUE WITH THE APPLICATION PROCESS AND HAVE IT REVIEWED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING REGULATIONS.

§ 50-134. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED UNIT DEVELOPMENT PERMITS

A. EXCEPT AS PROVIDED IN SUBSECTION (B) BELOW, RELATING TO MINOR CHANGES TO THE PLANNED UNIT DEVELOPMENT PERMIT, ANY MODIFICATIONS TO AN APPROVED PLANNED UNIT DEVELOPMENT PERMIT OR ANY ADDITION TO OR EXPANSION OF AN EXISTING PLANNED UNIT DEVELOPMENT PERMIT SHALL REQUIRE SEPARATE REVIEW AND APPROVAL UNDER THE PROVISIONS OF THE ZONING REGULATIONS.

B. A MINOR CHANGE IS ANY CHANGE IN THE SITE PLAN OR DESIGN DETAILS OF AN APPROVED PLANNED UNIT DEVELOPMENT PERMIT WHICH IS CONSISTENT WITH THE STANDARDS AND CONDITIONS APPLYING TO THE PLANNED UNIT DEVELOPMENT PERMIT AND WHICH DOES NOT ALTER THE CONCEPT OR INTENT OF THE PLANNED UNIT DEVELOPMENT. A MINOR

CHANGE SHALL NOT INCREASE THE PLANNED UNIT DEVELOPMENT'S DENSITY, INCREASE THE HEIGHT OF BUILDINGS, REDUCE OPEN SPACE, MODIFY THE PROPORTION OF HOUSING TYPES, CHANGE OR ADD NEW PARKING AREAS, ALTER ALIGNMENT OF ROADS, UTILITIES OR DRAINAGE, AMEND FINAL DEVELOPMENT AGREEMENTS, PROVISIONS OR COVENANTS, OR PROVIDE ANY OTHER CHANGE INCONSISTENT WITH ANY STANDARD OR CONDITION IMPOSED BY THE APPROVING BODY IN APPROVING THE PLANNED UNIT DEVELOPMENT PERMIT. SAID MINOR CHANGE MAY BE APPROVED BY THE ZONING COORDINATOR WITHOUT OBTAINING SEPARATE APPROVAL BY THE APPROPRIATE APPROVING BODY. IN ADDITION, THE APPROPRIATE APPROVING BODY MAY, AFTER REVIEWING THE REQUEST FOR A MINOR CHANGE MADE BY THE APPLICANT, DIRECT THE ZONING COORDINATOR TO PROCESS THE REQUEST OTHER THAN AS A MINOR CHANGE.

§ 50-131. PROCEDURES

Diagram 50-131 (Exhibit 59):

Planned Unit Development (PUD) Procedures
§ 50-131

Possible Outcomes

- *Approval*
- *Postpone*
- *Refer back to Planning Commission*
- *Denial*

ARTICLE 11 NONCONFORMING LOTS, BUILDINGS, STRUCTURES, AND USES

§ 50-135. PURPOSE AND INTENT

THE PURPOSE OF THIS CHAPTER IS TO PROVIDE FOR THE CONTROL, IMPROVEMENT AND TERMINATION OF USES OR STRUCTURES WHICH DO NOT CONFORM TO THE REGULATIONS OF THIS TITLE FOR THE DISTRICT IN WHICH THEY ARE LOCATED, WHILE RECOGNIZING AND ENCOURAGING ADAPTIVE REUSE OF IMPORTANT HISTORIC STRUCTURES IN THE CITY. ADAPTIVE REUSE PRESERVES THE IMPORTANT PHYSICAL ATTRIBUTES OF A HISTORIC RESOURCE FOR FUTURE GENERATIONS BY ALLOWING THE STRUCTURE TO BE USED IN A MANNER THAT IS CONSISTENT WITH THE ZONING ORDINANCE, ALTHOUGH IT MAY BE A DIFFERENT USE THAN THAT FOR WHICH IT WAS ORIGINALLY CONSTRUCTED.

§ 50-136. IN GENERAL

A. CONTINUATION. ANY LEGALLY-ESTABLISHED NONCONFORMITY MAY BE CONTINUED IN ACCORDANCEWITH THIS SECTION.

B. TYPES OF NONCONFORMITY. THERE ARE SEVERAL TYPES OF NONCONFORMITIES THAT MAY EXIST, AS FOLLOWS:

1. NONCONFORMING USES
2. NONCONFORMING LOTS OF RECORD
3. NONCONFORMING SITES
4. NONCONFORMINGSTRUCTURES

C. REGISTRATION OF NONCONFORMITY. PERSONS OR ENTITIES WITHPROPERTY THAT IS BELIEVED TO HAVE NON-CONFORMING STATUS ARE REQUESTED, BUT NOT OBLIGATED, TO REGISTER WITH THE CITY. REGISTRATION STATEMENTS SHALL CONTAIN THE OWNER'S NAME, ADDRESS, SPECIFICS REGARDING THE TYPE OF BUSINESS, A SITE ORSKETCH PLAN AND OTHER INFORMATION AS MAY BE REQUIRED BY THE ZONING COORDINATOR. BASED ON THE SUBMITTED INFORMATION, THE ZONING COORDINATOR SHALL DETERMINE IF, IN FACT, THE REGISTRANT'S USE, STRUCTURE, SITE OR LOT HAS ATTAINED LEGAL NONCONFORMING STATUS. THE DECISION OF THE ZONING COORDINATOR MAY BE APPEALED TO THE ZONING BOARD OF APPEALS. THE ACCEPTANCE BY THE ZONING COORDINATOR OF A CERTIFICATION STATEMENT SHALL NOT

CONSTITUTE AUTHORIZATION TO OPERATE ANY USE OTHER THAN THE SPECIFIC USE ON THE CERTIFICATE.

D. ANNUALLY THE ZONING COORDINATOR MAY SEND TO THE PERSONS WHO HAVE REGISTERED A NONCONFORMING USE OR ARE OTHERWISE KNOWN TO HAVE LEGALLY-ESTABLISHED NONCONFORMING USES A QUESTIONNAIRE INQUIRING AS TO THE OPERATION, STATUS, AND OTHER DETAILS CONCERNING THE NONCONFORMING USE. SUCH QUESTIONNAIRE SHALL BE SENT BY CERTIFIED MAIL TO ALL REGISTRANTS/OWNERS AT THE LAST ADDRESSES KNOWN TO THE ZONING COORDINATOR. SUCH QUESTIONNAIRE SHALL BE RETURNED, COMPLETED, TO THE ZONING COORDINATOR WITHIN 90 DAYS FROM THE DATE OF RECEIPT OF THE QUESTIONNAIRE BY THE REGISTRANT/OWNER.

E. EVIDENCE OF STATUS. EVIDENCE OF THE STATUS OF A NONCONFORMING USE SHALL BE SUPPLIED BY THE OWNER OF THE PROPERTY UPON REQUEST OF THE ZONING COORDINATOR.

F. CLASS A NONCONFORMING STRUCTURES. NONCONFORMING STRUCTURES NOTED ON THELIST OF HISTORIC STRUCTURES, AND CLOSEDSCHOOL BUILDINGS SHALLBE CLASSIFIED AS CLASS A NONCONFORMING STRUCTURES.

1. IN ORDER TOQUALIFY AS OWNED BY FLINT COMMUNITY SCHOOLS AND USEDAS AN ELEMENTARY, MIDDLE, OR HIGH SCHOOL OR ADMINISTRATION BUILDING.

2. IN ADDITION TOBUILDINGS ANDSTRUCT MAY BE UPDATED BY THE ZONING COORDINATOR PERIODICALLY BASED ON ADETERMIN

3. THE BUILDING ORSITE IS PARTICULARLY REPRESENTATIVE OF A DISTINCT ARCHITECTURAL PERIOD, TYPE,STYLE, OR WAY OFLIFE.

4. THE BUILDING IS OF A TYPE OR STYLE

WHICH WAS ONCE COMMON BUT IS NOW RARE.

5. THE BUILDING IS AT LEAST 50 YEARS OLD.

6. THE BUILDING OR SITE IS CONNECTED WITH A PERSON OR EVENT IMPORTANT TO LOCAL HISTORY.

7. THE ARCHITECT OR BUILDER IS FAMOUS OR WELL-RECOGNIZED.

8. THE BUILDING'S STYLE, CONSTRUCTION METHOD, MATERIALS OR ARE UNUSUAL ORSIGNIFICANT.

9. THE OVERALL EFFECT OF THEDESIGN ORBUILDING DETAILSARE BEAUTIFUL ORUNUSU

10. THE BUILDING CONTAINS ORIGINAL MATERIALS ORWORKMANSHIP OFHIGH OR UNUSUALVALUE.

G. CLASS B NONCONFORMING STRUCTURES. NONCONFORMING STRUCTURES NOT MEETINGTHE REQUIREMENTS OFCLASS A NONCO

§ 50-137. NONCONFORMING USES

A. CONTINUATION OF USE.

1. A LAWFUL USE MADE NONCONFORMING BY THE ADOPTION OF THIS ZONING CODE OR OTHER ORDINANCES MAY CONTINUE ONLY FOR SO LONG AS THE AREA OF THE USE IS NOT EXPANDED, INCREASED OR THE USE IS CHANGED.

2. DESTRUCTION, DAMAGE, OR OBSOLESCENCE OF STRUCTURE. THE RIGHT TO OPERATE AND MAINTAIN ANY NONCONFORMING USE SHALL TERMINATE WHENEVER THE STRUCTURE OR STRUCTURES IN WHICH THE NONCONFORMING USE IS OPERATED AND MAINTAINED ARE DAMAGED, DESTROYED OR BECOME OBSOLETEOR SUBSTANDARD TO THE EXTENT OF MORE THAN 60 PERCENT OF

ITS REPLACEMENT COST EXCLUSIVE OF THE FOUNDATION, USING ESTIMATES FROM AT LEAST TWO CONTRACTORS EXPERIENCED IN UNDERTAKING SUCH WORK.

B. PRE-EXISTING HOOPHOUSES. ANY HOOPHOUSE ERECTED PRIOR TO THE ADOPTION OF THIS CODE, EVEN THOSE ERECTED UNLAWFULLY, SHALL BE CONSIDERED A LEGAL USE IF LOCATED IN A ZONE DISTRICT ALLOWING HOOPHOUSES, OR A LEGAL NON-CONFORMING USE IF LOCATED IN A ZONE DISTRICT THAT DOES NOT ALLOW HOOPHOUSES UNDER THE FOLLOWING CONDITIONS:

1. THE FRAME AND COVERING OF THE HOOPHOUSE ARE IN GOOD CONDITION; NOT RUSTED, CRACKED, TORN, OR SIMILARLYDAMAGED.

2. THE HOOPHOUSE IS NOT A SAFETY HAZARD AND WILL NOT POSE A RISK TO USERS OR TO NEARBY STRUCTURES.

C. CHANGE OF USE. NO USE SHALL BE CHANGED TO A CONFORMING USE UNTIL THE ZONING COORDINATOR HASDETERMINED THAT THE REQUIREMENTS OF THE APPLICABLE DISTRICT WILL BE MET. THE ZONING BOARD OF APPEALS (ZBA) MAY APPROVE A CHANGE TO A DIFFERENT NONCONFORMING USE FROM ANOTHER NONCONFORMING USE, PROVIDED SUCH USE IS DEEMED BY THE BOARD TO BE LESS INTENSE THAN THE EXISTING USE. NO CHANGE TO A MORE INTENSE NONCONFORMING USE IS ALLOWED. THE ZBA SHALL DETERMINE WHETHER OR NOT THE NEW NONCONFORMING USE WILL BE LESS INTENSE THAN THE EXISTING ONE BASED ON A PREPONDERANCE OF THE FOLLOWING FACTORS:

1. THE NEW NONCONFORMING USE WOULD REQUIRE LESSER PARKING.

2. THE NEW NONCONFORMING USE WOULD UTILIZE THE SAME AMOUNT OR LESSOF THE BUILDING OR SITE.

3. THE NEW NONCONFORMING USE WOULD GENERATE LESS NUISANCES, SUCH AS LESS NOISE, ODOR OR SMOKE.

4. THE NEW NONCONFORMING USE

IS CLOSER TO THE PURPOSE AND INTENT OF THE USE'S ZONING DISTRICT AS ESTABLISHED BY THIS CODE.

D. CHANGE OF USE INCREASING REQUIRED PARKING. CHANGES OF USE THAT REQUIRE AN INCREASE IN THE NUMBER OF PARKING SPACES SHALL BE REQUIRED TO PROVIDE THE DIFFERENCE BETWEEN THE REQUIRED PARKING FOR THE PRIOR USE AND THAT REQUIRED FOR THE PROPOSED USE IN ACCORDANCE WITH ARTICLE 12. WHERE THIS CALCULATION RESULTS IN THE ADDITION OF LESS THAN FIVE SPACES, NO ADDITIONAL SPACES SHALL BE REQUIRED. ANY ADDITIONAL PARKING AREA SHALL COMPLY WITH ALL ASSOCIATED LANDSCAPING AND DRAINAGE REQUIREMENTS OF THIS CHAPTER.

E. REVERSION PROHIBITED. WHEN A NONCONFORMING USE HAS BEEN CHANGED, IN PART OR IN WHOLE TO AN ALLOWED USE, THE PART OF WHOLE THAT HAS BEEN MADE TO CONFORM MAY NOT BE LATER CHANGED BACK TO A NONCONFORMING USE.

F. ABANDONMENT OF USE. A NONCONFORMING USE THAT HAS BEEN DETERMINED TO BE ABANDONED BY THE ZBA SHALL NOT BE REESTABLISHED. ANY USE ON THE PROPERTY AFTER THAT TIME SHALL CONFORM WITH ALL PROVISIONS OF THIS ZONING CODE.

G. STANDARDS F ORDETERMINING ABANDONMENT. IF THE DEPARTMENT OF PLANNINGAND DEVELOPMENT IDENTIFIES A LEGAL NONCONFORMING USE THAT THEY BELIEVE HAS BEEN ABANDONED, THEY SHALL SUBMIT THE PROPERTY TO THE ZBA FOR ADETERMIN NONCONFORMING USE WAS DEMONSTRATED BASED ON A PREPONDERANCE OF THE FOLLOWING FACTORS:

1. BUILDING HAS BEEN VACANT FOR TWO OR MORE YEARS.
2. REPORTS SUCH ASFROM THE BUILDING &SAFETY INSPECTIONSDIVISION OR A HEALTH DEPARTMENT INDICATING THEPROPERTY IS OR HASNOT BEEN SUITABLEFOR OCCUPATION.
3. DISCONNECTION OFUTILITIES.
4. EVIDENCE THAT THE USE WAS RELOCATED

TO A NEW SITE.

5. EVIDENCE OF A "GOING OUT OF BUSINESS" SALE.

6. SIGNS ADVERTISING THE BUSINESS HAS BEEN REMOVED OR GONE OUT OF BUSINESS.

7. THE USE HAS BEEN DISCONTINUED FOR ONE YEAR, EXCEPT WHERE GOVERNMENT ACTION SUCH AS ROAD CONSTRUCTION HAS PREVENTED ACCESS TO THE PREMISES OR NECESSITATED A TEMPORARY DISCONTINUATION OF USE, OR WHERE A CLEAR INTENT TO DISCONTINUE HAS NOT BEEN DEMONSTRATED.

8. REMOVAL OF THE EQUIPMENT OR FIXTURES NECESSARY FOR THE OPERATION OF THE NONCONFORMING USE.

9. REQUEST BY THE PROPERTY OWNER FOR CHANGES IN THEIRPROPERTY TAXDESIGNATION INCONSISTENT WITH THE NONCONFORMIN G USE.

10. THE PROPERTY WAS FORECLOSED.

11. OTHER ACTIONS BY THE PROPERTY OWNEROR LESEE THAT DEMONSTRATES AN INTENT TO ABANDON THE NONCONFORMIN G USE.

H. SPECIAL STANDARDS FOR RESID CONTAINS MORE OR LESSDWEL

1. ABANDONMENT.

I. A NONCONFORM ING SINGLE-FAMILY DWELLING THATMAY SUBSECTION (G) SHALL NOT BE CONSIDERED TO BE ABANDONED AND MAY BE REOCCUPIED AT ANY TIME, PROVIDED TH E STRUCTURE HA S NOT BEE N CHANGED, LEGALLYOR ILLEGALLY, TO A NONRESIDENTIAL

USE OR MULTIPLE-UNIT RESIDENTIAL USE AND THE OWNER IS ACTIVELY SEEKING OUT A NEW TENANT/OWNER.

2. DESTRUCTION. NONCONFORMING RESIDENTIAL USES THAT ARE DAMAGED MAY BE REBUILT IN ACCORDANCE WITH THE FOLLOWING:

I. ALL PORTIONS OF THE STRUCTURE BEING RESTORED ARE NOT AND WERE NOT ON OR OVER A PROPERTY LINE;

II. THE NUMBER OF DWELLING UNITS DOES NOT INCREASE;

III. ALL CONSTRUCTION IS IN COMPLIANCE WITH CURRENT CONSTRUCTION CODES, SUCH AS THE FIRE AND BUILDING CODES;

IV. A BUILDING PERMIT IS OBTAINED WITHIN ONE YEAR FROM THE DATE OF THE DAMAGE; AND

V. THE CERTIFICATE OF OCCUPANCY (OR OTHER FINAL INSPECTION) ISISSUED WITHIN TWOYEARS OF THEISSUANCE OF

§ 50-138. NONCONFORMING LOTS OF RECORD

A. IF THERE ARE TWO OR MOREADJACENT RESIDENTIAL OR OTHER LOTS OF RECORD UNDER COMMON OWNERSHIP THEY SHALL BE TREATED AS ONE ZONING LOT IF NECESSARY TO COMPLY WITH THE LOT SIZEOR SETBACK REQUIREMENTS OF THIS CODE.

B. RESIDENTIAL LOTS OF RECORD

1. ALL UNDEVELOPED LOTS OF RECORD IN A RESIDENTIAL DISTRICT THAT WERE RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ZONING CODE THAT DO NOT MEET THE MINIMUM ZONING DISTRICT LOT STANDARDS SHALL BE ALLOWED ONE SINGLE-FAMILY HOUSEIF ALL SETBACK REQUIREMENTS ARE MET.

C. OTHER LOTS OF RECORD. ALL UNDEVELOPED LOTS

OF RECORD IN A NON-RESIDENTIAL DISTRICT THAT WERE RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ZONING CODE THAT DO NOT MEET THE MINIMUM ZONING DISTRICT LOT STANDARDS AS TO WIDTH OR AREA MAY BE USED FOR ANY PURPOSE PERMITTED IN THE DISTRICT PROVIDED THE USE MEETS ALL OTHER REGULATIONS PRESCRIBED FOR THE DISTRICT.

§ 50-139. NONCONFORMING SITE REQUIREMENTS

A. CONTINUATION, MAINTENANCE AND RESTORATION. A DEVELOPED SITE EXISTING AS OF THE EFFECTIVE DATE OF THIS ZONING CODE THAT IS NONCONFORMING DUE SOLELY TO FAILURE TO MEET THE SITE DEVELOPMENT STANDARDS, SUCH AS NUMBER OF PARKING SPACES OR LANDSCAPING REQUIREMENTS, OF THIS ZONING CODE MAY CONTINUE TO EXIST AS-IS AND MAY BE MAINTAINED OR RESTORED PROVIDED NO CHANGE IN USE AS DESCRIBED IN SUBSECTION (B) BELOW OR EXPANSION OF THE BUILDING, PARKING OR OTHER IMPERVIOUS SURFACES AS DESCRIBED IN SUBSECTION (C) BELOW OCCURS.

B. CHANGE IN USE.

1. ADDITIONAL PARKING. WHEN THE USE OF A DEVELOPED NONCONFORMING SITE CHANGES, ADDITIONAL PARKING FACILITIES MUST BE PROVIDED TO SERVE THE NEW USE ONLY WHEN THE NUMBER OF PARKING SPACES REQUIRED FOR THE NEW USE EXCEEDS THE NUMBER OF SPACES REQUIRED FOR THE LAWFUL USE THAT MOST RECENTLY OCCUPIED THE BUILDING, BASED ON THE PARKING STANDARDS ARTICLE 12. WHEN THE NUMBER OF PARKING SPACES REQUIRED FOR THE NEW USE EXCEEDS THE NUMBER OF SPACES REQUIRED FOR THE USE THAT MOST RECENTLY OCCUPIED THE PROPERTY, ADDITIONAL PARKING SPACES ARE REQUIRED ONLY TO MAKE UP THE DIFFERENCE BETWEEN THE AMOUNT OF PARKING REQUIRED FOR THE PREVIOUS USE AND THE AMOUNT OF PARKING REQUIRED FOR THE NEW USE, BASED ON THE STANDARDS ARTICLE 12.

2. ADDITIONAL LANDSCAPING. WHEN THE USE OF A DEVELOPED NONCONFORMING SITE CHANGES, THE NUMBER OF PARKING SPACES

(TOTAL OF EXISTING SPACES AND ANY ADDITIONAL SPACES REQUIRED BY CHANGE OF USE) SHALL DETERMINE THE DEGREE TO WHICH THE SITE MUST CONFORM WITH ARTICLE 13 OF THIS CHAPTER AS FOLLOWS:

I. **0 - 9 SPACES: IF THE SITE HAS NINE OR LESS SPACES THEN THE SITE DOES NOT HAVE TO COME INTO CONFORMITY WITH ARTICLE 13.**

II. **10 – 40 SPACES: IF THE SITE HAS BETWEEN 10 AND 40 SPACES THEN THE SITE MUST COME INTO CONFORMITY WITH THE APPLICABLE BUILDING FOUNDATION ZONE LANDSCAPING, PARKING LOT PERIMETER ZONE LANDSCAPING, AND TRANSITION YARD ZONE REQUIREMENTS OF SECTIONS 50-155 THROUGH 50-157 OF ARTICLE 13 OF THIS CHAPTER.**

III. **40 OR MORE SPACES: IF THE SITE HAS MORE THAN 40 SPACES THEN THE SITE MUST COME INTO CONFORMITY WITH ALL APPLICABLE LANDSCAPING REQUIREMENTS OF ARTICLE 13 OF THIS CHAPTER.**

IV. **SITES WITH MULTIPLE TENANTS WITH SHARED PARKING: IF THERE IS A CHANGE IN USE IN A DEVELOPMENT WITH MULTIPLE TENANTS, THE DEVELOPMENT IS ONLY REQUIRED TO CONFORM WITH THE LANDSCAPING REQUIREMENTS OF ARTICLE 13 IF IT IS A CHANGE TO DIFFERENT BROAD USE CLASS, E.G. COMMERCIAL TO INDUSTRIAL.**

C. EXPANSION. ADDITIONS TO STRUCTURES, ADDITIONAL PRINCIPAL STRUCTURES, ADDITIONAL PAVING, OR PARKING ON NONCONFORMING SITES SHALL REQUIRE CORRECTION OF EXISTING NONCONFORMING PARKING, LANDSCAPING AND SCREENING.

1. EXPANSIONS OR NEW PRINCIPAL STRUCTURES THAT RESULT IN AT LEAST A 25 PERCENT OR 2000 SQUARE FEET INCREASE, WHICHEVER IS GREATER, OF THE GROSS SQUARE FOOTAGE OF THE EXISTING PRINCIPAL STRUCTURE(S) REQUIRE THE ENTIRE PROPERTY TO MEET ALL OF THE APPLICABLE LANDSCAPING AND SCREENING REQUIREMENTS OF THIS CHAPTER.

2. EXPANSIONS THAT REQUIRE AN INCREASE IN THE NUMBER OF PARKING SPACES SHALL BE REQUIRED TO PROVIDE THE REQUIRED PARKING SPACES FOR THE TOTAL FLOOR AREA IN ACCORDANCE WITH THIS ZONING CODE. THE ADDITIONAL PARKING AREA SHALL COMPLY WITH ALL ASSOCIATED LANDSCAPING AND DRAINAGE REQUIREMENTS OF THIS ZONING CODE.

3. EXPANSION OF A PARKING LOT BY AT LEAST 25 PERCENT OR 2000 SQUARE FEET, WHICHEVER IS GREATER, THAT CURRENTLY CONTAINS OR WILL CONTAIN AFTER EXPANSION, 10 OR MORE SPACES SHALL BE REQUIRED TO MEET ALL THE APPLICABLE LANDSCAPING AND SCREENING REQUIREMENTS OF THIS CHAPTER.

D. PROPERTIES THAT ARE PHYSICALLY CONSTRAINED FROM COMPLYING WITH THESE PROVISIONS SHALL COMPLY TO THE MAXIMUM EXTENT PRACTICABLE AS DETERMINED BY THE ZONING COORDINATOR. IF THE PROPERTY CAN COMPLY WITH AT LEAST 80 PERCENT OF THE REQUIRED LANDSCAPING/PARKING IMPROVEMENTS AS MEASURED IN SQUARE FEET, THE ZONING COORDINATOR MAY GRANT AND ADMINISTRATIVE DEPARTURE FROM THE REMAINING 20 PERCENT. OTHERWISE THE DEVELOPER/OWNER MUST

APPLY FOR A NON-USE VARIANCE.

§ 50-140. NONCONFORMING STRUCTURES

A. CONTINUATION. A LAWFUL STRUCTURE EXISTING AS OF THE EFFECTIVE DATE OF THIS ZONING CODE OR ANY AMENDMENT TO THIS ZONING CODE MAY CONTINUE TO BE USED FOR ANY PURPOSES PERMITTED IN THE DISTRICT PROVIDED IT IS IN CONFORMANCE WITH THE PROVISIONS OF THIS SECTION.

B. MAINTENANCE AND RESTORATION. NONCONFORMING STRUCTURES MAY BE MAINTAINED OR RESTORED PROVIDED NO EXPANSION OF THE NONCONFORMITY OCCURS, UNLESS AUTHORIZED IN SUBSECTION (C) BELOW.

C. ALTERATION AND EXPANSION.

1. CLASS A NONCONFORMING STRUCTURES:ANY PROPOSED CHANGES OR MODIFICATIONS OF A CLASS A NONCONFORMING STRUCTURES, INCLUDING BUT NOT LIMITED TO, CHANGE OF USE, INCREASING THE INTENSITY OF THE USE, OR PREVIOUSLY APPROVED SITE PLAN ASSOCIATED WITH THE NONCONFORMING USE, SHALL REQUIRE SITE PLAN APPROVAL.

2. CLASS B NONCONFORMING STRUCTURES: CLASS B NONCONFORMING STRUCTURES SHALL NOT BE ALTERED OR EXPANDED, UNLESS IT MEETS ONE OR MORE OF THE EXCEPTIONS BELOW AND PROVIDED THAT THE EXPANSION DOES NOT INCREASE THE NONCONFORMITY.

EXCEPTIONS ALLOWING FOR EXPANSION OF CLASS B NONCONFORMING STRUCTURES:

I. THE STRUCTURE IS A SINGLE-FAMILY HOME.

II. WHEN THE CURRENT OR PROPOSED USE IS PERMITTED WITHIN THE ZONE DISTRICT, A NONCONFORMING CLASS B STRUCTURE MAY BE ALTERED OR EXPANDED SO LONG AS THE NONCONFORMITY IS NOT INCREASED AND NO NEW

NONCONFORMITY IS CREATED.

III. EXPANSIONS/ALTERATIONS ARE PERMITTED IF SAID EXPANSION/ALTERATION BRINGS THE STRUCTURE BACK INTO CONFORMITY WITH THE FORM REGULATIONS OF THIS CHAPTER.

D. DESTRUCTION

1. CLASS A NONCONFORMING STRUCTURES AND NONCONFORMING SINGLE- OR TWO-FAMILY RESIDENTIAL STRUCTURES WHICH ARE DAMAGED MAY BE RESTORED WITHIN THE EXISTING FOOTPRINT PROVIDED THAT ALL PORTIONS OF THE STRUCTURE BEING RESTORED ARE NOT AND WERE NOT ON OR OVER A PROPERTY LINE; ALL CONSTRUCTION IS IN COMPLIANCE WITH CURRENT CONSTRUCTION CODES, SUCH AS THE FIRE AND BUILDING CODES; A BUILDING PERMIT IS OBTAINED WITHIN ONE YEAR FROM THE DATE OF THE DAMAGE; AND THE CERTIFICATE OF OCCUPANCY (OR OTHER FINAL INSPECTION) IS ISSUED WITHIN TWO YEARS OF THE ISSUANCE OF THE BUILDING PERMIT.

2. CLASS B NONCONFORMING STRUCTURES, EXCEPT SINGLE- OR TWO-FAMILY RESIDENTIAL STRUCTURES WHICH ARE PROVIDED FOR ABOVE, WHICH ARE DAMAGED TO 60 PERCENT OR LESS OF ITS REPLACEMENT COST EXCLUSIVE OF THE FOUNDATION, USING ESTIMATES FROM AT LEAST TWO CONTRACTORS EXPERIENCED IN UNDERTAKING SUCH WORK, MAY BE RESTORED WITHIN THE EXISTING FOOTPRINT PROVIDED THAT ALL PORTIONS OF THE STRUCTURE BEING RESTORED ARE NOT AND WERE NOT OVER A PROPERTY LINE; ALL CONSTRUCTION IS IN COMPLIANCE WITH CURRENT CONSTRUCTION CODES, SUCH AS THE FIRE AND BUILDING CODES; A BUILDING PERMIT IS OBTAINED WITHIN ONE YEAR FROM THE DATE OF THE DAMAGE; AND THE CERTIFICATE OF OCCUPANCY (OR

OTHER FINAL INSPECTION) IS ISSUED WITHIN TWO YEARS OF THE ISSUANCE OF THE BUILDING PERMIT.

3. **EXCEPT AS OTHERWISE PERMITTED ABOVE, IF DAMAGE EXCEEDS 60 PERCENT OR MORE, RESTORATION OR IMPROVEMENT SHALL NOT BE PERMITTED UNLESS THE RESTORATION RESULTS IN A STRUCTURE AND SITE CONFORMING TO ALL APPLICABLE REQUIREMENTS OF THIS ZONING CODE.**

ARTICLE 12 PARKING, LOADING, AND CIRCULATION

§ 50-141. PURPOSE AND INTENT

A. THE REGULATIONS OF THIS ARTICLE ARE IN ROUGH PROPORTION TO THE GENERALIZED PARKING AND TRANSPORTATION DEMANDS OF DIFFERENT LAND USES. BY REQUIRING SUCH FACILITIES, IT IS THE INTENT OF THIS SECTION TO HELP AVOID THE NEGATIVE IMPACTS ASSOCIATED WITH SPILLOVER PARKING INTO ADJACENT NEIGHBORHOODS, WHILE AT THE SAME TIME AVOIDING THE NEGATIVE ENVIRONMENTAL AND URBAN DESIGN IMPACTS THAT CAN RESULT FROM PARKING LOTS AND OTHER VEHICULAR USE AREAS. THE PROVISIONS OF THIS SECTION ARE ALSO INTENDED TO HELP PROTECT THE PUBLIC HEALTH,

SAFETY, AND GENERAL WELFARE BY:

1. HELPING AVOID AND MITIGATE TRAFFIC CONGESTION;

2. ENCOURAGING MULTI-MODAL TRANSPORTATION OPTIONS AND ENHANCED PEDESTRIAN SAFETY;

3. PROVIDING METHODS TO REDUCE THEAMOUNT OF IMPERVIOUS SURFACESIN PARKING AREAS AND ADEQUATE DRAINAGE STRUCTURES IN ORDERTO REDUCE THE ENVIRONMENTAL IMPACTS OF STORM WATER RUNOFF;

4. ENCOURAGING PAVINGOR ALTERNATE MEANS OF SURFACING OF PARKING AREAS IN ORDER TO ADDRESS DUST ABATEMENT AND IMPROVE AIR QUALITY; AND

5. PROVIDING FLEXIBLE METHODS FOR RESPONDING TO THE TRANSPORTATION AND ACCESS DEMANDS OF VARIOUS LAND USES IN DIFFERENT AREAS OF THE CITY.

§ 50-142. APPLICABILITY

A. THE OFF-STREET PARKING AND LOADING STANDARDS OF THIS ARTICLE SHALL APPLY TO ALL NEW DEVELOPMENT AND REDEVELOPMENT IN THECITY.

B. EXISTING STRUCTURES ANDFACILITIES

1. ALL USES ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS TITLE SHALL PROVIDE OFF-STREET PARKING AND LOADING SPACE IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS ARTICLE.

2. USES EXISTING ON THE EFFECTIVE

DATE OF THIS TITLE THAT ARE IN COMPLIANCE WITH THE PARKING AND LOADING REQUIREMENTS UNDER WHICH SAID USES WERE ESTABLISHED SHALL BE DEEMED TO BE LEGALLY NONCONFORMING.

C. DAMAGE OR DESTRUCTION WHEN A BUILDING IS RECONSTRUCTED OR REPAIRED AFTER BEING DAMAGED OR DESTROYED, OFF-STREET PARKING AND LOADING FACILITIES SHALL BE RESTORED OR MAINTAINED IN AN AMOUNT EQUIVALENT TO THAT AT

THE TIME OF SUCH DAMAGE OR DESTRUCTION. HOWEVER, IT SHALL NOT BE NECESSARY TO RESTORE OR MAINTAIN PARKING AND LOADING FACILITIES IN EXCESS OF THE APPLICABLE REQUIREMENTS OF THIS ARTICLE. REFER TO ARTICLE 11, SECTION 50.11.05 FOR REPAIR OR RECONSTRUCTION REQUIREMENTS OF NONCONFORMING SITES.

D. CHANGE OF USE, ENLARGEMENTS AND EXPANSIONS UNLESS OTHERWISE EXPRESSLY STATED,

1. REFER TO ARTICLE 11, SECTION 50.11.05 NONCONFORMING SITE REQUIREMENTS.

B. TEMPORARY ENCROACHMENTS

TEMPORARY ENCROACHMENT INTO REQUIRED PARKING SPACES FOR SEASONAL SALES DISPLAY AREA MAY BE AUTHORIZED BY THE ZONING COORDINATOR FOR A DURATION AS PERMITTED IN ARTICLE 9 OF THIS CHAPTER, BASED UPON A DETERMINATION THAT ADEQUATE PARKING IS AVAILABLE TO MEET THE DEMAND DURING THE PERIOD OF ENCROACHMENT.

C. PROVISION OF ADDITIONAL SPACES

NOTHING IN THIS ARTICLE SHALL BE DEEMED TO PREVENT THE VOLUNTARY ESTABLISHMENT OF ADDITIONAL OFF-STREET PARKING OR LOADING FACILITIES, PROVIDED THAT ALL REGULATIONS GOVERNING THE LOCATION, DESIGN AND CONTROL OF SUCH FACILITIES ARE IN ACCORDANCE WITH THIS CHAPTER.

§ 50-143. GENERAL STANDARDS FOR OFF-STREET PARKING, STACKING AND LOADING AREAS

A. USE OF OFF-STREET PARKING, STACKING, AND LOADING AREAS ALL VEHICULAR PARKING AREAS, STACKING AREAS AND LOADING AREAS REQUIRED BY THIS SECTION SHALL BE USED ONLY FOR THOSE DESIGNATED PURPOSES. ANY OTHER USE OF THESE AREAS IS PROHIBITED.

B. LOCATION
ALL OFF-STREET PARKING AREAS SHALL BE PROVIDED ON THE SAME LOT AS THE USE IT SERVES. HOWEVER, PARKING MAY BE ALLOWED ON ANOTHER LOT WHERE THERE ARE PRACTICAL DIFFICULTIES IN THE LOCATION OF THE PARKING AREA OR IF PUBLIC SAFETY OR PUBLIC CONVENIENCE IS BETTER SERVED BY ANOTHER LOCATION. REQUIRED PARKING SHALL BE PROVIDED NO FURTHER THAN THREE-HUNDRED (300) FEET FROM THE NEAREST POINT OF THE PARCEL LINE OF THE USE TO THE NEAREST POINT OF THE PARKING FACILITY. PARKING MAY BE OWNED, LEASED OR SHARED BY THE OWNER OF THE BUILDING WITH ANOTHER BUILDING OWNER UPON PROVIDING EVIDENCE OF AGREEMENTS OR EASEMENTS TO THE ZONING COORDINATOR.

C. NO ON-STREET PARKING
PUBLIC RIGHT-OF-WAY SHALL NOT BE USED TO SATISFY THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES.

D. MINIMUM SIZE
EACH OFF-STREET PARKING SPACE SHALL HAVE AN AREA OF NOT LESS THAN ONE HUNDRED THIRTY-SIX (136) SQUARE FEET, EXCLUSIVE OF ACCESS DRIVES OR AISLES, AND CONFORM WITH THE DIMENSIONAL STANDARDS IN TABLE 50.12.05.A

E. CURBS AND VEHICLE STOPS
ALL OFF-STREET PARKING LOTS, ACCESS DRIVES AND AISLES, AND OTHER VEHICLE MANEUVERING AREAS SHALLPROVIDE CURBS OR SIMILAR DEVICES TO PREVENT VEHICLES FROM OVERHANGING ON OR INTO PUBLIC RIGHT-OF-WAY, SIDEWALKS, WALKWAYS, ADJACENT PROPERTY, OR LANDSCAPE AREAS.DEFINED AREAS OFF-STREET PARKING AREAS OF THREE (3) OR MORE SPACES AND OFF-STREET LOADING AREAS SHALL INCLUDE PAINTED LINES, CURBS, VEHICLE STOPS OR OTHER SIMILAR IDENTIFIERS TO DELINEATE PARKING AND LOADING AREAS.

F. DRAINAGE
ALL OFF-STREET PARKING, STACKING AND LOADING AREAS SHALL COMPLY WITH THE STORMWATER MANAGEMENT STANDARDS OF THIS CHAPTER AND ANY OTHER APPLICABLE CITY OF FLINT STANDARDS.

G. GARAGES
WHEN INDIVIDUAL GARAGES ARE ACCESSED DIRECTLY FROM A STREET, GARAGE DOORS AND ALL REQUIRED OFF-STREET

PARKING SPACES MUST BE LOCATED AT LEAST TWENTY (20) FEET FROM THE FRONT LOT LINE TO PREVENT OBSTRUCTION OF THE SIDEWALK BY PARKED CARS.

H. BARRIER-FREE PARKING PARKING LOTS SHALL PROVIDE BARRIER-FREE SPACES IN COMPLIANCE WITH THE STATE BUILDING CODE AND THE AMERICANS WITH DISABILITIES ACT (ADA), AS APPLICABLE.

I. OUTDOOR LIGHTING NEW OR REDEVELOPED OFF-STREET PARKING, STACKING AND LOADING AREAS SHALL COMPLY WITH THE STANDARDS OF ARTICLE 8, SECTION 50-74.

J. LANDSCAPING SEE ARTICLE 13 FOR ALLLANDSCAPING REQUIREMENTS.

K. SETBACKS EXCEPT FOR PARKING AREASON THE SAME LOT AS A DETACHED SINGLE-FAMILY OR TWO- FAMILY DWELLING, OFF-STREET PARKING AND LOADING AREAS SHALL MEET THE FOLLOWING REQUIREMENTS:

1. FRONT YARDSETBACKS NO PARKING SHALL BEPERMITTED IN THEFRONT AREA OF THE PROPERTY BETWEENTHE RIGHT-OF-WAYAND THE MAIN BUILDING ORSTRUCTURE IN THE GN-1, GN-2, TN-1, TN-2, MR-1,MR-2, MR-3, UC(FRONTING UNIVERSITY AVENUE),NC, D-E AND D-C ZONE DISTRICTS. IF PARKINGIS LOCATED ALONGTHE FRONT PROPERTY LINE, A REQUIRED SETBACK OF 10' SHALLBE PROVIDED BETWEEN THEPROPERTY LINE AND EDGE OF THE PARKINGLOT.

2. SIDE AND REAR YARD SETBACKS RESIDENTIAL WHERE LOCATED WITHIN OR ABUTTING A RESIDENTIAL ZONE DISTRICT, THE PARKING AREA SHALLMAINTAIN THE MINIMUM SIDE AND REAR YARD SETBACKS AS REQUIRED IN THE ZONE

DISTRICT, EXCEPT WHERE AN ALLEY ABUTS THE PROPERTY, IN WHICH CASE THE REQUIRED REAR YARD SETBACK MAY BE REDUCED TO FIVE (5) FEET. PARKING SHALL NOT BE LOCATED IN THE LANDSCAPE BUFFER AREAS.

ATTACHMENT:
DIAGRAM 50-143L (EXHIBIT 60)

L. NON-RESIDENTIAL WHERE LOCATED WITHIN OR ABUTTING A MIXED-USE, COMMERCIAL OR INDUSTRIAL USE OR ZONE DISTRICT WITHOUT AN ABUTTING RESIDENTIAL PROPERTY, THE PARKING LOT SIDE ANDREAR SETBACKS MAY BE REDUCED TO FIVE (5) FEET SO LONG AS PROPER LANDSCAPING AND GREENSPACE REQUIREMENTS ARE SATISFIED.

M. SURFACING

1. ALL OFF-STREET PARKING, STACKING, AND LOADING AREAS SHALL BE SURFACEDWITH

   ASPHALT,CONCRETE,

   BRICK,STONE, PAVERS, OR AN EQUIVALENT MATERIAL

   IN ACCORDANCE WITHCITY OF

   FLINT'S STANDARD CONSTRUCTION SPECIFICATIONS. SURFACES SUCH AS PERVIOUS ASPHALT, PERVIOUS CONCRETE OR TURF BLOCKS ARE PERMITTED; SUBJECT TO

   THE REQUIREMENTS OF THIS CHAPTER AND OTHER CITY POLICIES PERTAINING TO STORMWATER MANAGEMENT. DRIVE APPROACHES FROM AN ALLEY OR STREET SHALL BE CONCRETE.

2. SURFACING MATERIALS SHALL BE MAINTAINED IN A SMOOTH, WELL-GRADED CONDITION, EXCEPT FOR APPROVED PERVIOUS PAVING MATERIALS.

N. ACCESS

1. ALL OFF-STREET PARKING, STACKING AND LOADING AREAS SHALL BE ARRANGED FOR CONVENIENT ACCESS AND SAFETY OF PEDESTRIANS, BICYCLISTS, AND VEHICLES.

2. ALL OFF-STREET PARKING, STACKING AND LOADING AREAS SHALL BE PROVIDED WITH ADEQUATE, PAVED, ACCESS DRIVES AND AISLES, OR OTHER VEHICLE MANEUVERING AREAS.

3. EXCEPT FOR DETACHED SINGLE-FAMILY DWELLINGS, ATTACHED SINGLE-FAMILY DWELLINGS OR WHERE TANDEM PARKING IS APPROVED, OFF-STREET PARKING AREAS WITH THREE (3) OR MORE SPACES SHALL BE CONFIGURED SO THAT A VEHICLE MAY ENTER AND LEAVE A PARKING SPACE WITHOUT MOVING ANOTHER VEHICLE.

4. WHERE A PARKING AREA OF A CORNER LOT ABUTS AN ALLEY OR A CORNER SIDE STREET, ACCESS TO THE PARKING AREA SHALL BE OBTAINED FROM THE ALLEY OR CORNER SIDE STREET. AN ADMINISTRATIVE DEPARTURE MAY BE GRANTED IF, DUE TO THE PARTICULAR SITUATION OF THE PARCEL, THIS REQUIREMENT CANNOT BE SATISFIED.

5. NO LOT CAN HAVE MULTIPLE VEHICULAR CURB CUTS FOR PURPOSES OF VEHICULAR INGRESS AND EGRESS WITHOUT A MINIMUM OF 125' SEPARATION BETWEEN SUCH CURB CUTS ALONG A STREET. AN ADMINISTRATIVE DEPARTURE MAY BE GRANTED IF, DUE TO THE PARTICULAR SITUATION OF THE PARCEL, THIS REQUIREMENT CANNOT BE SATISFIED.

ATTACHMENT:

DIAGRAM 50-143O (EXHIBIT 61)

6. ADEQUATE INGRESS AND EGRESS TO THE PARKING AREA SHALL BE PROVIDED BY CLEARLY DEFINED DRIVEWAYS IN ACCORDANCE WITH ACCEPTED ACCESS MANAGEMENT PRINCIPLES.

7. ACCESS TO AN OFF-STREET PARKING AREA THAT SERVES A NONRESIDENTIAL USE SHALL NOT BE PERMITTED ACROSS LOTS THAT ARE RESIDENTIAL IN USE OR LOCATED IN A RESIDENTIAL ZONE DISTRICT.

O. LARGE PARKING LOTS (200 OR MORE PARKING SPACES)

1. LARGE OFF-STREET PARKING LOTS SHALL BE DESIGNED TO SIMULATE A GRID PATTERN THROUGH THE PLACEMENT OF LANDSCAPE ISLANDS, BUILDINGS, AND DRIVE AISLES.

2. LARGE OFF-STREET PARKING LOTS SHALL INCLUDE PRIMARY DRIVE AISLES THAT ARE DESIGNED TO APPEAR AS AN EXTENSION OF THE PUBLIC STREET NETWORK, EXTENDING THE FULL LENGTH OF THE MAIN BUILDING FAÇADES.

3. UTILITY PLACEMENT ON SITES WITH LARGE PARKING LOTS SHALL BE CONFIGURED TO ALLOW FOR FUTURE NEW BUILDINGS ON THE SITE.

P. CONSTRUCTION

OFF-STREET PARKING AND LOADING FACILITIES REQUIRED BY THIS CHAPTER SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE USE THEY SERVE.

1. A REQUIRED PARKING LOT SHALL BE FULLY CONSTRUCTED WITHIN SIX (6) MONTHS OF RECEIPT OF A BUILDING PERMIT AND PRIOR TO THE ISSUANCE OF A BUILDING CERTIFICATE OF OCCUPANCY FOR THE USE OR USES IT SERVES. THE DIRECTOR OF PLANNING AND DEVELOPMENT, OR HIS/HER DESIGNEE, MAY GRANT ONE (1) EXTENSION FOR UP TO AN ADDITIONAL SIX (6) MONTHS IN THE EVENT OF ADVERSE WEATHER CONDITIONS OR UNUSUAL DELAYS BEYOND THE CONTROL OF THE PROPERTY OWNER OR RESPONSIBLE PERSON.

2. IN THE CASE OF PHASED DEVELOPMENT, OFF-STREET PARKING, STACKING AND LOADING AREAS SHALL ONLY BE PROVIDED FOR THE PORTIONS OF THE DEVELOPMENT FOR WHICH A SITE PLAN HAS BEEN APPROVED OR UPON RECEIPT OF A TEMPORARY USE PERMIT FOR A SURFACE PARKING LOT.

Q. MAINTENANCE

1. ALL PARKING AREAS SHALL BE MAINTAINED FREE OF DUST, TRASH, WEEDS AND DEBRIS. SURFACING, CURBING,

LIGHTING FIXTURES, SIGNS, AND RELATED APPURTENANCES SHALL BE MAINTAINED IN GOOD REPAIR AND SAFE CONDITION AT ALL TIMES.

2. THE VISIBILITY OF PAVEMENT MARKINGS DELINEATING PARKING SPACES AND DIRECTIONAL CONTROL SHALL BE MAINTAINED.

3. ALL OFF-STREET PARKING, STACKING AND LOADING AREAS REQUIRED BY THIS CHAPTER SHALL BE MAINTAINED FREE OF ACCUMULATED SNOW OR STANDING WATER THAT PREVENTS FULL USE AND OCCUPANCY OF THE AREAS, EXCEPT FOR TEMPORARY PERIODS OF HEAVY RAINFALL OR SNOWFALL, NOT TO EXCEED FIVE (5) DAYS.

R. USE
OFF-SITE PARKING AREAS SHALL BE REGULATED AS LISTED IN THE USE TABLES OF THE APPLICABLE ZONE DISTRICT.

S. PARKING DEMAND STUDY FOR ON-SITE PARKING, THE ZONING COORDINATOR MAY REQUIRE THE SUBMITTAL OF AN INDEPENDENT PARKING DEMAND STUDY THAT ANALYZES PARKING DEMAND BASED ON THE RECOMMENDATIONS OF THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), AND INCLUDES RELEVANT DATA COLLECTED FROM USES OR COMBINATIONS OF USES THAT ARE THE SAME OR COMPARABLE TO THE PROPOSED USE IN TERMS OF DENSITY, SCALE, BULK, AREA, TYPE OF ACTIVITY AND LOCATION. PARKING DEMAND STUDIES ARE REQUIRED FOR ALL PERMANENT STAND-ALONE SURFACE LOTS AND FOR ALL PARKING STRUCTURES.

§ 50-144. PARKING REQUIREMENTS

A. MINIMUM REQUIREMENTS EXCEPT AS OTHERWISE EXPRESSLY STATED, OFF-STREET MOTOR VEHICLE PARKING SPACES MUST BE PROVIDED IN ACCORDANCE WITH THE PARKING RATIO REQUIREMENTS OF SECTION 50-1444E.

B. PARKING PLAN REQUIRED
A PARKING SITE PLAN SHALL BE SUBMITTED FOR ANY DEVELOPMENT OR USE THAT IS REQUIRED TO PROVIDE MORE THAN THREE (3) OFF-STREET PARKING SPACES. THE PLAN SHALL ACCURATELY DESIGNATE THE REQUIRED PARKING SPACES, ACCESS AISLES, AND DRIVEWAYS, AND THE RELATION OF THE OFF-STREET PARKING AREAS TO THE USES OR STRUCTURES

THE AREAS ARE DESIGNED TO SERVE.

C. MAXIMUM PARKING TO MINIMIZE EXCESSIVE AREAS OF PAVEMENT NO PARKING LOT SHALL EXCEED THE REQUIRED NUMBER OF PARKING SPACES BY MORE THAN TWENTY (20) PERCENT, EXCEPT AS APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT. IN GRANTING ADDITIONAL SPACES, THE DIRECTOR OF PLANNING AND DEVELOPMENT SHALL DETERMINE THAT THE PARKING IS NEEDED BASED ON DOCUMENTED EVIDENCE OF ACTUAL USE AND DEMAND PROVIDED BY THE APPLICANT.

D. CALCULATIONS
THE FOLLOWING RULES APPLY WHEN CALCULATING THE REQUIRED NUMBER OF PARKING SPACES:

1. MULTIPLE USES
UNLESS OTHERWISE EXPRESSLY STATED, LOTS CONTAINING MORE THAN ONE USE MUST PROVIDE PARKING IN AN AMOUNT EQUAL TO THE TOTAL OF THE REQUIREMENTS FOR ALL USES. WHERE EXACT FUTURE TENANTS ARE UNKNOWN, THE ZONING COORDINATOR MAY ESTABLISH OVERALL PARKING REQUIREMENTS PURSUANT TO SUBSECTION G, BELOW.

2. FRACTIONS
WHEN MEASUREMENTS OF THE NUMBER OF REQUIRED SPACES RESULT IN A FRACTIONAL NUMBER, ANY FRACTION OF LESS THAN ½ IS ROUNDED DOWN TO THE NEXT LOWER WHOLE NUMBER, AND ANY FRACTION OF ½ OR MORE IS ROUNDED UP TO THE NEXT HIGHER WHOLE NUMBER.

3. AREA MEASUREMENTS
UNLESS OTHERWISE EXPRESSLY STATED, ALL AREA-BASED (SQUARE FOOTAGE) PARKING STANDARDS MUST BE COMPUTED ON THE BASIS OF GROSS FLOOR AREA (GFA).

WHERE THE FLOOR AREA MEASUREMENT IS SPECIFIED AS GROSS LEASABLE FLOOR AREA (GLA) OR USABLE AREA, PARKING REQUIREMENTS SHALL APPLY TO ALL INTERNAL BUILDING AREAS EXCLUDING THE FLOOR AREA USED FOR STORAGE, MECHANICAL EQUIPMENT ROOMS, HEATING/COOLING SYSTEMS AND SIMILAR

USES, AND OTHER AREAS NOR INTENDED FOR USE BY THE GENERAL PUBLIC. WHERE THESE AREAS ARE YET UNDEFINED, LEASABLE FLOOR AREA SHALL BE CONSIDERED TO BE EIGHTY FIVE PERCENT (85%) OF THE GROSS FLOOR AREA.

4. OCCUPANCY OR CAPACITY-BASED STANDARDS
FOR THE PURPOSE OF COMPUTING PARKING REQUIREMENTS BASED ON EMPLOYEES, STUDENTS, RESIDENTS OR OCCUPANTS, CALCULATIONS MUST BE BASED ON THE LARGEST NUMBER OF PERSONS WORKING ON ANY SINGLE SHIFT, THE MAXIMUM ENROLLMENT OR THE MAXIMUM FIRE-RATED CAPACITY, WHICHEVER IS APPLICABLE AND WHICHEVER RESULTS IN THE GREATER NUMBER OF SPACES.

5. ANCILLARY USES
ANCILLARY USES SHALL BE CALCULATED SEPARATELY.

6. UNLISTED USES
UPON RECEIVING A DEVELOPMENT APPLICATION FOR A USE NOT SPECIFICALLY LISTED BELOW, THE ZONING COORDINATOR IS AUTHORIZED TO APPLY THE PARKING RATIO SPECIFIED FOR THE LISTED USE THAT IS DEEMED MOST SIMILAR TO THE PROPOSED, OR REFER TO THE RESULTS OF A PARKING DEMAND STUDY UNDER THE GUIDELINES OF SECTION 50.120.03.S IF THERE IS NOT AN APPROPRIATE SIMILAR USE.

E. PARKING RATIO REQUIREMENTS

THE FOLLOWING METHODOLOGY IS TO BE USED IN CONJUNCTION WITH TABLE 50-144E-2 OFF-STREET PARKING REQUIREMENTS IN DETERMINING THE REQUIRED NUMBER OF PARKING SPACES. NEW PARKING SPACES ARE NOT REQUIRED IN THE DOWNTOWN CORE ZONING DISTRICT.

1. BASE PARKING REQUIREMENT
IN ORDER TO DETERMINE THE FINAL PARKING REQUIREMENT FOR A GIVEN LOT OR USE, THE BASE PARKING REQUIREMENT SHALL FIRST BE ESTABLISHED BASED ON THE

FOLLOWING METHODOLOGY:

I. **FLOOR AREA WHERE FLOOR AREA IS THE UNIT OF MEASUREMENT TO DETERMINE THE REQUIRED NUMBER OF OFF-STREET PARKING AND LOADING SPACES, GROSS FLOOR AREA (GFA) SHALL BE USED, UNLESS LEASABLE FLOOR AREA IS SPECIFIED. WHERE LEASABLE FLOOR AREA IS NOT YET DEFINED FOR A PARTICULAR PROJECT, IT SHALL BE CALCULATED AT EIGHTY-FIVE (85) PERCENT OF THE GROSS FLOOR AREA.**

II. **BENCH SEATING IN CALCULATING BENCH SEATING FOR PLACES OF ASSEMBLY, EACH CONTINUOUS FOUR (4) FOOT SEGMENT OF BENCHES, PEWS OR OTHER SIMILAR SEATING SHALL BE COUNTED AS ONE (1) SEAT.**

III. **EMPLOYEES WHERE THE NUMBER OF SPACES REQUIRED IS BASED ON THE NUMBER OF EMPLOYEES, CALCULATIONS SHALL BE BASED UPON THE MAXIMUM NUMBER OF EMPLOYEES LIKELY TO BE ON THE PREMISES AT ANY ONE TIME.**

IV. **OCCUPANCY WHERE OCCUPANTS ARE USED AS A MEASUREMENT, ALL CALCULATIONS SHALL BE BASED ON THE MAXIMUM CAPACITY PERMITTED UNDER FIRE SAFETY AND BUILDING CODES.**

V. **STALLS WHERE VEHICLE STALLS ARE USED AS A MEASUREMENT, ALL CALCULATIONS SHALL BE BASED ON THE NUMBER OF SERVICE**

BAYS, GARAGE DOOR OPENINGS OR BOOTHS.

VI. USES PARKING SHALL BE CALCULATED SEPARATELY FOR EACH USE IN A BUILDING, STRUCTURE OR ON A LOT, EXCEPT THAT THE ZONING COORDINATOR OR PLANNING COMMISSION MAY DETERMINE THAT A LOWER STANDARD WOULD BE ADEQUATE FOR SHARED PARKING, AS DESCRIBED IN SECTION 50.10.05.E.

VII. FINAL PARKING REQUIREMENT MULTIPLIERS ONCE THE BASE PARKING REQUIREMENT IS ESTABLISHED FOR A GIVEN LOT OR USE, THE FINAL PARKING REQUIREMENT SHALL BE CALCULATED BY MULTIPLYING THE BASE PARKING REQUIREMENT BY THE APPROPRIATE FACTOR AS INDICATED IN THE FOLLOWING TABLE 50-144E-1 BASED ON DESIGNATED ZONING DISTRICT FOR THE LOT OR USE AND THE CATEGORY OF USE AS INDICATED IN TABLE 50.12.04.E-2 (NOTE: AN EXAMPLE FINAL PARKING REQUIREMENT CALCULATION IS SHOWN IN TABLE 50-144E-3 FOR A MIXED-USE DEVELOPMENT IN THE NC ZONING DISTRICT).

ATTACHMENTS:
TABLE 50-144E-1 (EXHIBIT 62)
TABLE 50-144E-2 (EXHIBIT 63)
TABLE 50-144E-3 (EXHIBIT 64)

§ 50-145. PARKING DESIGN STANDARDS

A. SIZE REQUIREMENTS

1. OFF-STREET PARKING SPACES SHALL BE SHALL BE DESIGNED IN ACCORDANCE WITH TABLE 50-145A DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES.

2. ALL PARKING SPACES SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF SEVEN (7) FEET.

3. EACH PARKING SPACE SHALL BE STRIPED.

4. EACH PARKING SPACE AND THE MANEUVERING AREA THERETO SHALL BE LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE SITE.

5. ALL PARKING SPACES AND AISLES SHALL COMPLY WITH THE FOLLOWING MINIMUM REQUIREMENTS.

ATTACHMENTS:
TABLE 50-145A (EXHIBIT 65)
DIAGRAM 50-145A (EXHIBIT 66)

6. PARKING SPACES (90-DEGREE ONLY) THAT ABUT A SIDEWALK ADJACENT TO A BUILDING MAY BE REDUCED IN LENGTH TO 16 FEET PROVIDED THAT THE SIDEWALK IS A MINIMUM OF EIGHT FEET IN WIDTH.

7. THE WIDTH OF THE ALLEY MAY BE ASSUMED TO BE A PORTION OF THE MANEUVERING SPACE REQUIREMENT FOR PARKING FACILITIES LOCATED ADJACENT TO A PUBLIC ALLEY.

8. IN NO EVENT SHALL PAVEMENT BE LOCATED WITHIN FOUR FEET OF A RIGHT-OF-WAY OR ALLEY, UNLESS THE PAVEMENT IS PART OF AN ENTRANCE DRIVEWAY OR AN ALLEY BEING USED FOR MANEUVERING SPACE REQUIREMENT.

B. ACCESS

1. OFF-STREET PARKING SPACES SHALL BE ACCESSED VIA AN AISLE OR DRIVEWAY OF SUFFICIENT WIDTH TO PROVIDE ADEQUATE MEANS OF VEHICULAR ACCESS THAT LEAST INTERFERES WITH TRAFFIC FLOW AND ALLOWS VEHICLES TO PULL FORWARD INTO TRAFFIC RATHER THAN BACKING INTO TRAFFIC.

2. ALL REQUIRED OFF-STREET PARKING FACILITIES SHALL HAVE VEHICULAR ACCESS FROM A STREET, ALLEY, DRIVEWAY OR CROSS-ACCESS CONNECTION.

C. PUBLIC RIGHT-OF-WAY PARKING OR MANEUVERING AREAS LOCATED WITHIN THE

PUBLIC RIGHT-OF-WAY SHALL NOT BE USED TO MEET OFF-STREET PARKING OR OFF-STREET LOADING REQUIREMENTS;

D. BACKING ACROSS PROPERTY LINES
NO PARKING SPACE SHALL BE PERMITTED WHERE THE UNPARKING VEHICLE MUST BE BACKED ACROSS ANY PROPERTY LINE ADJACENT TO A PUBLIC RIGHT-OF-WAY EXCEPT FOR ONE-FAMILY OR TWO-FAMILY DWELLINGS;

E. COMPACT SPACES
A MAXIMUM OF 30 PERCENT OF ALL PROVIDED PARKING SPACES MAY BE COMPACT SPACES. DIMENSIONS FOR COMPACT SPACES ARE SHOWN IN TABLE 50.12.05.A. COMPACT SPACES SHALL BE DESIGNATED AS SUCH.

F. HANDICAPPED PARKING
HANDICAPPED PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN TABLE 50.12.05.F OF THIS SECTION. THE MINIMUM WIDTH OF A HANDICAPPED SPACE SHALL BE 12 FEET, OR NINE FEET IF AN ADDITIONAL ADJACENT DELINEATED ACCESS AISLE AT LEAST THREE FEET WIDE IS PROVIDED ALONG ONE SIDE; SPACES NINE FEET IN WIDTH MAY SHARE A COMMON ACCESS AISLE BETWEEN TWO SPACES. THE DEPTH OF A HANDICAPPED SPACE SHALL BE PROVIDED AS SHOWN IN TABLE 50-145A OF THIS ARTICLE. EACH HANDICAPPED SPACE SHALL BE DESIGNATED BY A SIGN SHOWING THE INTERNATIONAL DISABLED SYMBOL OF A WHEELCHAIR. EACH SIGN SHALL BE NO SMALLER THAN ONE FOOT BY ONE FOOT AND SHALL BE LOCATED AT THE END OF THE SPACE AT A HEIGHT BETWEEN FOUR FEET AND SEVEN FEET. THE SIGN MAY EITHER BE WALL-MOUNTED OR FREESTANDING. HANDICAPPED SPACES SHALL BE LOCATED SO AS TO PROVIDE CONVENIENT ACCESS TO A PRIMARY ACCESSIBLE BUILDING ENTRANCE UNOBSTRUCTED BY CURBS OR OTHER OBSTACLES TO WHEELCHAIRS.

1. HANDICAPPED PARKING FOR RESIDENTIAL USES SHALL BE PROVIDED AT THE RATE OF ONE SPACE FOR EACH DWELLING UNIT THAT IS DESIGNED FOR OCCUPANCY BY THE PHYSICALLY HANDICAPPED.

2. HANDICAPPED PARKING SPACES REQUIRED BY THIS ARTICLE SHALL COUNT TOWARD FULFILLING OFF-STREET PARKING REQUIREMENTS.

3. HANDICAP ACCESSIBLE PARKING SPACES SHALL BE PROVIDED FOR ALL USES OTHER THAN RESIDENTIAL IN ACCORDANCE WITH ADA STANDARDS FOR ACCESSIBLE DESIGN 4.1.2 (5) AT THE FOLLOWING RATE:

ATTACHMENT:
TABLE 50-145F (EXHIBIT 67)

G. DRAINAGE
OFF-STREET PARKING AREAS AND DRIVEWAYS SHALL BE CONSTRUCTED TO DISPOSE OF ALL SURFACE WATER WITHOUT CROSSING SIDEWALKS AND WITHOUT ADVERSE EFFECT UPON ADJACENT PROPERTY, AND SHALL MEET ALL REQUIREMENTS OF THE CITY'S UTILITY STORMWATER MANAGEMENT STANDARDS;

H. STRIPING
EXCEPT FOR PARKING SPACES FOR ONE-FAMILY OR TWO-FAMILY DWELLINGS, ALL PARKING SPACES SHALL BE CLEARLY DELINEATED OR STRIPED AND THE STRIPING SHALL BE MAINTAINED SO IT IS VISIBLE;

I. DRIVE-THROUGH QUEUING

1. MINIMUM STACKING SPACE REQUIREMENTS

I. STACKING SPACES SHALL BE NOT LESS THAN 9 FEET IN WIDTH AND 20 FEET IN LENGTH.

II. PLACED IN A SINGLE LINE BEHIND THE DRIVE-UP OR DRIVE-THROUGH SERVICE FACILITY SUCH THAT THEY BEGIN BEHIND THE VEHICLE PARKED AT THE LAST SERVICE POINT.

III. FINANCIAL INSTITUTIONS OR FINANCIAL TRANSACTIONS FACILITIES (I.E., BILL PAYMENT WINDOW) SHALL PROVIDE THREE (3) STACKING SPACES, INCLUSIVE OF THE SPACE AT EACH WINDOW OR TRANSFER FACILITY.

IV. VEHICLE WASH:

A. A COIN/HAND-HELD WAND STALL VEHICLE WASH SHALL PROVIDE THREE (3) STACKING

SPACES IN ADVANCE OF THE WASHING BAY AND ONE (1) STACKING SPACE AFTER FOR DRYING

B. A TUNNEL VEHICLE WASH SHALL PROVIDE TEN (10) STACKING SPACES IN ADVANCE OF EACH WASH LINE AND TWO (2) AFTER FOR DRYING

V. PHARMACIES OR DRUG-STORES SHALL PROVIDE THREE (3) STACKING SPACES, INCLUSIVE OF THE SPACE AT THE WINDOW.

VI. AT DRIVE-THROUGH RESTAURANTS, THE LANE BETWEEN THE ORDER BOARD AND THE PICK-UP WINDOW SHALL HAVE FOUR (4) STACKING SPACES, AND FOUR (4) STACKING SPACES SHALL BE STORED IN ADVANCE OF THE MENU BOARD (NOT INCLUDING THE VEHICLES AT THE PICK-UP WINDOW AND MENU BOARD).

VII. DRIVE-THROUGH STACKING LANES FOR USES NOT SPECIFICALLY MENTIONED SHALL PROVIDE A MINIMUM OF THREE (3) STACKING SPACES, NOT INCLUDING THE SPACE AT THE PICKUP LOCATION;

VIII. EACH DRIVE-THROUGH LANE SHALL BE STRIPED, MARKED OR OTHERWISE DISTINCTLY DELINEATED; AND

IX. LOCATED SUCH THAT THEY DO NOT IMPEDE PEDESTRIAN OR VEHICULAR CIRCULATION ON THE SITE, ANY ACCESS TO THE SITE OR ANY

ABUTTING PUBLIC RIGHT-OF-WAY.

X. A 10 FOOT BYPASS LANE MUST ALSO BE PROVIDED.

XI. REQUIRED DRIVE-THROUGH STACKING LANES SHALL NOT INTERSECT WITH PEDESTRIAN ACCESS TOA PUBLIC ENTRANCE OF A BUILDING;

XII. DRIVE-THROUGH STACKING LANES SHALL NOT BE LOCATED IN PARKING SPACE MANEUVERING AISLES.

ATTACHMENT:
DIAGRAM 50-145I (EXHIBIT 68)

J. LANDSCAPING AND SCREENING

1. PARKING AND LOADING FACILITIES SHALL CONFORM TO THE LANDSCAPING AND SCREENING REQUIREMENTS SET FORTH IN ARTICLE 13 LANDSCAPING STANDARDS.

§ 50-146. REDUCTIONS IN PARKING REQUIREMENTS

A. REDUCTIONS OFF-STREET PARKING REQUIREMENTS MAY BE REDUCED BASED ON THE REQUIREMENTS OF SUBSECTIONS (B), (C), (D), AND (E) BELOW.

1. THE ZONING COORDINATOR MAY REDUCE OFF-STREET PARKING REQUIREMENTS BY FIFTY (50) PERCENT IF THE APPLICANT CAN DEMONSTRATE THROUGH SITE PLAN REVIEW THAT PARKING DEMAND WILL BE MET BY THROUGH EXISTING PARKING, AND/OR ONE OF OR A COMBINATION OF THE MEANS IN SUBSECTIONS BELOW. THE ZONING COORDINATOR MAY REFER THE DECISION OF ALLOWABLE OFF-STREET PARKING REDUCTIONS TO THE PLANNING COMMISSION, BASED ON NEIGHBORHOOD CHARACTER, ABSENCE OF PUBLIC PARKING OR THE RESULTS OF A PARKING DEMAND STUDY.

2. THE PLANNING COMMISSION, USING SPECIAL LAND USE PROCEDURES, MAY

ELIMINATE OR REDUCE UP TO ALL ONE HUNDRED (100) PERCENT OF REQUIRED OFF-STREET PARKING. THE APPLICANT MUST PRODUCE A PARKING DEMAND STUDY SHOWING THAT THE PARKING NEEDS EQUIVALENT TO THE REQUESTED REDUCTION WILL BE MET THROUGH EXISTING PARKING, AND/OR ONE OF OR A COMBINATION OF THE MEANS IN SUBSECTIONS BELOW.

B. ALTERNATE MODES OF TRANSPORTATION. ONE OR MORE OF THE FOLLOWING METHODS MAY BE UTILIZED TO REDUCE OFF-STREET PARKING REQUIREMENTS.

1. TRANSIT PARKING REQUIREMENTS MAY BE REDUCED FOR BUILDINGS, STRUCTURES OR USES WITHIN THREE HUNDRED (300) FEET OF A BUS RAPID TRANSIT (BRT) STATION OR ONE HUNDRED (100) FEET OF A TRANSIT STOP. A TRANSPORTATION DEMAND MANAGEMENT (TDM) 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. MTA SHALL VERIFY IN WRITING THAT THE TRANSIT STATION OR TRANSIT STOP IS IN A PERMANENT LOCATION.

2. ALTERNATIVE VEHICLES PARKING SPACES RESERVED, SIGNED, AND ENFORCED FOR LOW-EMITTING AND FUEL-EFFICIENT VEHICLES (VEHICLES THAT ARE EITHER CLASSIFIED AS ZERO EMISSION VEHICLES (ZEV) BY THE CALIFORNIA AIR RESOURCES BOARD OR HAVE ACHIEVED A MINIMUM GREEN SCORE OF 40 ON THE AMERICAN COUNCIL FOR AN ENERGY EFFICIENT ECONOMY (ACEEE) ANNUAL VEHICLE RATING GUIDE), OR FOR CAR-SHARING SERVICES, MAY COUNT AS FOUR (4) REGULAR PARKING SPACES. ELECTRIC CAR SPACES SHALL INCLUDE A POWER OUTLET FOR USE BY THE PARKED CAR. SUCH SPACES SHOULD

BE CLOSEST TO THE MAIN ENTRANCE (EXCLUSIVE OF SPACES DESIGNATED FOR HANDICAPPED). PARKING SPACES RESERVED, SIGNED, AND ENFORCED FOR CARPOOLING OR VANPOOLING SERVICES MAY COUNT AS TWO (2) REGULAR PARKING SPACES.

3. BICYCLE

I. REQUIRED BIKE PARKING FOR PROPERTIES WITHIN THE MR-3, NC, UC, CC, IC AND DE ZONING DISTRICTS, DESIGNATED BICYCLE PARKING SPACES SHALL BE PROVIDED AT A RATE OF ONE (1) BICYCLE SPACE PER TWENTY (20) VEHICLE PARKING SPACES WITH A MINIMUM OF 5. BICYCLE FACILITIES SHALL BE OF HIGH QUALITY AND REFLECT THE ARCHITECTURE OF THE PRIMARY STRUCTURE. SHOULD THE PROPERTY OWNER BE UNABLE TO PROVIDE THE REQUIRED NUMBER OF BICYCLE PARKING SPACES OR BELIEVE THIS REQUIREMENT TO BE INAPPROPRIATE, THEY MAY REQUEST A WAIVER OR RELIEF OF THIS REQUIREMENT FROM THE ZONING COORDINATOR.

II. VEHICULAR PARKING REDUCTION VEHICULAR PARKING REQUIREMENTS MAY BE REDUCED BY ONE (1) SPACE FOR EVERY FOUR (4) COVERED, SECURE BICYCLE PARKING SPACES. PARKING REQUIREMENTS MAY BE FURTHER REDUCED BY FOUR (4) SPACES WHERE FREE SHOWERS ARE AVAILABLE FOR EMPLOYEE USE WITHIN THE BUILDING.

C. ON-STREET AND BUSINESS DISTRICT PARKING

1. THE USE OF ON-STREET PARKING OR PUBLICLY-OWNED BUSINESS DISTRICT PARKING LOTS OR PARKING STRUCTURES TO MEET A PORTION OF THE MINIMUM OFF-STREET PARKING REQUIREMENTS SHALL BE PERMITTED, PROVIDED THE FOLLOWING CONDITIONS ARE MET:

    I. ADEQUATE ON-STREET, DISTRICT LOTS OR PARKING STRUCTURES EXIST WITHIN FIVE HUNDRED (500) LINEAR FEET OF THE PRIMARY ENTRANCE OF THE MAIN BUILDING;

    II. NO MORE THAN FIFTY (50) PERCENT OF THE OFF-STREET PARKING SPACE REQUIREMENT IS MET THROUGH THE USE OF ON-STREET, DISTRICT LOT OR STRUCTURE PARKING;

    III. THE INTENSITY OF THE USE AND ITS PARKING REQUIREMENTS SHALL NOT SUBSTANTIALLY ADVERSELY IMPACT SURROUNDING USES; AND

    IV. THERE IS NO NEGATIVE IMPACT TO EXISTING OR PLANNED TRAFFIC CIRCULATION PATTERNS.

2. A PARKING DEMAND STUDY MAY BE REQUIRED TO DEMONSTRATE THAT ADEQUATE AVAILABLE SPACES EXIST ON STREET OR IN A DISTRICT LOT OR PARKING STRUCTURE.

D. SHARED PARKING

1. PURPOSE
WHERE A MIX OF LAND USES CREATES STAGGERED PEAK PERIODS OF PARKING DEMAND, SHARED PARKING AGREEMENTS THAT HAVE THE EFFECT OF REDUCING THE TOTAL AMOUNT OF REQUIRED PARKING SPACES ARE ENCOURAGED. SHARED PARKING IS ENCOURAGED AS A MEANS OF CONSERVING SCARCE LAND RESOURCES, REDUCING STORMWATER

RUNOFF, REDUCING THE HEAT ISLAND EFFECT CAUSED BY LARGE PAVED AREAS AND IMPROVING COMMUNITY APPEARANCE. SHARED PARKING AGREEMENTS FOR OFF-STREET PARKING FOR TWO (2) OR MORE BUILDINGS OR USES IS PERMITTED SUBJECT TO THE FOLLOWING:

I. SHARED PARKING AREAS SHALL BE LOCATED WITHIN THREE HUNDRED (300) FEET OF ALL USES UTILIZING THE PARKING AREA.

II. EACH LOT SHALL BE INTERCONNECTED VIA SIDEWALKS AND CROSSINGS FOR PEDESTRIANS.

III. ADJACENT LOTS SHALL BE INTERCONNECTED FOR VEHICULAR PASSAGE.

IV. SHARED PARKING LEASES OR AGREEMENTS SHALL HAVE A TERM OF NOT LESS THAN FIVE (5) YEARS, INCLUDING ANY RENEWALS AT THE OPTION OF THE LESSEE.

2. ZONING COORDINATOR REDUCTION AUTHORITY
THE ZONING COORDINATOR MAY APPROVE SHARED PARKING FACILITIES, SUBJECT TO THE FOLLOWING STANDARDS:

I. ELIGIBLE USES SHARED PARKING IS ALLOWED AMONG DIFFERENT CATEGORIES OF USES OR AMONG USES WITH DIFFERENT HOURS OF OPERATION, BUT NOT BOTH.

II. INELIGIBLE USES ACCESSIBLE PARKING SPACES (FOR PERSONS WITH DISABILITIES) MAY NOT BE SHARED AND MUST BE LOCATED ON-SITE.

III. THE REQUESTED REDUCTION DOES NOT EXCEED

TWENTY-FIVE (25) PERCENT OF THE REQUIRED NUMBER OF SPACES.

IV. APPLICANTS WISHING TO USE SHARED PARKING AS A MEANS OF SATISFYING PARKING REQUIREMENTS SHALL SUBMIT WITH THEIR SITE PLAN A SHARED PARKING STUDY PREPARED FOLLOWING METHODOLOGIES ESTABLISHED BY THE URBAN LAND INSTITUTE'S PUBLICATION, SHARED PARKING, OR SIMILAR METHODOLOGIES APPROVED BY THE ZONING COORDINATOR, THAT CLEARLY DEMONSTRATES THE FEASIBILITY OF SHARED PARKING. THE STUDY SHALL BE PROVIDED IN A FORM ESTABLISHED BY THE ZONING COORDINATOR AND MADE AVAILABLE TO THE PUBLIC. IT SHALL ADDRESS, AT MINIMUM, THE SIZE AND TYPE OF THE PROPOSED DEVELOPMENT, THE COMPOSITION OF TENANTS, THE ANTICIPATED RATE OF PARKING TURNOVER AND THE ANTICIPATED PEAK PARKING AND TRAFFIC LOADS FOR ALL USES THAT WILL BE SHARING PARKING SPACES.

V. THE ZONING COORDINATOR MAY APPROVE REDUCTIONS UP TO TWENTY-FIVE (25) PERCENT BASED ON SHARED PARKING. REQUESTS FOR REDUCTIONS GREATER THAN TWENTY PERCENT BASED ON SHARED PARKING MUST BEFORE THE PLANNING COMMISSION FOR APPROVAL.

VI. THE ZONING COORDINATOR MAY APPROVE REDUCTIONS UP

TO FIFTY (50) PERCENT BASED ON SHARED PARKING AND ADDITIONAL REDUCTION METHODS IN THIS ARTICLE.

3. PLANNING COMMISSION REDUCTION AUTHORITY
THE PLANNING COMMISSION MAY APPROVE SHARED PARKING FACILITIES THROUGH A SPECIAL LAND USE APPLICATION PROCESS, SUBJECT TO THE REQUIREMENTS IN SECTION 50-146A ABOVE.

4. ZONING CLASSIFICATION
SHARED PARKING AREAS SERVING USES LOCATED IN NONRESIDENTIAL DISTRICTS SHALL BE LOCATED IN NONRESIDENTIAL DISTRICTS. SHARED PARKING AREAS SERVING USES LOCATED IN RESIDENTIAL DISTRICTS MAY BE LOCATED IN RESIDENTIAL OR NONRESIDENTIAL DISTRICTS. SHARED PARKING AREAS SHALL REQUIRE THE SAME OR A MORE INTENSIVE ZONING CLASSIFICATION THAN THAT REQUIRED FOR THE MOST INTENSIVE OF THE USES SERVED BY THE SHARED PARKING AREA.

5. AGREEMENT
APPLICANTS MUST PROVIDE A SHARED PARKING AGREEMENT EXECUTED BY THE PARTIES ESTABLISHING THE SHARED PARKING SPACES. SHARED PARKING PRIVILEGES WILL CONTINUE IN EFFECT ONLY AS LONG AS THE AGREEMENT, BINDING ON ALL PARTIES, REMAINS IN FORCE. SHOULD THE AGREEMENT CEASE TO BE IN FORCE, PARKING MUST BE PROVIDED AS OTHERWISE REQUIRED BY THIS SECTION.

§ 50-147. LOADING/UNLOADING SPACES

A. PURPOSE
IN ALL ZONE DISTRICTS, EVERY BUILDING OR PART THEREOF WHICH IS TO BE OCCUPIED BY ONE OR MORE USES THAT REQUIRE THE RECEIPT OR DISTRIBUTION OF MATERIALS OR MERCHANDISE BY VEHICLES SHALL PROVIDE AND MAINTAIN OFF-STREET LOADING SPACES AS REQUIRED BY THIS SECTION.

B. LOADING FACILITIES REQUIRED

1. OFF-STREET LOADING SPACES SHALL BE REQUIRED FOR USES THAT REGULARLY HANDLE OR RECEIVE THE SHIPMENT OF GOODS, EXCEPT IN THE D-C DISTRICT.

2. VEHICLE SALES OR RENTAL FACILITY OR SIMILAR USE REQUIRING DELIVERY OF VEHICLES BY TRUCK SHALL DEMONSTRATE THAT AN ADEQUATE ON-SITE AREA EXISTS FOR THE LOADING AND UNLOADING OF SUCH TRUCKS.

3. ANY CONVENIENCE STORE OR SIMILAR USE REQUIRING DELIVERIES BY TRUCK SHALL DEMONSTRATE THAT AN ADEQUATE ON-SITE AREA EXISTS FOR THE LOADING AND UNLOADING OF SUCH TRUCKS.

C. DESIGN AND LAYOUT

1. LOADING/UNLOADING AREAS AND DOCKS SHALL BE PROHIBITED IN THE FRONT YARD OR ON ANY BUILDING SIDE FACING AND DIRECTLY VISIBLE FROM A STREET.

2. LOADING/UNLOADING OPERATIONS SHALL NOT INTERFERE WITH THE NORMAL MOVEMENT OF VEHICULAR AND PEDESTRIAN TRAFFIC IN PUBLIC RIGHTS-OF-WAY, OFF-STREET PARKING AREAS OR INTERNAL DRIVES AND SIDEWALKS.

3. NO LOADING SPACE THAT IS ADJACENT TO A RESIDENTIAL ZONE DISTRICT SHALL NOT BE LOCATED CLOSER THAN THIRTY (30) FEET TO THE ZONE DISTRICT LINE UNLESS IT IS CONTAINED WITHIN A COMPLETELY ENCLOSED BUILDING, OR ENCLOSED ON ALL SIDES BY A WALL OR SOLID FENCE NOT LESS THAN SIX (6) FEET IN HEIGHT.

4. THE VEHICULAR PATH AND TURNING RADII TO THE LOADING AREA MUST BE SHOWN ON THE SITE PLAN TO VERIFY TRUCK MANEUVERABILITY FOR THE LARGEST TRUCK INTENDED TO SERVE THE USE.

5. WITH THE EXCEPTION OF THE D-E AND D-C ZONING DISTRICTS, LOADING AND UNLOADING ACTIVITY SHALL NOT BE

PERMITTED IN ANY PUBLIC RIGHT-OF-WAY. IN NO CASE SHALL LOADING AND UNLOADING ACTIVITY ENCROACH ON OR INTERFERE WITH THE PUBLIC USE OF STREETS, SIDEWALKS, AND LANES BY AUTOMOTIVE VEHICLES OR PEDESTRIANS. ADEQUATE SPACE SHALL BE MADE AVAILABLE FOR THE UNLOADING AND LOADING OF GOODS, MATERIALS, ITEMS OR STOCK FOR DELIVERY AND SHIPPING.

6. WHERE OFF-STREET LOADING FACILITIES ARE PROVIDED, THEY SHALL BE NOT LESS THAN 12 FEET IN WIDTH BY 35 FEET IN LENGTH, WITH NOT LESS THAN 14 FEET OF VERTICAL CLEARANCE.

D. THE MINIMUM NUMBER OF LOADING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH TABLE 50-147D. LOADING SPACE REQUIREMENTS BELOW.

ATTACHMENT:
TABLE 50-147D (EXHIBIT 69)

E. IF A SINGLE LOADING SPACE IS REQUIRED, AN ALLEY MAY BE USED IN LIEU OF THE REQUIRED LOADING SPACE.

F. ADMINISTRATIVE DEPARTURE
AN ADMINISTRATIVE DEPARTURE MAY BE APPROVED TO MODIFY LOADING SPACE AND LOCATION REQUIREMENTS WHERE THE ZONING COORDINATOR FINDS THAT ANOTHER MEASURE OR LOCATION WOULD BE MORE APPROPRIATE DUE TO SITE CONSTRAINTS OR THE NUMBER OR TYPE OF DELIVERIES EXPERIENCED BY A PARTICULAR USE.

§ 50-148. MOBILITY AND CIRCULATION

A. PURPOSE
THE PURPOSE OF THIS SECTION IS TO ESTABLISH MOBILITY AND CIRCULATION STANDARDS THAT GIVE EQUAL TREATMENT TO ALTERNATIVE MODES OF TRAVEL; ALLOW REASONABLE ACCESS TO PROPERTIES; CREATE A CONTINUOUS NETWORK OF NON-MOTORIZED PATHWAYS WITHIN AND BETWEEN DEVELOPMENTS; MAINTAIN THE CAPACITY OF EXISTING PUBLIC INFRASTRUCTURE AS LAND DEVELOPMENT OCCURS; ENSURE SAFE ACCESS TO AND FROM STREETS BY EMERGENCY VEHICLES; AND REDUCE INTERFERENCE WITH THROUGH TRAFFIC BY OTHER VEHICLES, BICYCLES AND PEDESTRIANS.

B. STREET CONNECTIVITY

1. **STREETS AND INTERNAL CIRCULATION DRIVES SHALL BE ARRANGED TO PROVIDE FOR THE ALIGNMENT AND CONTINUATION OF EXISTING OR PROPOSED STREETS AND DRIVES INTO ADJACENT LOTS, DEVELOPED OR UNDEVELOPED.**

2. **STREET AND SIDEWALK CONNECTIONS SHALL BE MADE BETWEEN NEIGHBORHOOD COMMERCIAL CENTERS AND ADJACENT RESIDENTIAL NEIGHBORHOODS.**

3. **THE FINAL SUBDIVISION PLAT OR SITE CONDOMINIUM AND THE DEEDS FOR ALL RESIDENTIAL DWELLINGS SHALL IDENTIFY ALL STUB STREETS AND INCLUDE A NOTATION THAT ALL STREET STUBS ARE INTENDED FOR CONNECTION WITH FUTURE STREETS ON ADJOINING PARCELS OF LAND.**

4. **CROSS ACCESS BETWEEN ADJACENT USES (DOES NOT APPLY TO DETACHED SINGLE FAMILY RESIDENTIAL USES)**

   I. **INTERNAL VEHICULAR CIRCULATION AREAS SHALL BE DESIGNED TO ALLOW FOR CROSS ACCESS TO ADJACENT LOTS WITH RESIDENTIAL, NONRESIDENTIAL OR MIXED-USES.**

   II. **A STUB FOR FUTURE CROSS ACCESS SHALL BE PROVIDED FROM THE VEHICULAR USE AREA TO ALL ADJACENT LOTS. WHERE CROSS ACCESS IS DEEMED IMPRACTICAL BY THE PLANNING COMMISSION OR ZONING COORDINATOR DURING SITE PLAN REVIEW OR DIRECTOR OF PLANNING AND DEVELOPMENT REVIEW ON THE BASIS OF TOPOGRAPHY, THE PRESENCE OF NATURAL FEATURES, OR VEHICULAR SAFETY FACTORS, THE REQUIREMENT FOR CROSS ACCESS MAY BE**

WAIVED WHERE APPROPRIATE BICYCLE AND PEDESTRIAN CONNECTIONS ARE PROVIDED BETWEEN ADJACENT DEVELOPMENTS OR USES.

III. A CROSS-ACCESS EASEMENT SHALL BE RECORDED WITH THE GENESEE COUNTY REGISTER OF DEEDS PRIOR TO THE ISSUANCE OF A BUILDING CERTIFICATE OF OCCUPANCY FOR THE DEVELOPMENT.

5. BLOCK LENGTH EXCEPT FOR AREAS THAT CONTAIN ENVIRONMENTAL OR TOPOGRAPHIC CONSTRAINTS, THE AVERAGE BLOCK LENGTH IN A DEVELOPMENT SHALL NOT EXCEED SIX HUNDRED (600) LINEAR FEET BETWEEN THE RIGHT-OF-WAY LINES OF INTERSECTING STREETS. IN CASES WHERE A BLOCK LENGTH EXCEEDS SIX HUNDRED (600) FEET, SIDEWALKS IN EASEMENTS OR ON OPEN SPACE LOTS SHALL BE PROVIDED MID-BLOCK TO CONNECT PARALLEL STREETS ON THE LONG SIDE OF THE BLOCK.

6. INTERNAL PEDESTRIAN CIRCULATION
ALL ATTACHED SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL, NON-RESIDENTIAL AND MIXED-USE DEVELOPMENTS SHALL COMPLY WITH THE FOLLOWING STANDARDS:

I. CONTINUOUS INTERNAL PEDESTRIAN WALKWAYS SHALL BE PROVIDED TO CONNECT OFF-STREET SURFACE PARKING AREAS WITH THE PRIMARY ENTRANCES OF MAIN BUILDINGS.

II. AT LEAST ONE PEDESTRIAN WALKWAY WITH A MINIMUM WIDTH OF FIVE (5) FEET SHALL BE PROVIDED FROM THE INTERNAL PEDESTRIAN WALKWAY NETWORK TO THE PUBLIC SIDEWALK

SYSTEM. IN THE CASE OF CORNER LOTS, CONNECTIONS SHALL BE MADE TO THE SIDEWALKS OF BOTH STREETS.

III. ALL INTERNAL PEDESTRIAN WALKWAYS SHALL BE DISTINGUISHED FROM DRIVING SURFACES THROUGH THE USE OF DURABLE, LOW-MAINTENANCE SURFACE MATERIALS SUCH AS PAVERS, BRICKS, OR SCORED/STAMPED CONCRETE OR ASPHALT.

§ 50-143. GENERAL STANDARDS FOR OFF-STREET PARKING, STACKING AND LOADING AREAS

Diagram 50-143L (Exhibit 60):

Parking Locations
§ 50-143L

Parking Access
§ 50-1430

§ 50-144. PARKING REQUIREMENTS

Table 50-144E-1 (Exhibit 62):

Table 50-144E-1 Final Parking Requirement Multipliers

Zoning District		GN	TN-1	TN-2	MR-1	MR-2	MR-3	NC	CC	D-E	D-C	CE	PC	GI	IC	UC	OS
Use category as per Table 50.12.04. E-2	Residential	1	1	1	.5	.5	.5	.5	1	.5	0	1	N/A	N/A	N/A	.5	N/A
	Public/Civic	1	1	1	.75	.75	.5	.75	1	.5	0	1	1	1	1	1	1
	Commercial	.5	.5	.5	.5	.5	.5	.5	1	.5	0	1	1	1	1	.75	1
	Industrial	.5	N/A	N/A	N/A	N/A	N/A	.5	1	.5	0	1	1	1	N/A	1	N/A
	Other	.5	.5	.5	.5	.5	.5	.5	1	.5	0	1	1	1	1	1	1

Table 50-144E-2 (Exhibit 63):

Table 50-144E-2 Off-Street Parking Requirements		
Use Categories	**Use Types**	**General Requirement (GFA = Gross Floor Area)**
Residential Uses		
Household living	Single-family dwellings	2 spaces per unit
	Two-family, multiple-family dwellings, or upper story residential	1.5 spaces per efficiency or one bedroom unit 2 spaces per 2 or more bedroom units
	Accessory Dwelling Unit	1 space per unit
Group living	Nursing home	1 space per 5 beds
	Assisted living facility not having individual dwelling units	1 space per 4 beds
	All other group living uses	1 space per 2 beds
Public and Civic Uses		
Community service	All community service uses	15 spaces, plus one space for each 400 GFA
Day care	All day care	1 space per employee
Educational facilities	High school	1 space per 4 seats in main assembly area, but not less than 5 per classroom
	All other educational facilities	1 space per 4 seats in main assembly area, but not less than 1 per classroom
Government facilities	All government facilities	1 space per employee
Medical Facilities	Hospitals	1 space per 2 beds
Museums	Museums and similar institutions	1 space per 400 GFA
Parks and open space	All parks and open space uses	Determined by Zoning Coordinator
Passenger terminals and services	All passenger terminals and services	1 space per 400 feet passenger terminal area
Religious institution	All religious institutions	1 space per 4 seats in main assembly area
Utilities, minor	All minor utilities	None
Utilities, major	All major utilities	Determined by Zoning Coordinator
Commercial Uses		
Eating and drinking establishments	Fast Food	1 space per 100 GFA
	All other eating and drinking establishments	1 space per 150 GFA
Entertainment, indoor	Adult entertainment	1 space per 100 GFA
	Bowling alleys	3 spaces per lane
	Theaters, auditoriums	1 space per 4 seats
	All other indoor entertainment	1 space per 300 GFA
Entertainment, outdoor	Arenas and stadiums	1 space per 4 seats
	Fairgrounds	Determined by Zoning Coordinator
	Driving ranges	1 space per tee box
	Miniature golf courses	1 space per hole
	All other entertainment outdoor	Determined by Zoning Coordinator
Funeral Homes	Funeral Homes/Mortuaries	One space per 50 square feet of floor area used for viewing or services. Site must provide a separately designated off-street assembly area for the lead car, hearse and family vehicle to be used in funeral processions so that these vehicles do not interfere with off-site traffic or access to required parking spaces
Offices	Medical or dental clinics	1 spacer per 250 GFA
	Banks and financial institutions	1 space per 300 GFA
	All other office uses	1 space per 400 GFA
Overnight accommodations	Hotels and motels	1 space per room, plus 1 space per 200 GFA conference or

Table 50-144E-2 Off-Street Parking Requirements		
Use Categories	**Use Types**	**General Requirement (GFA = Gross Floor Area)**
		restaurant area
Retail sales and service, sales-oriented	Artist studios or galleries	1 space per 400 GLA
	Building supply and lumber	1 space per 300 GFA
	All other retail sales and service	1 space per 200 GLA
Retail sales and service, personal service-oriented and repair-oriented	All retail sales and service, personal service oriented and repair-oriented not listed below	1 space per 250 GFA
Self-service storage	All self-service storage	1 space per employee
Vehicle sales and service	Fuel stations, including full-service, mini-service and self-service	1 space per 250 GFA
	Vehicle service, general or limited	3 spaces per service bay
	Vehicle sales and rental	1 space per 500 GFA
Industrial Uses		
Light industrial service	Building, heating, plumbing or electrical contractors	1 space per 250 GFA
	Printing, publishing and lithography	1 space per 250 GFA
	All other light industrial	1 space per 600 GFA
Heavy industrial	All heavy industrial uses	1 space per 1,000 GFA
Warehouse and freight movement	All warehouse and freight movement uses	1 space per 1,000 GFA
Waste-related service	All waste service	1 space per 1,000 GFA
Wholesale trade	All wholesale trade uses	1 space per 1,000 GFA
Other Uses		
Agriculture	All agriculture uses not listed below	Determined by Zoning Coordinator
	Greenhouse or nursery	1 space per 200 GFA
Telecommunications facilities	All telecommunications facilities (general)	1 per Section 50.9.51. Need for additional spaces determined by Zoning Coordinator

Table 50-144E-3 (Exhibit 64):

Table 50-144E-3 Example calculation for a mixed-use building in the NC Zoning District:				
Development Program	**Base Parking Ratio**	**Base Parking Requirement**	**Final Parking Requirement Multiplier**	**Final Parking Requirement**
1,500 GFA of restaurant space	1 space / 150 square feet of GFA	10	.5	5 spaces
2 residential units	2 spaces / unit	4	.5	2 spaces
			Total	*7 spaces*

§ 50-145. PARKING DESIGN STANDARDS

Table 50-145A (Exhibit 65):

Table 50-145A. Dimensional Standards for Parking Spaces and Aisles (in feet)								
	0° (PARALLEL)		45°		60°		90°	
	typical	compact	typical	compact	typical	compact	typical	compact
A - Width of Aisle: One-Way	11	11	16	12	16	16	20	20
B - Width of Aisle: Two-Way	12	16	20	18	20	20	24	22
C - Width of Space	8.5	8	8.5	8	8.5	8	8.5	8
D - Depth of Space	20	20	19	18	20	19	18	17

Diagram 50-145 (Exhibit 66):

Parking Design Standards
§ 50-145A

Table 50-145F (Exhibit 67):

Table 50-145F Accessible Parking Spaces Required			
Number of Parking Spaces Provided	Total Number of Accessible Parking Spaces (60" & 96" aisles) (Columns C + D)	Van Accessible Parking Spaces with min. 96" wide access aisle (Column C)	Accessible Parking Spaces with min. 60" wide access aisle (Column D)
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
75-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

NOTES:
1. * one out of every 8 accessible spaces
2. ** 7 out of every 8 accessible parking spaces
3. Requirements from 2010 ADA Standards for Accessible Design Section 208.2

Diagram 50-145I (Exhibit 68):

Drive Thru Queuing
§ 50-145I

Table 50-147D (Exhibit 69):

Table 50-147D. Loading Space Requirements		
Use Type	Size	Loading Space(s)
Residential	0 – 24 Dwelling Units	None
	25 – 74 Dwelling Units	1
	75 or More Dwelling Units	2
Non-Residential Uses	Less than 20,000 sq. ft. GFA	None
	20,001-75,000 sq. ft. GFA	2
	75,001-100,000 sq. ft. GFA	3
	100,001 sq. ft. GFA and Larger	5

ARTICLE 13 LANDSCAPING STANDARDS

§ 50-149. PURPOSE AND INTENT

A. THE REGULATIONS OF THIS CHAPTER ESTABLISH MINIMUM REQUIREMENTS FOR LANDSCAPING AND SCREENING. THE REGULATIONS ARE INTENDED TO ADVANCE THE GENERAL PURPOSES OF THIS ORDINANCE AND SPECIFICALLY TO:

1. ENHANCE THE QUALITY OF LIFE FOR RESIDENTS AND VISITORS;

2. PROTECT PROPERTY VALUES;

3. ENHANCE THE QUALITY AND APPEARANCE OF NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS;

4. PROMOTE THE PRESERVATION, EXPANSION, PROTECTION AND PROPER MAINTENANCEOF EXISTING TREESAND LANDSCAPING;

5. IMPROVE AIR QUALITY;

6. PREVENT THE EROSIONOF TOPSOIL;

7. DECREASE THE AMOUNT OF ENERGY CONSUMPTION REQUIRED FOR HEATING AND COOLING;

8. PROTECT WATER QUALITY AND REDUCE THE RATE OF STORMWATER RUNOFFBY INCREASINGPERVIOUS SURFACE AREAS AND PROVIDING VEGETATED AREAS RETAIN GREATER AMOUNTS OF STORMWATER ON SITE AND ALLOW DOWNWARD INFILTRATION;

9. PROVIDE LANDSCAPED AREAS WITHIN PARKING LOTS TO PROVIDE SHADE AND VISUAL RELIEF, AND TO PROVIDE TRANSITIONAL AREAS FOR ADJACENT PROPERTIES WITH BUFFERS AND SCREENS FROM THE IMPACT OF NOISE, LIGHTS AND GLARE; AND

10. PROMOTE SUSTAINABLE LANDSCAPE PRACTICES INCLUDINGTHE USE OF NON-INVASIVE NATIVE ANDREGIONALLY ADAPTABLE PLANTS.

§ 50-150. APPLICABILITY

A. THE LANDSCAPING AND SCREENING REGULATIONS OF THIS ARTICLE APPLY AS SET FORTH IN THE INDIVIDUAL SECTIONS OF THESE REGULATIONS.

1. GENERAL

I. UNLESS OTHERWISE SPECIFIED, THE LANDSCAPING, SCREENING AND BUFFERING PROVISIONS OF THIS SECTION SHALL APPLY TO ALL NEW MULTI-FAMILY AND NONRESIDENTIAL DEVELOPMENT, INCLUDING PRINCIPAL AND ACCESSORY STRUCTURES.

II. BUILDINGS AND STRUCTURES LAWFULLY EXISTING AS OF THE EFFECTIVEDATE OF THISORDINANCE MAYBE REDEVELOPED, RENOVATED ORREPAIRED WITHOUT MODIFYING LANDSCAPING, SCREENING, AND BUFFERING IN CONFORMANCE WITH THISSECTION, UNLESSA CHANGE OFUSE

OR EXPANSION OCCURS REQUIRING CONFORMANCE AS DESCRIBED IN SECTION 50.11.05 IN ARTICLE 11 OF THIS CHAPTER.

§ 50-151. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

A. LANDSCAPE PLAN SUBMITTALS. WHEN REQUIRED AS PART OF AN APPROVAL PROCESS DESCRIBED IN ARTICLE 17 OF THIS CHAPTER, LANDSCAPING PLANS MUST BE PROVIDED FOR EACH PHASE OF THE DEVELOPMENT REVIEW AND BUILDING PERMIT PROCESSES. AT A MINIMUM THE FINAL LANDSCAPE PLAN SHALL REQUIRE, BUT NOT NECESSARILY BE LIMITED TO, THE FOLLOWING:

B. CONTENT OF LANDSCAPE PLAN.

1. THE APPLICANT'S NAME AND ADDRESS AND INTEREST IN THE PROPERTY;

2. THE OWNER'S NAME AND ADDRESS, IF DIFFERENT FROM THE APPLICANT, AND THE OWNER'S SIGNED CONSENT TO THE FILING OF THE PLAN;

3. THE STREET ADDRESS AND LEGAL DESCRIPTION OF THE PROPERTY;

4. TITLE, SCALE, NORTH MARKER, AND DATE;

5. ZONING OF SITE AND ALL ADJOINING PROPERTY(S);

6. ALL LOT LINES, EASEMENTS AND RIGHTS-OF-WAY;

7. ALL SURROUNDING ROADS INCLUDING NAMES;

8. THE TOTAL SQUARE FOOT OF THE SITE AREA DEDICATED FOR VEHICLE USE, INCLUDING PARKING, LOADING, CIRCULATION, DROP-OFF/PICK-UP, ETC.;

9. PROPOSED NEW AND EXISTING-TO-REMAIN LANDSCAPE PLANTINGS BY LOCATION, SCIENTIFIC NAME AND COMMON NAME, PLANTING SIZE AND PLANTING DETAILS. A PLANT LIST SHOULD BE PROVIDED LISTING THIS INFORMATION AND KEYED TO PLANT LOCATION ON THE PLAN;

10. METHODS AND DETAILS FOR PROTECTING EXISTING VEGETATION DURING CONSTRUCTION;

11. IDENTIFICATION OF EXISTING TREES AND OTHER LANDSCAPE ELEMENTS TO BE REMOVED OR PRESERVED;

12. EXISTING AND PROPOSED SITE CONTOURS ON THE PROJECT SITE AND ONE HUNDRED (100) FEET BEYOND THE SITE LOT LINES, AT INTERVALS NOT TO EXCEED TWO (1) FEET;

13. TYPICAL CROSS SECTION, INCLUDING SLOPE, HEIGHT AND WIDTH, OF BERMS AND THE TYPE OF GROUND COVER TO BE PLACED ON THEM;

14. ALL EXISTING AND PROPOSED DRAINAGE

AND DETENTION AREAS;

15. LOCATION, SIZE, SPACING, AND SPECIES OF PROPOSED PLANT MATERIAL, INCLUDING PLANT LISTS SHOWING THE REQUIRED AND PROPOSED QUANTITIES;

16. SIZE AND LOCATION OF BERMS, FENCES AND OTHER SCREENING OR SCREENING DEVICES;

17. CALCULATIONS VERIFYING THE MINIMUM LANDSCAPING REQUIRED FOR THE SITE UNDER THIS ARTICLE AND CALCULATIONS VERIFYING THE MINIMUM PERCENTAGE OF REQUIRED LANDSCAPE AREA(S);

18. DESCRIPTION OF IRRIGATION METHODS FOR LANDSCAPE AREAS;

19. DELINEATION OF WETLANDS, STREAMS AND OTHER WATER BODIES;

20. DESIGNATION OF AREA(S) TO BE USED FOR SNOW STORAGE;

21. DESCRIPTION OF LANDSCAPE MAINTENANCE PROGRAM, INCLUDING STATEMENT THAT ALL DISEASED, DAMAGED OR DEAD MATERIALS SHALL BE REPLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE; AND

22. OTHER INFORMATION OR DOCUMENTATION AS THE ZONING COORDINATOR MAY DEEM NECESSARY TO ALLOW A FULL AND PROPER CONSIDERATION AND DISPOSITION OF THE PARTICULAR PLAN, INCLUDING BUT NOT LIMITED TO SPECIAL FEATURES, SIGN LOCATIONS, LIGHTING, DECKS, PAVING, GAZEBOS, ETC.

C. MINOR CHANGES TO APPROVED LANDSCAPE PLANS. MINOR CHANGES TO THE LANDSCAPE PLAN THAT DO NOT RESULT IN A REDUCTION IN THE NET AMOUNT OF PLANT MATERIAL AS SPECIFIED ON THE APPROVED LANDSCAPE PLAN SHALL BE APPROVED BY THE ZONING ADMINISTRATOR. CHANGES TO THE SIZE AND AMOUNT OF PLANT MATERIALS OF AN APPROVED LANDSCAPE PLAN SHALL NOT BE CONSIDERED A MINOR CHANGE. MAJOR CHANGES SHALL BE APPROVED BY THE BODY GRANTING APPROVAL OF

THE LANDSCAPE PLAN INITIALLY.

§ 50-152. GENERAL LANDSCAPING REQUIREMENTS

A. PREVIOUSLY APPROVED SITE PLANS
ANY SITE PLAN OR LANDSCAPING PLAN APPROVED BY THE ZONING COORDINATOR PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS SECTION SHALL REMAIN ENFORCEABLE AND IN FORCE.

B. REQUIRED VEGETATION
ALL AREAS NOT COVERED BY BUILDINGS, PARKING AREAS, DRIVEWAYS, WALKWAYS, PEDESTRIAN PLAZAS OR OTHER PEDESTRIAN-ORIENTED IMPERVIOUS SURFACES OR WATER SURFACES SHALL BE PLANTED WITH LIVING VEGETATION, INCLUDING TREES, SHRUBS, GRASSES, AND GROUNDCOVERS.

C. TIMING OF PLANTING
ALL REQUIRED PLANT MATERIAL SHALL BE PLANTED PRIOR TO ISSUING A BUILDING CERTIFICATE OF OCCUPANCY. IN THE EVENT THAT THE PROJECT IS COMPLETED DURING A TIME OF YEAR WHEN PLANTING IS IMPRACTICAL, A PERFORMANCE GUARANTEE OR SURETY ACCEPTABLE TO THE CITY IN THE AMOUNT OF THE REMAINING IMPROVEMENTS SHALL BE PROVIDED.

D. COMPLETION OF IMPROVEMENTS
TREE STAKES, GUY WIRES AND TREE WRAP SHALL BE REMOVED AFTER COMPLETION OF THE INITIAL GROWING SEASON.

E. MAINTENANCE

1. GENERAL

I. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE AREAS, INCLUDING GROUND COVER VEGETATION IN THE PUBLIC RIGHT-OF-WAY, BUT SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF TREES IN THE PUBLIC RIGHT-OF-WAY.

II. ALL LANDSCAPE AREAS AND PLANT MATERIALS SHALL BE MAINTAINED IN GOOD CONDITION, SHALL PRESENT A HEALTHY, NEAT AND

ORDERLY APPEARANCE, AND SHALL BE KEPT FREE OF ORGANIC AND INORGANIC REFUSE AND DEBRIS NOT IN USE FOR SHEET MULCHING AND COMPOSTING IN ACCORDANCE WITH THE APPROVED SITE PLAN.

III. PLANTS SHALL BE CONTROLLED BY PRUNING, TRIMMING, OR OTHER SUITABLE METHODS SO THAT THEY DO NOT INTERFERE WITH PUBLIC UTILITIES, RESTRICT PEDESTRIAN OR VEHICULAR ACCESS, OR CONSTITUTE A TRAFFIC HAZARD.

IV. UNHEALTHY, WITHERED, SEVERELY PRUNED, DISEASED OR DEAD PLANTS SHALL BE REPLACED WITHIN ONE (1) YEAR OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.

V. FENCES, STEPS, RETAINING WALLS AND SIMILAR LANDSCAPING ELEMENTS SHALL BE MAINTAINED IN GOOD REPAIR. THE OWNER OF THE PREMISES SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL LANDSCAPE MATERIALS, FENCES, STEPS, RETAINING WALLS AND SIMILAR LANDSCAPING ELEMENTS, AND REFUSE DISPOSAL AREAS.

VI. IRRIGATION SYSTEMS, WHEN PROVIDED, SHALL BE MAINTAINED IN GOOD OPERATING CONDITION TO PROMOTE THE HEALTH OF THE PLANT MATERIAL AND THE

CONSERVATION OF WATER.

2. TREES DANGEROUS TO TRAFFIC OR PEDESTRIANS.

   I. ANY PLANT MATERIAL ON PRIVATE PROPERTY WHICH OVERHANGS ANY PUBLIC WAY IN SUCH A MANNER AS TO IMPEDE OR INTERFERE WITH TRAFFIC OR TRAVEL ON SAID PUBLIC WAY OR WHICH OBSTRUCTS THE VIEW OF MOTORISTS AT THE INTERSECTION OF STREETS SHALL BE TRIMMED BY THE OWNER OF THE PROPERTY SO THAT THE INTERFERENCE OR OBSTRUCTION IS REMOVED.

   II. ANY TREE OR LIMB OF A TREE WHICH HAS BECOME DEAD, DECAYED OR BROKEN AND IS LIKELY TO FALL ON OR ACROSS ANY PUBLIC WAY SHALL BE REMOVED BY THE OWNER OF THE PROPERTY.

   III. ANY TRIMMING OR REMOVAL SHALL BE COMPLETED WITHIN THIRTY (30) DAYS AFTER WRITTEN NOTICE REQUIRING SAID TRIMMING OR REMOVAL. SAID NOTICE SHALL BE SERVED UPON THE OWNER OF THE PROPERTY, AND WILL BE DELIVERED BY PERSONAL DELIVERY OR REGULAR MAIL. IT SHALL BE THE DUTY OF THE OWNER OF SUCH PROPERTY TO TRIM OR REMOVE THE TREE, SHRUB, BUSH OR PLANT.

§ 50-153. PLANT MATERIAL REQUIREMENTS

A. SCALE AND NATURE OF LANDSCAPE MATERIAL
THE SCALE AND NATURE OF LANDSCAPE MATERIALS SHALL BE APPROPRIATE TO THE SIZE OF THE SITE AND RELATED STRUCTURES.

B. PLANT MATERIAL SELECTION
THE SCALE AND NATURE OF LANDSCAPE MATERIALS

SHALL BE APPROPRIATE TO THE SIZE OF THE SITE AND RELATED STRUCTURES. ALL PLANTING MATERIALS USED SHALL BE OF GOOD QUALITY, BE CAPABLE TO WITHSTAND THE SEASONAL TEMPERATURE VARIATIONS OF EASTERN MICHIGAN, AS WELL AS THE INDIVIDUAL SITE MICROCLIMATES, BE FREE OF DISEASE AND INSECTS, AND MEET THE AMERICAN STANDARD FOR NURSERY STOCK OF THE AMERICAN NURSERYMEN STANDARDS FOR MINIMUM ACCEPTABLE FORM, QUALITY AND SIZE FOR SPECIES SELECTED. THE USE OF SPECIES NATIVE TO EASTERN MICHIGAN SHALL BE ENCOURAGED. SIZE AND DENSITY OF PLANT MATERIAL, BOTH AT THE TIME OF PLANTING AND AT MATURITY, ARE ADDITIONAL CRITERIA THAT SHALL BE CONSIDERED WHEN SELECTING PLANT MATERIAL. WHERE APPROPRIATE, THE USE OF DROUGHT AND SALT TOLERANT PLANT MATERIAL IS PREFERRED.

C. SHADE TREES
ALL DECIDUOUS SHADE TREES SHALL HAVE A MINIMUM TRUNK SIZE OF TWO AND A HALF (2.5) INCHES IN CALIPER AT PLANTING, UNLESS OTHERWISE SPECIFIED.

D. EVERGREEN TREES
EVERGREENS TREES SHALL HAVE A MINIMUM HEIGHT OF FIVE (5) FEET AT PLANTING AND SHALL BE INCORPORATED INTO THE LANDSCAPE TREATMENT OF A SITE, PARTICULARLY IN THOSE AREAS WHERE YEAR-ROUND SCREENING AND BUFFERING IS REQUIRED.

E. ORNAMENTAL TREES
SINGLE STEM ORNAMENTAL TREES SHALL HAVE A MINIMUM TRUNK SIZE OF TWO (2) INCHES IN CALIPER AT PLANTING, UNLESS OTHERWISE SPECIFIED. MULTIPLE STEM ORNAMENTAL TREES SHALL HAVE A MINIMUM HEIGHT OF SIX (6) FEET AT PLANTING, UNLESS OTHERWISE SPECIFIED.

F. SHRUBS.

1. UNLESS OTHERWISE SPECIFIED, ALL LARGE DECIDUOUS AND EVERGREEN SHRUBS SHALL HAVE MINIMUM HEIGHT OF THREE (3) FEET AT INSTALLATION, AND ALL SMALL DECIDUOUS AND EVERGREEN SHRUBS SHALL HAVE A MINIMUM HEIGHT OF EIGHTEEN (18) INCHES AT INSTALLATION.

2. LARGE SHRUBS SHALL BE CONSIDERED TO BE THOSE SHRUBS THAT REACH FIVE (5) OR MORE FEET IN HEIGHT AT MATURITY. SMALL

SHRUBS SHALL BE CONSIDERED TO BE THOSE SHRUBS THAT CAN GROW UP TO FIVE (5) FEET IN HEIGHT IF LEFT UNMAINTAINED, BUT ARE GENERALLY KEPT AT HEIGHTS OF EIGHTEEN (18) TO THIRTY (30) INCHES.

G. TURF AND/OR LAWN GRASSES
LAWN GRASSES SHALL BE PLANTED IN SPECIES NORMALLY GROWN AS PERMANENT LAWNS IN THE FLINT AREA.

1. GENERALLY, GRASSES MAY BE PLUGGED, SPRIGGED, SEEDED OR SODDED. WHEN COMPLETE SODDING OR SEEDING IS NOT USED, NURSERY GRASS SEED SHALL BE SOWN AND MULCHED FOR IMMEDIATE PROTECTION UNTIL PERMANENT COVERAGE IS ACHIEVED. GRASS SOD AND SEED SHALL BE FREE OF WEEDS AND NOXIOUS PESTS OR DISEASE.

2. IN SWALES AND OTHER AREAS SUSCEPTIBLE TO EROSION, ROLLED SOD, EROSION REDUCING NET OR SUITABLE MULCH SHALL BE USED, AND SHALL BE STAKED WHERE NECESSARY FOR STABILIZATION.

3. NO-MOW OR LOW-MOW ALTERNATIVES TO TURF SUCH AS CLOVER, FESCUE GRASSES, OR SIMILAR MAY BE USED.

H. MINIMUM SIZES AND SPACING
MINIMUM PLANT SIZES AND SPACING FOR REQUIRED PLANT MATERIAL SHALL BE PROVIDED IN ACCORDANCE WITH TABLE 50-153H.

ATTACHMENT:
TABLE 50-153H (EXHIBIT 70)

I. TOPSOIL
TOPSOIL SHALL BE INSTALLED WITH A MINIMUM DEPTH OF FOUR (4) INCHES FOR LAWN AREAS, AND EIGHT (8) TO TWELVE (12) INCHES WITHIN PLANTING BEDS.

J. STABILIZATION
ALL LANDSCAPE PLANTING AREAS SHALL BE STABILIZED AND MAINTAINED WITH SEED, SOD, GROUND COVERS, MULCHES OR OTHER APPROVED MATERIALS TO PREVENT SOIL EROSION AND ALLOW RAINWATER INFILTRATION.

K. SOFTENING OF WALLS AND FENCES
VEGETATION SHALL BE PLACED INTERMITTENTLY AGAINST LONG EXPANSES OF BUILDING WALLS, FENCES AND OTHER ARCHITECTURAL BARRIERS TO CREATE A SOFTENING EFFECT AND TO HELP BREAK

UP LONG EXPANSES OF BLANK WALLS.

L. PLANTING BEDS BARK USED AS MULCH SHALL BE MAINTAINED AT A MINIMUM DEPTH OF TWO (2) INCHES. PLANTING BEDS SHALL BE EDGED WITH PLASTIC, METAL, BRICK OR STONE IN RESIDENTIAL ZONE DISTRICTS AND METAL EDGING IN ALL OTHER ZONE DISTRICTS.

M. IRRIGATION
LANDSCAPE DESIGN PURSUANT TO THE REQUIREMENTS OF THIS CHAPTER SHALL RECOGNIZE THE NEED FOR IRRIGATION AND WATER CONSERVATION. THE NEED FOR IRRIGATION SYSTEMS (SPRINKLER, DRIP OR ALTERNATIVE) SHALL BE DETERMINED BY THE TYPE OF PLANT MATERIAL AND THE CONDITION/GROWING MEDIUM THAT THEY ARE INSTALLED IN. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO MINIMIZE THE USE OF WATER.

N. BERMING
EARTHEN BERMS AND EXISTING TOPOGRAPHIC FEATURES SHALL BE INCORPORATED INTO THE LANDSCAPING OF A SITE WHERE THERE IS SUFFICIENT SPACE AND, IN PARTICULAR, WHEN BERMS AND EXISTING TOPOGRAPHIC FEATURES CAN BE COMBINED WITH PLANT MATERIAL TO FACILITATE EFFECTIVE SCREENING. MINIMUM BERM SLOPES SHALL NOT EXCEED A 4:1 SLOPE RATIO TO PREVENT EROSION AND BE PROPERLY AND SAFELY MAINTAINED.

O. CREDIT FOR EXISTING VEGETATION
EXISTING HEALTHY, WELL-FORMED TREES AND SHRUBS MAY BE CREDITED ONE FOR ONE TOWARD THE REQUIREMENTS OF THIS ARTICLE, PROVIDED THE VEGETATION IS IDENTIFIED ON THE LANDSCAPE PLAN, PROTECTED FROM HARM DURING CONSTRUCTION, LOCATED IN AN APPROPRIATE PLACE, AND MAINTAINED IN A HEALTHY GROWING CONDITION.

P. PLANT SPECIES DIVERSITY
DIVERSITY AMONG REQUIRED PLANT MATERIAL IS REQUIRED NOT ONLY FOR VISUAL INTEREST, BUT TO REDUCE THE RISK OF LOSING A LARGE POPULATION OF PLANTS DUE TO DISEASE. TABLE 50.13.05.P. PLANT SPECIES DIVERSITY INDICATES THE PERCENTAGE OF DIVERSITY REQUIRED BASED ON THE TOTAL QUANTITY OF SPECIES BEING USED. AT LEAST SEVENTY-FIVE (75) PERCENT OF NEW PLANTINGS SHALL BE SPECIES NATIVE TO MICHIGAN.

ATTACHMENT:
TABLE 50-153P (EXHIBIT 71)

Q. UNACCREDITED TREES UNACCREDITED TREES LISTS SPECIES THAT ARE PERMITTED BUT SHALL NOT BE CREDITED TOWARD REQUIRED LANDSCAPING BECAUSE OF THEIR BRITTLENESS, SUSCEPTIBILITY TO DISEASE AND INSECTS, OVERLY EXPANSIVE ROOT STRUCTURE, EXCESSIVE LITTER, AND OR OTHER UNDESIRABLE CHARACTERISTICS. THE PLANTING OF THESE SPECIES IS NOT ENCOURAGED.

ATTACHMENT:
TABLE 50-153Q (EXHIBIT 72)

R. PROHIBITED SPECIES PLANTING THE SPECIES AS LISTED IN TABLE 50.13.05.R. IS PROHIBITED IN THE CITY DUE TO THEIR INVASIVE NATURE. OTHER SPECIES THAT SHALL BE AVOIDED MAY BE VIEWED AT HTTP://WWW.INVASIVESPECIESINFO.GOV/PLANTS/MAIN.HTML

ATTACHMENT:
TABLE 50-153R (EXHIBIT 73)

§ 50-154. REQUIRED LANDSCAPE AND SCREENING ELEMENTS

A. DIAGRAM 50-154 REQUIRED LANDSCAPE AND SCREENING ELEMENTS ILLUSTRATES THE LOCATION OF THE LANDSCAPE AND SCREENING REQUIREMENTS AS DISCUSSED IN SUBSEQUENT SECTIONS 50-155-50-157.

ATTACHMENT:
DIAGRAM 50-154 (EXHIBIT 74)

§ 50-155. BUILDING FOUNDATION ZONE LANDSCAPING

A. IF A MULTI-FAMILY RESIDENTIAL, NON-RESIDENTIAL OR MIXED-USE DEVELOPMENT MAINTAINS A FRONT OR CORNER SIDE YARD OR SETBACK OF TEN (10) FEET OR MORE, BUILDING FOUNDATION LANDSCAPING IN THE YARD/SETBACK IS REQUIRED.

B. FOUNDATION PLANTINGS SHALL BE DESIGNED TO SUPPLEMENT BUFFER YARD PLANTINGS TO FRAME IMPORTANT VIEWS, WHILE VISUALLY SOFTENING LONG EXPANSES OF WALLS. FOUNDATION PLANTINGS SHALL RESPOND TO THE WINDOWS AND MATERIALS OF THE BUILDING.

C. FOUNDATION PLANTINGS SHALL BE INSTALLED ACROSS SIXTY PERCENT (60%) OF THE LENGTH OF THE FAÇADE OF THE FRONT AND CORNER SIDE YARD(S) OF THE BUILDING, EXCEPT WHERE WALKWAYS AND DRIVEWAYS ARE LOCATED.

D. A MINIMUM FOUR (4) FOOT WIDE HEDGE ROW SHALL BE PLANTED WITH ONE (1) SHRUB EVERY THREE (3) FEET ON CENTER, SPACED LINEARLY. SUCH SHRUBS SHALL MEASURE A MINIMUM OF TWENTY-FOUR (24)

INCHES AT PLANTING, AND SHALL BE A MINIMUM OF THIRTY-SIX (36) INCHES TO A MAXIMUM OF FORTY-EIGHT (48) INCHES IN HEIGHT AT MATURITY. FOUNDATION PLANTINGS MAY ALSO INCLUDE TREES, ADDITIONAL SHRUBS, GRASSES, PERENNIALS, AND GROUNDCOVER.

§ 50-156. PARKING LOT PERIMETER AND INTERIOR ZONE LANDSCAPE REQUIREMENTS

A. PARKING LOT LANDSCAPE REQUIREMENTS

ALL PARKING LOTS SHALL INCLUDE LANDSCAPING AND TREES LOCATED WITHIN THE PARKING AREA AS REQUIRED BY THIS SECTION. TREES REQUIRED BY THIS SECTION SHALL BE IN ADDITION TO TREES AND LANDSCAPING REQUIRED UNDER OTHER SECTIONS OF THIS ORDINANCE. IT IS THE OBJECTIVE OF THIS SECTION TO PROVIDE SHADE WITHIN PARKING AREAS, BREAK UP LARGE EXPANSES OF PARKING LOT PAVEMENT, AND PROVIDE A SAFE PEDESTRIAN ENVIRONMENT. BIOSWALES, RAIN GARDENS, AND OTHER STORMWATER CAPTURE TREATMENTS ARE ENCOURAGED AS PART OF LANDSCAPED AREA REQUIREMENTS. WHEN THE INCLUSION OF REQUIRED PARKING LOT LANDSCAPING ELEMENTS MAKES IT IMPOSSIBLE TO PROVIDE THE REQUIRED NUMBER OF PARKING SPACES, THE ZONING COORDINATOR MAY WAIVE UP TO TEN PERCENT OF THE REQUIRED SPACES OR UP TO TEN SPACES IN ORDER TO FIT THE LANDSCAPING, WHICHEVER WOULD LEAD TO GREATEST COMPLIANCE WITH THE LANDSCAPING STANDARDS.

B. PARKING LOT PERIMETER ZONE LANDSCAPING

1. APPLICABILITY

THE PARKING LOT PERIMETER LANDSCAPING REGULATIONS OF THIS SECTION APPLY TO ALL OF THE FOLLOWING:

I. THE CONSTRUCTION OR INSTALLATION OF ANY NEW SURFACE PARKING LOT OR VEHICULAR USE AREA THAT IS ADJACENT TO STREET RIGHT-OF-WAY; AND

II. THE EXPANSION OF ANY EXISTING SURFACE PARKING LOT OR VEHICULAR USE AREA THAT IS ADJACENT TO STREET RIGHT-OF-WAY, IN ACCORDANCE WITH ARTICLE

11, SECTION 50.11.05.

2. EXEMPTIONS INSTALLATION OF PARKING LOT PERIMETER LANDSCAPING IS NOT REQUIRED WHEN THE PARKING LOT OR VEHICULAR USE AREA IS NOT VISIBLE FROM ADJACENT STREET RIGHT-OF-WAY.

3. REQUIREMENTS PERIMETER LANDSCAPING IS REQUIRED FOR ALL PARKING LOTS AND SHALL BE ESTABLISHED ALONG THE EDGE(S) OF THE PARKING LOT ABUTTING A STREET WITH A MINIMUM DEPTH OF SEVEN (7) FEET. THE LANDSCAPE TREATMENT SHALL RUN THE FULL LENGTH OF THE PARKING LOT AND SHALL BE LOCATED BETWEEN THE PROPERTY LINE AND THE EDGE OF THE PARKING LOT. ALL PERIMETER PARKING LOT SCREENING AREAS SHALL BE PROTECTED WITH RAISED CONCRETE CURBS. LANDSCAPED AREAS OUTSIDE OF SHRUB AND TREE MASSES SHALL BE PLANTED IN TURF OR OTHER LIVE GROUNDCOVER. THE LANDSCAPED AREA SHALL BE IMPROVED AS FOLLOWS:

   I. ONE SHRUB, MEASURING A MINIMUM OF 18 INCHES AT PLANTING AND A MINIMUM OF THREE FEET AT MATURITY, SHALL BE PLANTED FOR EVERY THREE FEET OF LANDSCAPED AREA LENGTH, SPACED LINEARLY TO ADEQUATELY SCREEN VEHICLE BUMPERS (IDEALLY CREATING A SOLID HEDGE ROW).

   II. ONE TREE SHALL BE PLANTED FOR EVERY NINE FEET OF LANDSCAPED AREA LENGTH, SPACED LINEARLY.

   III. ALTERNATIVELY, A LOW PEDESTRIAN WALL THE HEIGHT OF WHICH PROVIDES EFFECTIVE SCREENING TO A MAXIMUM HEIGHT OF

THREE FEET MAY BE USED INSTEAD OF SHRUBS. WHERE FEASIBLE, PLANT MATERIALS SHALL BE INSTALLED BETWEEN THE SIDEWALK AND THE WALL TO PROVIDE A SOFTENING EFFECT ON THE FENCE OR WALL.

IV. THE PERIMETER PARKING LOT LANDSCAPING AREA SHALL BE AT LEAST SEVEN (7) FEET IN WIDTH, AS MEASURED FROM THE BACK OF CURB, TO ACCOMMODATE VEHICLE BUMPER OVERHANG AND ENSURE PLANTING AREAS THAT ARE ADEQUATE IN SIZE.

ATTACHMENT:
DIAGRAM 50-156B (EXHIBIT 75)

C. PARKING LOT INTERIOR ZONE LANDSCAPING

1. APPLICABILITY THE PARKING LOT INTERIOR LANDSCAPING REGULATIONS OF THIS SECTION APPLY TO ALL OF THE FOLLOWING:

I. THE CONSTRUCTION OR INSTALLATION OF ANY NEW SURFACE PARKING LOT CONTAINING 15 OR MORE PARKING SPACES; AND

II. FOR EXISTING PARKING LOTS THAT CURRENTLY DO NOT COMPLY WITH THE REQUIRED PARKING LOT LANDSCAPING, SUCH LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH ARTICLE 11, SECTION 50.11.05.

2. REQUIREMENTS FOR PARKING LOTS CONSISTING OF 10 (10) OR MORE SPACES, INTERIOR PARKING LOT LANDSCAPING SHALL BE REQUIRED.

I. AMOUNT. ONE (1) PARKING LOT ISLAND SHALL BE PROVIDED BETWEEN EVERY FIFTEEN (10)

PARKING SPACES. AS PART OF THE LANDSCAPE PLAN APPROVAL, PARKING LOT ISLAND LOCATIONS MAY BE VARIED BASED ON SPECIFIC SITE REQUIREMENTS OR DESIGN SCHEME, BUT THE TOTAL NUMBER OF ISLANDS SHALL BE NO LESS THAN THE AMOUNT REQUIRED ONE (1) ISLAND FOR EVERY FIFTEEN (10) SPACES. HOWEVER, ALL ROWS OF PARKING SPACES SHALL BE TERMINATED BY A PARKING LOT ISLAND OR LANDSCAPED AREA.

ATTACHMENT:
DIAGRAM 50-156C-1 (EXHIBIT 76)

II. SIZE AND PLANTING OF PARKING LOT ISLANDS. PARKING LOT END ISLANDS SHALL BE THE SAME WIDTH AS THE ADJACENT PARKING STALL, BUT BE TWO FEET SHORTER IN LENGTH. INTERIOR ISLANDS SHALL BE EQUAL TO THE WIDTH OF THE ADJACENT STALL. DOUBLE ROWS OF PARKING SHALL PROVIDE PARKING LOT ISLANDS THAT ARE THE SAME DIMENSION AS THE DOUBLE ROW. IF THE ISLAND IS PLACED PERPENDICULAR TO THE STALLS, THE ISLAND SHALL BE AT LEAST EIGHT FEET IN WIDTH.

A MINIMUM OF ONE (1) SHADE TREE SHALL BE PROVIDED FOR EVERY PARKING LOT ISLAND OR LANDSCAPED AREA. IF THE ISLAND EXTENDS THE WIDTH OF A DOUBLE ROW, THEN TWO (2) SHADE TREES SHALL BE PROVIDED.

ATTACHMENT:
DIAGRAM 50-156C-2 (EXHIBIT 77)

III. DESIGN OF PLANTING AREAS. PARKING LOT END ISLANDS

SHALL BE AT LEAST ONE HUNDRED TWENTY (120) SQUARE FEET IN AREA. INTERIOR ISLANDS SHALL BE AT LEAST ONE HUNDRED THIRTY-SIX (136) SQUARE FEET IN AREA. ALL ISLANDS MUST BE LEAST SIX (6) INCHES ABOVE THE SURFACE OF THE PARKING LOT AND PROTECTED WITH CONCRETE CURBING, EXCEPT WHERE DESIGNED SPECIFICALLY FOR THE ABSORPTION OF STORMWATER. SUCH ISLANDS AND LANDSCAPED AREAS SHALL BE DESIGNED TO PROPERLY BE DRAINED AND IRRIGATED AS APPROPRIATE TO THE SITE CONDITIONS TO ENSURE SURVIVABILITY. RAIN GARDENS AND BIOSWALES ARE ENCOURAGED AS PARKING LOT ISLANDS.

IV. TYPE OF LANDSCAPE MATERIAL SHADE TREES SHALL BE THE PRIMARY PLANT MATERIALS USED IN PARKING LOT ISLANDS AND LANDSCAPED AREAS. ORNAMENTAL TREES, SHRUBS, HEDGES AND OTHER PLANT MATERIALS MAY BE USED TO SUPPLEMENT THE SHADE TREE PLANTINGS BUT SHALL NOT CREATE VISIBILITY CONCERNSFOR AUTOMOBILES AND PEDESTRIANS.

V. GROUNDCOVER A MINIMUM OF SEVENTY-FIVE PERCENT (75%) OF EVERY PARKING LOT ISLAND SHALL BE PLANTED IN TURF OR OTHER LIVE GROUNDCOVER, PERENNIALS OR ORNAMENTAL GRASSES.

§ 50-157. TRANSITION YARDS

A. PURPOSE
IT IS THE OBJECTIVE OF THE TRANSITION YARD TO

MINIMIZE THE LAND USE CONFLICTS BETWEEN INCOMPATIBLE USES. IT IS NOT EXPECTED THAT TRANSITION YARD WILL TOTALLY SCREEN SUCH USES. IT IS EXPECTED THAT THE TRANSITION YARD DESIGN ELEMENTS IDENTIFIED BELOW WILL MINIMIZE LAND USE CONFLICTS AND WILL ENHANCE OVER TIME AS LANDSCAPING MATURES. THE TRANSITION YARD LANDSCAPING REGULATIONS OF THIS SECTION APPLY ALONG INTERIOR PROPERTY LINES IN THOSE INSTANCES EXPRESSLY IDENTIFIED IN THIS ZONING ORDINANCE AND ONLY TO THE FOLLOWING ACTIVITIES:

1. THE CONSTRUCTION OR INSTALLATION OF ANY NEW PRINCIPAL BUILDING OR PRINCIPAL USE; AND

2. THE EXPANSION OF ANY EXISTING PRINCIPAL BUILDING OR PRINCIPAL USE THAT RESULTS IN AN INCREASE IN GROSS FLOOR AREA OR SITE AREA IMPROVEMENTS BY MORE THAN 5% OR 1,000 SQUARE FEET, WHICHEVER IS GREATER. IN THE CASE OF EXPANSIONS THAT TRIGGER COMPLIANCE WITH TRANSITION YARD REQUIREMENTS, TRANSITION YARD LANDSCAPING IS REQUIRED ONLY IN PROPORTION TO THE DEGREE OF EXPANSION. ZONING COORDINATOR IS AUTHORIZED TO ALLOW THE TRANSITION YARD TO BE ESTABLISHED ADJACENT TO THE AREA OF EXPANSION OR TO DISPERSE TRANSITION YARD LANDSCAPING ALONG THE ENTIRE SITE TRANSITION AREA.

B. TRANSITION YARD TYPES

1. FOUR TRANSITION YARD TYPES ARE ESTABLISHED IN RECOGNITION OF THE DIFFERENT CONTEXTS THAT MAY EXIST. REQUIRED ZONING DISTRICT SETBACKS MAY BE COUNTED TOWARD SATISFYING TRANSITION YARD WIDTHS. SEE TABLE 50-157B.

<u>ATTACHMENT</u>:
TABLE 50-157B (EXHIBIT 78)

2. TRANSITION YARDS MAY INCLUDE A COMBINATION OF ELEMENTS INCLUDING SETBACK DISTANCES FOR SEPARATION, TREE AND SHRUBS, FENCING, LIVE GROUNDCOVER, TURF, AND/OR BERMING. IT IS

ENCOURAGED THAT EXISTING TOPOGRAPHY AND VEGETATION BE INCLUDED IN THE DESIGN OF THE TRANSITION YARD AS APPROVED BY THE PLANNING DEPARTMENT. PRESERVATION OF EXISTING MATURES TREES IS STRONGLY ENCOURAGED IN MEETING THE REQUIREMENTS OF THIS CHAPTER.

ATTACHMENTS:
DIAGRAM 50-157B-1 (EXHIBIT 79)
DIAGRAM 50-157B-2 (EXHIBIT 80)
DIAGRAM 50-157B-3 (EXHIBIT 81)
DIAGRAM 50-157B-4 (EXHIBIT 82)

C. WHEN AN ALLEY EXISTS BETWEEN TWO LOTS THAT WOULD TYPICALLY REQUIRE A TRANSITION YARD, THE WIDTH OF THE ALLEY CAN BE USED TOWARD THE REQUIRED TRANSITION YARD, PROVIDED THAT ALL REQUIRED LANDSCAPING IS PROVIDED FOR AT LEAST THE FIRST 5 FEET OF THE YARD, OR THE REMAINDER OF THE REQUIRED TRANSITION YARD, WHICHEVER IS GREATER.

D. APPLICATION OF TRANSITION YARD TYPES TRANSITION YARDS SHALL BE PROVIDED BASED ON TABLE 50-157D TRANSITION YARD TYPE REQUIREMENTS, EXCEPT WHERE ADJACENT USES ARE OF A SIMILAR NATURE, SCALE AND INTENSITY. AS PER THE TABLE, THE TYPE OF REQUIRED TRANSITION YARD IS DEPENDENT UPON THE ZONING DISTRICT OF THE SUBJECT LOT AND THE ZONING DISTRICT OF THE ADJACENT LOT(S).

ATTACHMENT:
TABLE 50-157D (EXHIBIT 83)

E. ADMINISTRATIVE DEPARTURE

1. WHEN THE APPROVE USE OF A ZONING LOT WOULD TYPICALLY REQUIRE A TRANSITION YARD OF A CERTAIN TYPE BASED ON THE TABLE ABOVE, THE ZONING COORDINATOR MAY GRANT AN ADMINISTRATIVE DEPARTURE WHEN A USE IS DEEMED NOT OF A SIMILAR NATURE, SCALE OR INTENSITY, BUT AS A USE WITH NOMINAL IMPACT ON THE CHARACTER OF USES IN THE ADJACENT ZONING DISTRICT. IN THIS INSTANCE, THE DEPARTURE MAY BE GRANTED FOR ONE LESS INTENSE TYPE OF YARD.

2. WHEN A TRANSITION YARD REQUIREMENT CONFLICTS WITH ANOTHER SCREENING

REQUIREMENT OF A SPECIFIC USE, THE ZONING COORDINATOR MAY APPLY THE MOST PROTECTIVE SCREENING OR MAY GRANT AN ADMINISTRATIVE DEPARTURE TO A PROPOSAL OF SOME COMBINATION OF THE TRANSITION YARD AND SPECIFIC SCREENING REQUIREMENTS.

§ 50-158. ADDITIONAL LANDSCAPE AND SCREENING REQUIREMENTS

A. LANDSCAPE AND BUILDING ELEMENTS SHALL BE USED TO SCREEN AREAS OF LOW VISUAL INTEREST OR VISUALLY INTRUSIVE SITE ELEMENTS (SUCH AS TRASH COLLECTION, OPEN STORAGE, SERVICE AREAS, LOADING DOCKS AND BLANK WALLS) FROM OFF-SITE VIEW. SUCH SCREENING SHALL BE ESTABLISHED ON ALL SIDES OF SUCH ELEMENTS EXCEPT WHERE AN OPENING IS REQUIRED FOR ACCESS. IF ACCESS IS POSSIBLE ONLY ON A SIDE THAT IS VISIBLE FROM A PUBLIC STREET, A REMOVABLE OR OPERABLE SCREEN SHALL BE REQUIRED.

1. SCREENING OF TRASH AND RECYCLING RECEPTACLES FOR ALL USES, EXCEPT ANY INDIVIDUAL LOT OCCUPIED BY A SINGLE-FAMILY OR TWO-FAMILY DWELLING, USING A COMMON TRASH RECEPTACLE AND ALL NONRESIDENTIAL USES:

   I. SOLID MATERIAL SCREENING OR FULL SCREENING LANDSCAPING ON THREE SIDES TO A HEIGHT THAT SCREENS THE CONTAINERS, HAVING A MINIMUM HEIGHT OF SIX (6) FEET.

   II. MATERIALS USED FOR SCREENING SHALL COMPLEMENT THE ARCHITECTURE OF THE PRINCIPAL STRUCTURE. THE USE OF MATERIALS THAT ARE NOT SOLID, SUCH AS SLATS IN CHAIN-LINK, SHALL NOT BE USED TO MEET THIS REQUIREMENT.

   III. MATERIALS AND ELEVATIONS FOR ENCLOSURES THAT ARE ATTACHED TO BUILDINGS SHALL BE

DESIGNED TO BE COMPATIBLE WITH THE MAIN STRUCTURE.

IV. IF ENCLOSURES ARE TO BE ATTACHED TO BUILDINGS THEY SHALL COMPLY WITH APPLICABLE FIRE AND BUILDING CODES.

V. ENCLOSURE OPENINGS DIRECTLY VISIBLE FROM A PUBLIC RIGHT-OF-WAY AND/OR ADJOINING RESIDENTIAL AREAS SHALL HAVE A SOLID MATERIAL GATE. FOR LARGER ENCLOSURE AREAS, A SEPARATE GATE ACCESS IS ENCOURAGED.

VI. ACCESS DRIVES SHALL BE CONSTRUCTED OF MATERIAL AND THICKNESS TO ACCOMMODATE TRUCK LOADING. YEAR ROUND ACCESSIBILITY TO THE ENCLOSURE AREA FOR SERVICE TRUCKS SHALL BE MAINTAINED BY THE PROPERTY OWNER OR TENANT.

VII. ENCLOSURES SHALL BE OF AN ADEQUATE SIZE TO ACCOMMODATE EXPECTED CONTAINERS. IT IS ENCOURAGED TO DESIGN THE ENCLOSURE AREA TO BE EXPANDABLE TO ACCOMMODATE FUTURE ADDITIONAL CONTAINERS.

VIII. ENCLOSURE STRUCTURES SHALL BE DESIGNED TO PROTECT THE WALLS FROM DAMAGE BY CONTAINERS. SUCH PROTECTION MAY BE PROVIDED BY USE OF BARRIER CURBING, REINFORCED MASONRY WALLS, OR OTHER SIMILAR MEANS.

IX. TRASH ENCLOSURES SHALL NOT BE LOCATED

WITHIN A REQUIRED STREET FRONT OR STREET SIDE SETBACKS OR OCCUPY AREA USED FOR REQUIRED PARKING SPACES.

2. DISPLAY AREAS

I. WHEN THE REAR OR INTERIOR SIDE YARD OF AN OUTDOOR DISPLAY AREA ABUTS A RESIDENTIAL DISTRICT, OR THE REAR YARD IS SEPARATED FROM A RESIDENTIAL DISTRICT BY AN ALLEY, THE OUTDOOR DISPLAY AREA MUST BE EFFECTIVELY SCREENED FROM VIEW BY AN OPAQUE MASONRY WALL (STONE, STUCCO OR BRICK), A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE OR DENSE EVERGREEN HEDGE NO LESS THAN FIVE (5) FEET AND NO MORE THAN SIX (6) FEET IN HEIGHT.

II. GROWING AREAS FOR NURSERY STOCK LOCATED IN THE FRONT OR CORNER SIDE YARD ARE CONSIDERED TO MEET SCREENING REQUIREMENTS.

3. SCREENING OF GROUND MOUNTED MECHANICAL UNITS FOR ALL USES, EXCEPT ANY INDIVIDUAL LOT OCCUPIED BY A SINGLE-FAMILY, TWO-FAMILY, OR THREE-FAMILY DWELLING, ALL GROUND-MOUNTED MECHANICAL UNITS, INCLUDING BUT NOT LIMITED TO: AIR-CONDITIONING CONDENSERS, HEAT PUMPS, VENTILATION UNITS, COMPUTER COOLING EQUIPMENT, ETC., AND ANY RELATED UTILITY STRUCTURES AND EQUIPMENT, THAT ARE VISIBLE FROM ANY ADJACENT PUBLIC THOROUGHFARE SHALL BE VISIBLY SCREENED FROM PUBLIC VIEW. THE SCREEN SHALL BE DESIGNED AND ESTABLISHED SO THAT THE AREA OR ELEMENT BEING SCREENED IS NO MORE THAN TWENTY (20)

PERCENT VISIBLE THROUGH THE SCREEN.

4. SCREENING OF ROOF MOUNTED MECHANICAL UNITS ALL ROOF-MOUNTED MECHANICAL UNITS SHALL BE SCREENED FROM ADJACENT PUBLIC THOROUGHFARES BY THE USE OF AN OPAQUE SCREENING MATERIAL COMPATIBLE WITH THE ARCHITECTURE OF THE BUILDING OR ARCHITECTURALLY DESIGNED SCREENING SUCH AS A PARAPET WALL. THE SCREENING OF THE ROOF-MOUNTED UNITS SHALL BE DESIGNED TO BLEND WITH THE BUILDING AND ROOF MATERIALS. ADDITIONAL SCREENING MAY BE REQUIRED DUE TO TOPOGRAPHIC DIFFERENCES IN THE ADJOINING PROPERTIES.

5. LOADING DOCKS, SERVICE YARDS, AND EXTERIOR WORK OR STORAGE AREAS SERVICE YARDS, LOADING DOCKS AND EXTERIOR WORK OR STORAGE AREAS SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHTS-OF-WAY OR ADJACENT LOTS.

   I. THE SCREENING SHALL CONSIST OF EITHER OF THE FOLLOWING:

      A. OPAQUE MASONRY (STONE OR BRICK), SOLID WOOD OR SIMULATED WOOD FENCE HAVING A MINIMUM HEIGHT OF SIX (6) FEET.

      B. MULTI-STEMMED ORNAMENTAL TREES, EVERGREEN TREES, LARGE SHRUBS OR SOME COMBINATION THEREOF, PLANTED AT A MINIMUM RATIO OF FIFTY (50) PLANT UNITS FOR EACH ONE-HUNDRED (100) LINEAR

FEET OF PERIMETER TO BE SCREENED. IF LARGE SHRUBS ARE USED, THEY SHALL BE A MINIMUM OF SIX (6) FEET IN HEIGHT AT THE TIME OF INSTALLATION.

II. IF OUTDOOR STORAGE IS ALLOWED, SAID STORAGE AREAS SHALL BE SCREENED IN A MANNER SUCH THAT THE MATERIALS BEING STORED ARE COMPLETELY SCREENED FROM VIEW. IF STORAGE MATERIALS EXCEED THE ALLOWABLE MAXIMUM FENCE HEIGHT OF EIGHT (8) FEET, THEN A COMBINATION OF BERMING, FENCING AND LANDSCAPING SHALL BE USED TO ACCOMPLISH APPROPRIATE SCREENING. IN NO CASE SHALL STORED MATERIALS EXCEED THE HEIGHT OF THE PROPOSED SCREENING METHOD.

6. DRIVE-THROUGH FACILITY
DRIVE AISLES OF DRIVE-THROUGH FACILITIES MUST BE EFFECTIVELY SCREENED FROM VIEW ALONG THE PUBLIC RIGHT-OF-WAY AND AT THE EDGES OF SITES ADJACENT TO RESIDENTIAL PROPERTIES IN ORDER TO MINIMIZE THE IMPACT OF EXTERIOR SITE LIGHTING, HEADLIGHT GLARE AND ANY MENU INTERCOM DISPLAYS. SUCH SCREENING MUST BE APPROVED DURING THE SITE PLAN REVIEW PROCESS AND MUST CONSIST OF AN OPAQUE MASONRY WALL (STONE, STUCCO OR BRICK), A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE, OR DENSE EVERGREEN HEDGE NO LESS THAN SIX (6) FEET. PLANT MATERIALS MUST BE INSTALLED ALONG THE FENCE OR WALL TO PROVIDE A SOFTENING EFFECT. ALL SERVICE

AREAS AND GROUND-MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED FROM GROUND-LEVEL VIEW.

ATTACHMENT:
DIAGRAM 50-158 (EXHIBIT 84)

§ 50-159. SITE GRADING REQUIREMENTS

A. GRADING

1. PURPOSE
THE GENERAL SITE TOPOGRAPHY AND ANY NATURAL LANDFORMS UNIQUE TO THE PROPERTY SHALL BE MAINTAINED AND MADE PART OF THE DEVELOPMENT TO REINFORCE THE NEIGHBORHOOD CHARACTER. PROPER GRADING AND ELEVATION RELATIONSHIPS TO ADJACENT PROPERTIES SHALL BE MAINTAINED. ALL NECESSARY GRADING SHALL COMPLEMENT NATURAL LANDFORMS. THE GRADING REGULATIONS OF THIS CHAPTER ARE INTENDED TO HELP:

I. ENCOURAGE THE DESIGN OF GRADING PLANS TO PROVIDE THE NATURAL APPEARANCE OF LAND CONTOURS AND TO PROVIDE EASE OF USE IN PUBLIC AREAS;

II. MINIMIZE THE ADVERSE EFFECTS OF LAND CLEARANCE AND GRADING ON EXISTING VEGETATION;

III. MINIMIZE THE ADVERSE EFFECTS OF LAND CLEARANCE AND GRADING ON THE DRAINAGE SYSTEM BY STRICT EROSION CONTROL AND SEDIMENTATION CONTROL MEASURES; AND

IV. MINIMIZE EROSION AND SHEAR FAILURE BY ENCOURAGING LIMITED CUTTING AND FILLING.

2. REGULATIONS.

I. BEFORE BEGINNING CONSTRUCTION ACTIVITY, THE FLOODPLAIN MUST BE IDENTIFIED THROUGHOUT

THE ENTIRE DEVELOPMENT BY STAKING OR OTHER IDENTIFYING MECHANISMS NO LESS THAN EVERY 100 FEET. GRADING AND FILLING IN FLOODPLAINS IS PROHIBITED. SEE ARTICLE 14 OF THIS CHAPTER FOR WATER QUALITY ZONES.

II. GRADING MUST BE PERFORMED TO AVOID THE RESTRICTION OF DRAINAGE THROUGH DRAINAGEWAYS AND DRAINAGE EASEMENTS. GRADING MUST BE PERFORMED TO PROVIDE POSITIVE DRAINAGE TO STORM DRAINAGE INLETS, SWALES, CHANNELS, DITCHES OR GUTTERS.

III. LARGE-SCALE GENERAL GRADING MUST INCLUDE INSTALLATION OF APPROVED SOIL AND EROSION CONTROL MEASURES AND BE LIMITED TO PHASES APPROVED BY THE ZONING COORDINATOR AND COMPLETED PRIOR TO COMMENCING BUILDING CONSTRUCTION.

I. THE BURYING, PILING, OR CONCEALING IN ANY WAY OF CONSTRUCTION WASTE IS PROHIBITED. NO CERTIFICATE OF OCCUPANCY MAY BE ISSUED UNTIL THE APPLICANT PROVIDES WRITTEN CERTIFICATION TO THE ZONING ADMINISTRATOR, ACCOMPANIED BY A LANDFILL RECEIPT, INDICATING THAT ALL CONSTRUCTION WASTE HAS BEEN REMOVED FROM THE PROPERTY.

B. SLOPES

CUT AND FILL SLOPES SHALL BE MINIMIZED. UNSTABLE SLOPES OR SLOPES SUBJECT TO EROSION SHALL BE PROTECTED. SLOPES SHALL BE RE-VEGETATED USING LOW-MAINTENANCE

TECHNIQUES. SEE ARTICLE 14 OF THIS CHAPTER FOR CONSTRUCTION ON SLOPES.

C. BERMS

1. BERMS SHALL:

I. NOT EXCEED A THREE TO ONE (3:1) HORIZONTAL TO VERTICAL RATIO AND A MAXIMUM HEIGHT OF FIVE (5) FEET ABOVE THE BASE OF THE BERM.

II. BE STABILIZED WITH A GROUND COVER OR SUITABLE VEGETATION AND PROPERLY LOCATED OUTSIDE OF CLEAR VISION AREAS.

III. RETAIN IN GOOD CONDITION EXISTING HEALTHY VEGETATION DESIGNATED FOR PRESERVATION.

ATTACHMENT:
DIAGRAM 50-159 (EXHIBIT 85)

D. STORMWATER
STORMWATER RUNOFF THAT COULD RESULT FROM MAJOR CHANGES IN TOPOGRAPHY SHALL BE MINIMIZED. LANDSCAPE TREATMENTS SUCH AS BIOSWALES AND RAIN GARDENS ARE ENCOURAGED AS WAYS TO TREAT STORMWATER.

E. ADAPTIVE ARCHITECTURE
ARCHITECTURAL DESIGNS THAT RESPOND TO A SITE AND ITS TOPOGRAPHY SHALL BE USED.

F. PHASED CONSTRUCTION
LARGE TRACTS SHALL BE GRADED IN WORKABLE UNITS FOLLOWING A SCHEDULED TIMELINE SO THAT CONSTRUCTION DOES NOT RESULT IN LARGE AREAS LEFT BARE AND EXPOSED TO SEASONAL RUNOFF.

§ 50-153. PLANT MATERIAL REQUIREMENTS

Table 50-153H (Exhibit 70):

Table 50-153H. Minimum Sizes and Spacing		
Type of Plant Material	**Minimum Plant Sizes**	**Spacing Requirements**
Canopy/Shade Trees	2 inch caliper (balled & burlapped stock) 1.5 inch caliper (potted stock)	25 ft on-center
Ornamental Trees	1.5 inch caliper (balled & burlapped or potted stock) 6 ft height (clump form)	15 ft on-center
Evergreen Trees	5 ft height	15 ft on-center
Small Shrubs	18 Inch height	3 ft-4 ft on-center
Large Shrubs	3 ft height	3 ft-4 ft on-center

Table 50-153P (Exhibit 71):

Table 50-153P. Plant Species Diversity			
Total Number of Plants Per Plant Type	**Maximum of Any Species**	**Minimum of Any Species**	**Minimum Number of Species**
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

Table 50-153Q (Exhibit 72):

Table 50-153Q. Unacceredited Trees	
Botanical Name	**Common Name**
Fraxinus	Ash
Robinia Spp.	Black Locust
Juglans Nigra	Black Walnut
Acer Negundo	Box Elder
Catalpa Speciosa	Catalpa
Populus Spp.	Cottonwood, Poplar, Aspen
Gingko Biloba (female)	Female Gingko
Morus Spp.	Mulberry
Maclura Pomifera	Osage Orange
Elaeagnus Angustifolia	Russian Olive
Ulmus Pumila	Siberian Elm
Acer Saccharinum	Silver Maple
Ulmus Rubra	Slippery Elm
Salix Spp.	Willow

Table 50-153R (Exhibit 73):

Table 50-153R. Prohibited (Invasive) Species	
Botanical Name	**Common Name**
Butomus umbellatus	Flowering Rush
Alliaria petiolata	Garlic Mustard
Populus nigra var. italica	Lombardy Poplar
Acer platanoides	Norway Maple
Rosa Multiflora	Multiflora Rose
Phragmites australis	Common Reed
Ailanthus Altissima	Tree of Heaven
Polygonum Cuspidatum	Japanese Knotweed
Berberis thunbergii	Japanese Barberry
Polygonum Sachalinense	Giant Knotweed
Lythrum salicaria	Purple Loosestrife
Centaurea Biebersteinii	Spotted Knapweed
Elaegnus Angustifolia	Russian Olive
Acer Negundo	Box Elder
Eleagnus umbellata	Autumn Olive
Rhamnus	Common Buckthorn
Frangula alnus	Glossy Buckthorn

§ 50-154. REQUIRED LANDSCAPE AND SCREENING ELEMENTS

Diagram 50-154 (Exhibit 74):

§ 50-156. PARKING LOT PERIMETER AND INTERIOR ZONE LANDSCAPE REQUIREMENTS

Diagram 50-156B (Exhibit 75):

Parking Lot Perimeter Landscaping
§ 50-156B

Diagram 50-156C-1 (Exhibit 76):

Parking Lot Interior Landscaping
§ 50-156C-1

Diagram 50-156C-2 (Exhibit 77):

Typical Parking Lot Landscape Island
§ 50-156C-2

§ 50-157. TRANSITION YARDS

Table 50-157B (Exhibit 78):

Table 50-157B. Transition Yards				
Specifications	**1**	**2**	**3**	**4**
Min. Yard Width[1] (feet)	7	15	25	50
Fence/Wall Height (feet)	6	6	6	6
Min. Trees (per 100 feet)				
Canopy	Not required	3	4	4
Understory	4	3	4	5
Min. Shrubs (per 100 feet)	Not required	Not required	30	30
[1] Yard widths calculated on the basis of average per 100 feet, provided that the yard width at any point may not be less than 50% of the minimums stated in the table.				

Diagram 50-157B-1 (Exhibit 79):

Diagram 50-157B-2 (Exhibit 80):

Diagram 50-157B-3 (Exhibit 81):

Transition Yards - Type 3
§ 50-157B-3

Diagram 50-157B-4 (Exhibit 82):

Transition Yards - Type 4
§ 50-157B-4

Table 50-157D (Exhibit 83):

Table 50-157D. Transition Yard Type Requirements [1]

Subject Lot Zoning District [1]		Adjacent Lot Zoning District															
	GN-1 or GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	NC	CC	D-E	D-C	CE	PC	GI-1	GI-2	IC	UC	OS
GN-1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
GN-2	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
TN-1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
TN-2	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
MR-1	TY1	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
MR-2	TY1	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
MR-3	TY2	TY2	TY2	TY2	----	----	----	----	----	----	----	----	----	----	----	----	TY2
NC	TY1	TY2	TY1	----	----	----	----	----	----	----	----	----	----	----	----	----	TY1
CC	TY2	TY2	TY2	TY2	TY2	TY2	TY2	----	TY1	TY1	----	----	----	----	----	----	TY3
D-E	TY2	TY2	TY2	TY1	TY1	TY1	TY1	TY1	----	----	----	----	----	----	----	----	TY2
D-C	TY2	TY2	TY2	TY2	TY2	TY2	TY2	----	----	----	----	----	----	----	----	----	TY2
CE	TY4	TY4	TY4	TY4	TY4	TY4	TY3	TY3	TY3	TY3	----	----	----	----	TY3	TY3	TY4
PC	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	----	TY3	----	TY4	TY4	TY4
GI-1	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	TY3	----	----	TY3	TY3	TY3
GI-2	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY4	TY3	TY3	----	----	TY4	TY4	TY4
IC	TY2	TY2	TY2	TY2	TY2	TY2	TY2	TY3	TY2	TY2	----	----	----	----	----	----	TY3
UC	TY1	TY2	TY1	TY1	----	----	TY2	TY3	TY1	TY3	----	----	----	----	----	----	TY3
OS	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

[1] Zoning relationship indicated by " " imply that no transition yard is required. However, lots are still subject to required setbacks and other landscaping requirements of this Chapter.

§ 50-158. ADDITIONAL LANDSCAPE AND SCREENING REQUIREMENTS

Diagram 50-158 (Exhibit 84):

Drive-Thru Facility
§ 50-158

§ 50-159. SITE GRADING REQUIREMENTS

Diagram 50-159 (Exhibit 85):

Berms
§ 50-159

ARTICLE 14 ENVIRONMENTAL PROTECTION

§ 50-160. INTENT

THE STANDARDS OF THIS SECTION PRESENT AN INTEGRATED APPROACH TO PROMOTE AND PROTECT OF THE CITY'S UNIQUE NATURAL ENVIRONMENT, INCLUDING WATERWAYS, SOILS, TOPOGRAPHY, OPEN SPACE, AND LANDSCAPE. THE APPLICATION OF THESE STANDARDS IS INTENDED TO GUIDE THE DESIGN AND DEVELOPMENT OF PARCELS BY SERVING THE FOLLOWING GOALS.

A. TO PRESERVE, PROTECT AND ENHANCE VALUABLE NATURAL RESOURCES

B. TO APPROACH STORMWATER AS A RESOURCE AND ENCOURAGE INFILTRATION ONSITE, PREVENTING OR REDUCING EROSION AND FLOOD DAMAGES,CONTROLLING RUNOFF POLLUTANTS, SAVING ENERGY AND COSTS OF MUNICIPALLY TREATING STORMWATER, AND IMPROVING WATER AND SOILQUALITY.

C. PROTECT AQUATIC AND RIPARIAN HABITAT.

D. RECHARGE GROUNDWATER.

E. PRESERVE THE NATURAL AND BENEFICIAL FUNCTIONS OF WATERCOURSES STREAMS, LAKES, WETLANDS, AND FLOOD PRONE AREAS.

F. SIMPLIFY AND REDUCE LONG-TERM MAINTENANCE OBLIGATIONS THROUGH BETTER DESIGN.

G. ENSURE BUFFERING, VISUAL RELIEF, AND SCREENING TO REDUCE IMPACT OF NOISE, LIGHT POLLUTION AND GLARE THROUGH SUSTAINABLE AND CONTEXTUALLY APPROPRIATE LANDSCAPE AREAS.

§ 50-161. APPLICABILITY

THESE STANDARDS APPLY TO ALL SITES OR PARCELS PLANNED FOR DEVELOPMENT OR REDEVELOPMENT WITHIN THE CITY. HOWEVER, AN ADMINISTRATIVE DEPARTURE FROM THE REQUIREMENTS OF THIS ARTICLE MAY BE GRANTED BY THE ZONING COORDINATOR WHEN ALL OF THE FOLLOWING CONDITIONS ARE MET:

A. THE REGULATIONS REQUIRE SITE DESIGN ELEMENTS THAT CANNOT BE ACCOMMODATED DUE TO PARCEL SIZE, CONFIGURATION, COULD CONSTITUTE A TAKING, OR OTHER UNIQUE AND EXTENUATING CIRCUMSTANCES,

B. THE APPLICANT PROVIDES

ALTERNATIVE SOLUTIONS TO MITIGATE ENVIRONMENTAL IMPACTS IN A WAY THAT IS SIMILAR TO THE EXTENT OF THE REGULATION(S) FOR WHICH ADMINISTRATIVE DEPARTURE IS SOUGHT,

C. PROPOSED ALTERNATIVE SOLUTIONS INCLUDE ENGINEERING AND TECHNICAL ANALYSIS THAT DEMONSTRATES THEIR MITIGATING BENEFITS ON ENVIRONMENTAL FEATURES,

D. THE APPLICANT ATTENDS A MEETING WITH THE ZONING COORDINATOR AND CITY ENGINEER TO REVIEW THE PROPOSED ALTERNATIVE SOLUTIONS AND THEIR ANTICIPATED IMPACTS, AND

E. THE ZONING COORDINATOR AND CITY ENGINEER APPROVE THE ADMINISTRATIV EDEPARTURE.

§ 50-162. ESTABLISHMENT OFWATER QUALITY ZONES

A. INTENT. THE STANDARDS IN THIS SECTION ARE DESIGNED TO PRESERVE THE CHARACTER AND QUALITY OF THE RIVERS, LAKES, CREEKS, STREAMS AND WATERWAYS IN THE CITY BY MANAGING THE QUALITY OF SURFACE WATER RUNOFF ADJACENT TO THESE WATERWAYS THROUGH PROTECTION OF THEIR ADJACENT LANDS AND OPEN SPACE.

B. WATERWAY DESIGNATIONS. THE FOLLOWING DESIGNATIONS ARE ESTABLISHED FOR EXISTING WATERWAYS IN THE CITY:

1. FLINT RIVER. THE FLINT RIVER IS THE PRIMARY WATERWAY OF THE CITY.

I. MAJOR WATERWAYS. MAJOR WATERWAYS INCLUDE ALL STREAMS, LAKES, CREEKS OR DRAINAGE WAYS WITH WATERSHEDS ONE 100 ACRES AND LARGER.

II. **MINOR WATERWAYS. MINOR WATERWAYS INCLUDE ALL STREAMS, CREEKS OR DRAINAGE WAYS WITH WATERSHEDS UNDER 100 ACRES.**

2. **WATER QUALITY ZONES. THE FOLLOWING WATER QUALITY ZONES ARE ESTABLISHED:**

   I. **CRITICAL WATER QUALITY ZONE. THE BOUNDARIES OF THE CRITICAL WATER QUALITY ZONE (CWQZ) COINCIDE WITH THE 1 PERCENT FLOODPLAIN, WHICH IS AN AREA THAT HAS A 1 PERCENT CHANCE OF FLOODING IN ANY GIVEN YEAR, EXCEPT:**

      A. **FLINT RIVER. THE CWQZ FOR THE FLINT RIVER IS NOT LESS THAN 30 FEET FROM THE FLOOD WAY.**

      B. **MAJOR WATER WAY. THE CWQZ OF A MAJOR WATER WAY IS NOT LESS THAN 30 FEET FROM THE CENTER LINE OF THE WATER WAY.**

      C. **MINOR WATER WAY. THE CWQZ OF A MINOR WATER WAY IS NOT LESS THAN 20 FEET FROM**

THE CENTER LINE OF THE DRAINAGE WAY.

D. THE CWQZ DOES NOT EXTEND BEYOND THE CREST OF A BLUFF.

II. TRANSITIONAL WATER QUALITY ZONE. A TRANSITIONAL WATER QUALITY ZONE (TWQZ) IS ESTABLISHED ADJACENT TO THE OUTER BOUNDARY OF A CWQZ AS FOLLOWS:

A. FLINT RIVER. THE TWQZ FOR THE FLINT RIVER IS NOT LESS THAN 250 FEET FROM THE CWQZ OF THE RIVER.

B. MAJOR AND MINOR WATER WAYS. THE TWQZ FOR A MAJOR OR MINOR WATER WAY IS NOT LESS THAN 75 FEET FROM THE CWQZ OF THE WATER WAY.

3. REGULATIONS. THE FOLLOWING REGULATIONS ARE ESTABLISHED WITHIN EACH WATER QUALITY ZONE:

I. CRITICAL WATER QUALITY ZONE. THE FOLLOWING REGULATIONS APPLY TO ALL CRITICAL WATER QUALITY ZONES.

A. ALL DEVELOPMENT IS PROHIBITED IN THE CWQZ EXCEPT THE FOLLOWING:

1. UTILITY LINES, OTHER THAN WASTEWATER LINES.

2. TRAILS AND OTHER PEDESTRIAN OR RECREATIONAL PATHWAYS.

3. DOCKS, MARINAS AND WHARVES.

4. OPEN SPACE

B. PRIVATE OPEN SPACE OF ANY TYPE, INCLUDING SPORTS FIELDS AND GOLF COURSES, DEVELO

PED WITHIN THE CWQZ, MUST SUBMIT A MAINTENANCE PROCESS TO THE CITY OUTLINING THE LIMITATIONS OF THE USES OF FERTILIZERS, PESTICIDES AND HERBICIDES.

C. WASTE WATER LINES ARE PROHIBITED WITHIN THE CWQZ EXCEPT FOR NECESSARY CROSSINGS.

D. IN DETERMINING ALLOWABLE SITE IMPERVIOUS AND SEMI-PERVIOUS REQUIREMENTS, THE CWQZ IS DEDUCTED FROM THE GROSS LOT AREA TO DETERMINE THE NET LOT AREA.

II. TRANSITIONAL WATER QUALITY ZONE. THE FOLLOWING REGULATIONS APPLY TO THE TWQZ:

A. THE FOLLOWING USES IN THE TRANSITIONAL WATER QUALITY ZONES MUST DEMONSTRATE THAT NO RUN-OFF OR EFFLUE

NCE FROM THE DEVELOPMENT WILL FLOW DIRECTLY INTO THE WATERWAY:

1. **ALL TYPES OF VEHICULAR SERVICE**
2. **ALL INDUSTRIAL USES**
3. **TEMPORARY STORAGE OF SOILS**

§ 50-163. CONSTRUCTION ON SLOPES

A. INTENT. THESE STANDARDS ARE INTENDED TO PRESERVE AND PROTECT THE UNIQUE TOPOGRAPHY OF FLINT AND LIMIT CHANGES TO ESTABLISHED WATERSHEDS. EXCESS RUNOFF FROM CONSTRUCTION ACTIVITIES ON SLOPES CAUSES LOSS OF TOPSOIL, SILTING OF STREAMS, FLOOD DAMAGES, AND EROSION. LEAVING WOODLANDS AND STEEP SLOPES UNDISTURBED AIDS THE CONTROL OF EROSION AND SEDIMENTATION, THE CAPABILITY OF THE UNDERLYING SOILS TO ABSORB AND RETAIN MOISTURE, AND THE PROTECTION OF THE QUALITY OF WATERSHED AND STREAMS.

B. APPLICABILITY. THE FOLLOWING REQUIREMENTS APPLY TO ALL CONSTRUCTION OR DISRUPTION ACTIVITIES ON ANY PRIVATE PARCEL.

C. NO DEVELOPMENT, GRADING OF THE LAND OR STRIPPING OF VEGETATION SHALL BE PERMITTED ON SLOPES OF 25% OR STEEPER.

D. PERMITTED MAXIMUM DISTURBANCE.

1. **SLOPE AREAS BETWEEN 20.0% TO 24.9% SHALL BE 10 %.**

2. **SLOPE AREAS BETWEEN 15.0% AND 19.9% SHALL BE 20 %.**

3. **SLOPE AREAS BETWEEN 0 AND 14.9% SHALL BE AS LIMITED BY THE SITE DEVELOPMENT STANDARDS PERTINENT TO THE ZONING, IF ANY, IN WHICH THE PROPERTY LIES.**

E. ALLOWABLE CUT AND FILL.

1. **CUTS. CUTS MAY NOT EXCEED FOUR FEET OF DEPTH EXCEPT FOR CONSTRUCTION OF A BUILDING FOUNDATION, BASEMENT OR SWIMMING POOL EXCAVATION.**

2. **ALL CUTS AND FILL MUST BE RESTORED AND STABILIZED.**

3. **FILL. FILL MAY NOT EXCEED FOUR FEET OF DEPTH.**

§ 50-164. SOIL EROSION & SEDIMENT CONTROLS

A. INTENT. THE FOLLOWING STANDARDS ARE INTENDED TO PREVENT EROSION OF SOIL AND SEDIMENTATION OF WATERWAYS DURING CONSTRUCTION ACTIVITIES.

B. APPLICABILITY. THESE STANDARDS APPLY TO ALL SITE AND PARCEL DEVELOPMENT AND REDEVELOPMENT.

C. LOCAL ENFORCING AGENCY. THE COUNTY OF GENESEE IS THE LOCAL ENFORCING AGENCY TO IMPLEMENT AND ENFORCE THE PART 91, SOIL EROSION AND SEDIMENTATION CONTROL OF THE NATURAL RESOURCES PROTECTION ACT, 1994 PA 451, AS AMENDED.

D. REVIEW. APPLICANTS SHALL PROVIDE PROOF TO THE ZONING COORDINATOR THAT THE PLANS HAVE BEEN REVIEWED AND APPROVED BY THE LOCAL ENFORCING AGENCY PRIOR TO CITY PERMIT APPROVAL.

E. ADOPTION OF RULES OF STATE WATER RESOURCES COMMISSION. THE CITY HEREBY ADOPTS BY REFERENCE THE LATEST RULES PROMULGATED BY THE STATE WATER RESOURCES COMMISSION PURSUANT TO THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (MCL 282.101 ET SEQ., MSA 13.1820(1) ET SEQ.).

F. CONTROL MEASURES. DURING NEW DEVELOPMENT, REDEVELOPMENT AND ANY

OTHER LAND-DISTURBING ACTIVITIES, BEST MANAGEMENT PRACTICES SHALL BE USED TO ACCOMPLISH THE FOLLOWING:

1. **TEMPORARY EROSION AND SEDIMENTATION CONTROLS ARE REQUIRED DURING ALL CONSTRUCTION THAT DISTURBS SOIL ON SITE. CONTROL MEASURES INCLUDE MULCHING, MATTING, COVERING, SILT FENCES, SEDIMENT TRAPS AND CATCH BASINS, SETTLING PONDS AND PROTECTIVE BERMS.**

2. **CONTROLS MUST REMAIN IN PLACE UNTIL PERMANENT REVEGETATION IS ESTABLISHED.**

3. **AREAS WITHIN THE CRITICAL WATER QUALITY ZONE MUST BE REVEGETATED WITHIN 18 MONTHS OF DISTURBANCE.**

§ 50-165. SITE CLEARING & TREE REMOVAL

A. **INTENT. THE REMOVAL OF TREES AND OTHER VEGETATION FROM PUBLIC OR PRIVATE PROPERTY SHALL BE REGULATED BY THE CITY TO MEET THE FOLLOWING GOALS.**

1. **TO PRESERVE, PROTECT AND ENHANCE VALUABLE NATURAL RESOURCES, AND TO PROTECT THE HEALTH, SAFETY AND WELFARE OF RESIDENTS.**

2. **TO ESTABLISH STANDARDS LIMITING THE REMOVAL OF AND INSURING THE REPLACEMENT OF TREES SUFFICIENT TO SAFEGUARD THE ECOLOGICAL AND AESTHETIC ENVIRONMENT OF A COMMUNITY.**

3. **TO PREVENT THE UNNECESSARY CLEARING AND DISTURBING OF LAND SO AS TO PRESERVE, INSOFAR AS IS PRACTICABLE, THE NATURAL AND EXISTING GROWTH OF VEGETATION; AND TO REPLACE, WHEN FEASIBLE, THE REMOVED TREES WITH THE SAME, COMPARABLE OR IMPROVED SPECIES.**

4. **TO PROVIDE PROTECTIVE REGULATIONS AGAINST HAZARDOUS TREES AND DISEASED TREES OR SHRUBS; TO CONTROL ACTIVITIES RELATIVE TO TREES AND TREE**

CONTRACTORS AND TO PROVIDE FOR A TREE COMMISSION.

B. APPLICABILITY. THE STANDARDS OUTLINED APPLY AS FOLLOWS.

1. THE FOLLOWING PROVISIONS APPLY TO ALL PROPERTY IN THE CITY, PUBLIC OR PRIVATE, UNLESS OTHERWISE STATED.

2. A PERSON OPERATING A TREE FARM SHALL NOT BE REQUIRED TO OBTAIN A TREE REMOVAL PERMIT FOR TREES LOCATED ON THE FARM; A PERMIT WOULD BE REQUIRED IF THE PERSON IS REMOVING TREES FROM A PARCEL NOT PRIMARILY USED AS A TREE FARM.

C. SITE CLEARING REQUIREMENTS. THE FOLLOWING STANDARDS APPLY TO ALL CONSTRUCTION ACTIVITIES:

1. SITE PLAN REQUIREMENTS. A SITE PLAN FOR ANY PROPOSED DEVELOPMENT, WHEN REQUIRED BY ARTICLE 17 OF THIS CHAPTER, SHALL ILLUSTRATE THE AREA OF LAND TO BE CLEARED OF TREES AND OTHER VEGETATION. THIS SHALL BE REVIEWED DURING THE SITE PLAN REVIEW PROCESS.

2. AREAS TO BE CLEARED. ANY AREA TO BE CLEARED SHALL BE LIMITED TO THOSE AREAS NEEDED FOR:

I. STREET CONSTRUCTION AND NECESSARY SLOPE CONSTRUCTION.

II. PUBLIC SERVICE OR UTILITY EASEMENTS AND RIGHTS-OF-WAY, INCLUDING AREAS FOR UTILITY LINE INSTALLATION AND MAINTENANCE. THESE EASEMENTS SHALL NOT BE CLEARED PRIOR TO ACTUAL LINE INSTALLATION.

III. BUILDING ROOF COVERAGE AREA AND ANCILLARY STRUCTURES SUCH AS PATIOS AND PORCHES PLUS 10 FEET ON ALL SIDES FOR CONSTRUCTION ACTIVITY.

IV. DRIVEWAYS, ALLEYWAYS, WALKWAYS,

PARKING LOTS AND OTHER LAND AREA NECESSARY TO THE INSTALLATION OF THE PROPOSED DEVELOPMENT OR USE.

V. THE AREA NECESSARY FOR CONSTRUCTION AND MAINTENANCE OF A SEDIMENT BASIN.

VI. THE AREA NECESSARY FOR GARDEN OR AGRICULTURAL PURPOSES.

D. TREE REMOVAL REQUIREMENTS. TREES 12 INCHES IN CALIPER OR GREATER SHOULD BE PRESERVED. OTHERWISE, A TREE REMOVAL PERMIT SHALL BE REQUIRED BEFORE ANY TREE 12 INCHES IN CALIPER OR GREATER, MAY BE DESTROYED OR REMOVED.

1. SITE PLAN REQUIRED. WHEN A SITE PLAN REVIEW PROCESS IS REQUIRED, THE APPROVAL OF THE SITE PLAN SHALL SERVE AS THE APPROVAL OF THE TREE REMOVAL PERMIT.

2. SITE PLAN NOT REQUIRED. WHEN A SITE PLAN REVIEW PROCESS IS NOT REQUIRED, THE APPLICATION AND FEE INFORMATION FOR A TREE REMOVAL PERMIT SHALL BE OBTAINED FROM THE CITY.

3. REVIEW CRITERIA. ALL TREE REMOVAL PERMITS SHALL BE REVIEWED USING THE FOLLOWING CRITERIA.

I. THE EXTENT TO WHICH TREE CLEARING IS SHOWN TO AVOID EXCESSIVE CLEARING AND STILL PERMIT THE APPLICANT TO ACHIEVE THE PROPOSED DEVELOPMENT OR LAND USE.

II. THE DESIRABILITY OF PRESERVING ANY TREE BY REASON OF ITS SIZE, AGE OR SOME OTHER OUTSTANDING QUALITY, SUCH AS UNIQUENESS, RARITY OR STATUS AS A HISTORIC OR SPECIES SPECIMEN.

III. THE EXTENT TO WHICH THE AREA WOULD BE SUBJECT TO ENVIRONMENTAL DEGRADATION DUE TO REMOVAL OF THE TREES.

IV. THE HEIGHTENED DESIRABILITY OF PRESERVING TREE COVER IN DENSELY DEVELOPED OR DENSELY POPULATED AREAS.

V. WHETHER THE TREE IS DISEASED, INJURED BEYOND RESTORATION, IN DANGER OF FALLING, INTERFERE WITH UTILITY SERVICES OR CREATES UNSAFE VISUAL CLEARANCE.

VI. THE COMPLETENESS OF THE TREE REPLACEMENT SCHEDULE AND PLAN.

4. TREE REPLACEMENT PLAN. THE APPLICANT SHALL SUBMIT A TREE REPLACEMENT PLAN INCLUDING THE FOLLOWING INFORMATION:

I. EXISTING TREE COVERAGE, SIZE, AND TYPE.

II. NUMBER OF TREES TO BE REMOVED.

III. REPLACEMENT TREE SIZE AND TYPE.

IV. AREAS TO BE COVERED WITH STRUCTURES, WALKWAYS, PARKING, AND DRIVEWAYS.

V. GRADING AND DRAINAGE REQUIREMENTS.

E. REPLACEMENT OF TREES. ALL LEGALLY REMOVED, HEALTHY TREES GREATER THAN 12 INCHES IN DIAMETER, MEASURED AT FOUR FEET ABOVE GRADE SHALL BE REPLACED.

1. SIZE. THE REPLACEMENT TREE(S) SHALL BE OF A CALIPER NO LESS THAN 25% OF THAT OF THE REMOVED TREE(S) OR 1-1/2 INCH CALIPER, WHICHEVER IS GREATER; OR WITH MULTIPLE TREES, THE COMBINED CALIPERS OF WHICH TOTAL NOT

LESS THAN 125% OF THE REMOVED TREE(S).

2. **LOCATION. THE REPLACEMENT TREE(S) SHALL BE PLANTED ON THE SAME LOT AS THE REMOVED TREE(S), UNLESS OTHERWISE APPROVED BY THE CITY.**

3. **QUANTITY. THE NUMBER AND LOCATION OF REPLACEMENT TREES SHALL BE ILLUSTRATED ON THE SITE PLAN OR TREE REPLACEMENT PLAN AND SCHEDULE, AS REQUIRED.**

4. **FEE IN-LIEU. WITH PERMISSION FROM THE CITY, TREES MAY BE REPLACED WITH A FEE IN LIEU OF PLANTING REPLACEMENT TREES. FEES SHALL BE EQUIVALENT TO THE COST OF PURCHASING AND PLANTING THE REQUIRED NUMBER AND SIZE OF REPLACEMENT TREES.**

5. **CREDITS. WHEN A SIGNIFICANT NUMBER OF TREES ARE PRESERVED ON A LOT, THE ZONING COORDINATOR MAY COUNT UP TO 25% OF THE PRESERVED TREE CALIPER TOWARD THE REQUIRED REPLACEMENT TREES.**

F. **VIOLATIONS. IF IT IS DETERMINED THAT THE APPLICANT IS NOT FOLLOWING THE APPROVED TREE REMOVAL TERMS, THE CITY SHALL REVOKE ALL PERMITS UNTIL THE MATTER IS RESOLVED.**

1. **REPLACEMENT SIZE. ILLEGALLY REMOVED TREES SHALL BE REPLACED AS FOLLOWS WITH A TREE OF CALIPER NO LESS THAN 50% OF THAT OF THE ILLEGALLY REMOVED TREE OR WITH MULTIPLE TREES THE COMBINED CALIPERS OF WHICH TOTAL NOT LESS THAN 200% OF THE REMOVED TREE.**

2. **LOCATION. TREES SHALL BE REPLACED ON THE SAME LOT AS THE REMOVED TREE, UNLESS OTHERWISE APPROVED BY THE CITY.**

3. **REQUIRED REPLACEMENT. IMPOSITION OF ANY PENALTY FOR A VIOLATION OF THIS ARTICLE SHALL NOT BE CONSTRUED AS A WAIVER OF THE RIGHT OF THE CITY TO COLLECT FROM THE DEFENDANT THE COST**

OF TREE WORK DONE BY THE CITY WHICH THE DEFENDANT WAS REQUIRED BUT FAILED TO ACT UPON.

G. EXCEPTIONS. IN THE EVENT THAT ANY TREE IS DETERMINED TO BE IN A HAZARDOUS OR DANGEROUS CONDITION SO AS TO ENDANGER THE PUBLIC HEALTH, WELFARE OR SAFETY, AND REQUIRES IMMEDIATE REMOVAL WITHOUT DELAY, VERBAL AUTHORIZATION TO REMOVE THE TREE(S) WITHOUT A PERMIT MAY BE OBTAINED FROM THE CITY.

§ 50-166. TREE PROTECTION DURING CONSTRUCTION

A. INTENT. PROTECTION MEASURES SHALL BE UNDERTAKEN TO PRESERVE DESIGNATED TREES DURING SITE DEVELOPMENT OR CONSTRUCTION.

B. APPLICABILITY. TREES DETERMINED TO BE PRESERVED THROUGH THE SITE CLEARING AND TREE REMOVAL PROCESS THAT HAVE BEEN CERTIFIED AS HEALTHY PRIOR TO ANY CLEARING OR CONSTRUCTION ACTIVITIES, SHALL BE PROTECTED UTILIZING THE PROVISION OF THIS SECTION.

C. TREE PROTECTION PLAN. PRIOR TO THE ISSUANCE OF PERMITS FOR SITE WORK OR CONSTRUCTION, THE PROPERTY OWNER OR AGENT OF THE PROPERTY OWNER SHALL SUBMIT A PLAN DETAILING HOW EACH OF THE PRESERVED TREES SHALL BE PROTECTED FOR REVIEW AND APPROVAL.

D. PROTECTION FROM MECHANICAL AND CHEMICAL INJURY. PROTECTIVE BARRIERS ARE REQUIRED TO PREVENT MECHANICAL INJURIES CAUSED BY SOIL COMPACTION, UNNECESSARY CUTTING OF ROOTS, FIRE, COLLISIONS WITH HEAVY EQUIPMENT, CARELESSNESS WITH TOOLS OR GIRDING WITH GUY WIRES AND INJURY CAUSED BY SOLVENTS, PAINTS, OILS OR OTHER CHEMICALS.

1. PROTECT THE DRIP LINE. ENCLOSE THE DRIPLINE OF A TREE AND AREAS OF EXPOSED ROOTS OUTSIDE OF THIS AREA WITH FENCE, ROPING, FLAGGING OR OTHER PROTECTIVE BARRIER.

I. BARRIER SHALL BE EASILY VISIBLE TO EQUIPMENT OPERATORS.

II. HAND TOOLS ONLY SHALL BE UTILIZED TO REMOVE BRUSH OR WEEDS

WITHIN THE BARRIER.

III. STORAGE OF EQUIPMENT, MATERIALS, FILL OR DEBRIS WITHIN THE BARRIER IS PROHIBITED.

IV. EQUIPMENT SHALL NOT BE CLEANED OR REPAIRED WITHIN THE BARRIER.

2. BARK PROTECTION. TRUNKS OF TREES TO BE PRESERVED WITHIN 15 FEET OF THE BUILDING SITE AND ACCESS ROADS SHALL BE WRAPPED WITH SECTIONS OF SNOW FENCE OR BOARDS WIRED TOGETHER.

I. NO NAILS OR SPIKES SHALL BE DRIVEN INTO PRESERVED TREES.

II. NO PRESERVED TREES SHALL BE USED FOR SIGNS, FENCING, ROPING OR CABLES.

3. HISTORIC OR SPECIMEN TREES. THE CITY MAY REQUIRE A FERTILIZATION PROCESS THROUGHOUT CONSTRUCTION TO FURTHER SUPPORT THE SURVIVAL OF A TREE.

E. PROTECTION FROM GRADE CHANGES. PROTECT TREES FROM ANY GRADE CHANGES THAT CAN IMPAIR THE ABILITY OF ITS ROOTS TO OBTAIN NECESSARY AMOUNTS OF AIR, WATER AND LAND MINERALS.

1. RAISING OF GRADE. IF RAISING THE GRADE WITHIN THE DRIPLINE, THE FOLLOWING APPLIES.

I. IF RAISING THE GRADE WITHIN THE DRIPLINE OF A TREE IS DETERMINED ABSOLUTELY NECESSARY FOR THE DEVELOPMENT OF THE SITE, THE CITY MAY REQUIRE ONE OF THE FOLLOWING PROTECTION METHODS.

A. RELOCATE THE TREE.

B. INSTALLATION OF AN AERATION SYSTEM CONSISTING OF A DRY WELL

AROUND THE TRUNK TOGETHER WITH A LAYER OF GRAVEL AND STONE AND A SYSTEM OF DRAIN TILES OVER THE ROOT SYSTEM AT THE LEVEL OF THE ORIGINAL GRADE TO ENSURE ADEQUATE AIR, WATER CIRCULATION AND DRAINAGE OF WATER AWAY FROM THE TRUNK.

II. FOR EXCEPTION FROM THIS PROVISION, ALL OF THE FOLLOWING MUST BE MET:

A. FILL WITHIN THE DRIPLINE IS LESS THAN SIX INCHES OR LESS IN DEPTH.

B. FILL DOES NOT CONTAIN CLAY, MARL OR OTHER HEAVY IMPERVIOUS FILLS.

C. FILL CONSISTS ONLY OF POROUS, LOAMY OR GRAVELLY SOIL HIGH IN ORGANIC MATTER.

2. LOWERING OF GRADE. IF LOWERING THE GRADE WITHIN THE DRIPLINE, THE FOLLOWING APPLIES.

I. TO PROTECT TREES FROM REMOVAL OF OR DAMAGE TO FEEDER ROOTS OR CHANGES TO THE WATER TABLE, THE AREA WITHIN THE DRIP LINE SHALL NOT BE LOWERED.

II. TERRACING OR CONSTRUCTION OF A DRY RETAINING WALL FOR GRADE DIFFERENCES OF LESS THAN TWO

FEET MAY BE UTILIZED.

3. POSITIVE DRAINAGE. WHEN REGRADING AROUND A PRESERVED TREE, SIGNIFICANT CHANGES IN DRAINAGE WITHIN THE CANOPY OF THE TREE SHALL BE RECTIFIED BY CUTTING SWALES OR OTHER MEANS.

F. EXCAVATION. MINIMIZE THE DAMAGE TO PROTECTED TREES BY LIMITING EXCAVATION AND PROVIDING PROPER ROOT CARE AFTER ANY EXCAVATION.

1. UTILITY PIPELINES SHALL NOT BE ROUTED WITHIN A DRIP LINE OF A PRESERVED TREE UNLESS OTHERWISE APPROVED BY THE CITY BECAUSE:

I. NO OTHER ROUTE IS PRACTICAL.

II. TUNNELLING UNDER THE ROOTS WITH A POWER-DRIVEN SOIL AUGUR IS IMPRACTICAL OR FINANCIALLY INFEASIBLE IN RELATION TO THE VALUE OF THE TREE.

2. ROOT PROTECTION. WHEN EXCAVATING IN A PROTECTED AREA, THE FOLLOWING CAUTIONARY STEPS SHALL BE TAKEN:

I. MINIMIZE THE NUMBER OF ROOTS CUT, ESPECIALLY LARGE MAIN ROOTS.

II. MAKE CLEAN CUTS WITH PROPER TOOLS AND RE-TRIM THE ROOTS AFTER EXCAVATION.

III. PAINT CUTS OF ROOTS OF 1/4 INCH DIAMETER OR LARGER WITH A WOUND DRESSING, SUCH AS ORANGE SHELLAC.

IV. TO MINIMIZE THE TIME ROOTS ARE EXPOSED TO THE AIR, BACKFILL THE TRENCH IMMEDIATELY AFTER EXCAVATION, LEAVING NO POCKETS OF AIR.

V. MIX PEAT MOSS WITH FILL SOIL TO PROMOTE

NEW ROOT GROWTH.

G. DAMAGE MITIGATION. WHERE, DESPITE THE FOREGOING PROVISIONS, SIGNIFICANT DAMAGE HAS BEEN DONE TO THE ROOTS, THE TREE SHALL BE FERTILIZED AND EXCESS BRANCHES THAT CANNOT BE SUPPORTED BY THE REMAINING UNDAMAGED ROOTS SHALL BE PRUNED. TREE LIMBS DAMAGED DURING CONSTRUCTION SHALL BE PRUNED TO 1/4 INCH OF THE BRANCH COLLAR.

H. REMOVAL OF TREE PROTECTION. PROTECTIVE FENCES AND BARRIERS AROUND TREES SHALL BE REMOVED ONLY AS THE FINAL STAGE OF POST-CONSTRUCTION CLEANUP.

I. REPLACEMENT TREES. SHOULD ANY TREE DESIGNATED FOR PRESERVATION AND INCLUDED AS PART OF MINIMUM REQUIRED LANDSCAPING UNDER THIS ARTICLE, BE DAMAGED, REMOVED OR DIE, THE OWNER SHALL REPLACE THE TREE WITH TWO (2) TREES OF EQUIVALENT SPECIES OR WITH TREES WHICH SHALL OBTAIN THE SAME HEIGHT, SPREAD AND GROWTH CHARACTERISTICS. THE REPLACEMENT TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF (2½) INCHES CALIPER.

ARTICLE 15 SIGN REGULATIONS

§ 50-167. PURPOSE AND OBJECTIVES

PURPOSE AND FINDINGS THE CITY OF FLINT HAS EXPERIENCED YEARS OF POPULATION AND BUSINESS DECLINE, LOSING OVER 100,000 RESIDENTS AND ACCUMULATING THOUSANDS OF VACANT LOTS AND ABANDONED BUILDINGS. THE CITY HAS ALSO LACKED THE REGULATIONS NECESSARY TO ENFORCE CONSISTENT AND QUALITY SIGN DEVELOPMENT OVER THE YEARS. TOGETHER THESE FACTORS HAVE LED TO A BUILT ENVIRONMENT FEATURING MANY UNSAFE, UNSIGHTLY AND ABANDONED SIGNS.

THE REGULATION OF SIGNS BY THIS CODE IS INTENDED TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; BY CREATINGA MORE ATTRACTIVE ECONOMIC AND BUSINESS CLIMATE WITHIN THE CITY; BY ENHANCING AND PROTECTING THE PHYSICAL APPEARANCE OF ALL AREAS OF THE CITY; AND BY REDUCING THE DISTRACTIONS, OBSTRUCTIONS AND HAZARDS TO PEDESTRIAN AND AUTO TRAFFIC CAUSED BY THE INDISCRIMINATE PLACEMENT AND USE OF SIGNS.

A. OBJECTIVES.

THE OBJECTIVES OF THIS ARTICLE ARE TO:

1. GENERAL
   ENSURE THAT SIGNS ARE LOCATED, DESIGNED, CONSTRUCTED, INSTALLED AND MAINTAINED IN A WAY THAT PROTECTS LIFE, HEALTH, MORALS, PROPERTY AND THE PUBLIC WELFARE;

2. PUBLIC SAFETY
   PROTECT PUBLIC SAFETY BY PROHIBITING SIGNS THAT ARE STRUCTURALLY UNSAFE OR POORLY MAINTAINED; THAT CAUSE UNSAFE TRAFFIC CONDITIONS THROUGH DISTRACTION OFMOTORISTS, CONFUSION WITH TRAFFIC SIGNS, OR HINDRANCE OF VISION; AND THAT IMPEDE SAFE MOVEMENT OF PEDESTRIANS OR SAFE INGRESS AND EGRESS FROM BUILDINGS OR SITES;

3. PROTECT AESTHETIC QUALITY OF NEIGHBORHOODS
   PREVENT BLIGHT AND PROTECT AESTHETIC QUALITIES BY PREVENTING VISUAL CLUTTER AND PROTECTING VIEWS; AND ELIMINATING SIGNS AND SIGN

STRUCTURES ON UNUSED COMMERCIAL PROPERTIES;

4. FREE SPEECH ENSURE THAT THE CONSTITUTIONALLY GUARANTEED RIGHT OF FREE SPEECH IS PROTECTED AND TO ALLOW SIGNS AS A MEANS OF COMMUNICATION;

5. REDUCE CONFLICT REDUCE CONFLICT AMONG SIGNS AND LIGHT AND BETWEEN PUBLIC AND PRIVATE INFORMATION SYSTEMS;

6. BUSINESS IDENTIFICATION ALLOW FOR ADEQUATE AND EFFECTIVE SIGNAGE FOR BUSINESS IDENTIFICATION AND OTHER COMMERCIAL SPEECH, NON-COMMERCIAL SPEECH, AND DISSEMINATIONOF PUBLIC INFORMATION, INCLUDING BUT NOTLIMITED TO, PUBLICSAFETY INFORMATION.

§ 50-168. APPLICABILITY

A. THE REGULATIONS OF THIS ARTICLE SHALL GOVERN AND CONTROL THE ERECTION, ENLARGEMENT, EXPANSION, ALTERATION, OPERATION, MAINTENANCE, RELOCATION AND REMOVAL OF ALL SIGNS WITHIN THE CITY INTENDED TO BE VIEWED FROM ANY STREET, SIDEWALK OR PUBLIC OR PRIVATE COMMON OPEN SPACE. ANY SIGN NOT EXPRESSLY PERMITTED BY THESE REGULATIONS SHALL BE PROHIBITED. THE REGULATIONS OF THIS ARTICLE RELATE TO THE LOCATION OF SIGNS, TYPE, WITHIN ZONING DISTRICTS AND SHALL BE IN ADDITION TO PROVISIONS OF OTHERCHAPTERS OF THE MUNICIPAL CODEAPPLICABLE TO THE CONSTRUCTION AND MAINTENANCE OF SIGNS.

B. THE EFFECT OF THIS ARTICLE IS:

1. TO REGULATE ANY SIGN, DISPLAY, FIGURE, PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER THING, VISIBLE FROM A PUBLIC OR PRIVATE RIGHT-OF-WAY AND THAT IS USED OR HAS THE EFFECT OF BEING USED, TO ADVERTISE, ANNOUNCE OR IDENTIFY THE PURPOSE OF ANY BUSINESS, ESTABLISHMENT, PERSON, ENTITY, PRODUCT, SERVICE OR

ACTIVITY; TO COMMUNICATE INFORMATION OF ANY KIND TO THE PUBLIC, OR TO ATTRACT ATTENTION TO THE PREMISES.

2. TO ESTABLISH A PERMIT SYSTEM TO ALLOW A VARIETY OF SIGN TYPES IN COMMERCIAL AND INDUSTRIAL ZONES AND A LIMITED VARIETY OF SIGNS IN OTHER ZONES, SUBJECT TO THE STANDARDS AND THE PERMIT PROCEDURES OF THIS CHAPTER;

3. TO ALLOW CERTAIN SIGNS THAT ARE SMALL, UNOBTRUSIVE, AND INCIDENTAL TO THE PRINCIPAL USE OF THE RESPECTIVE LOTS ON WHICH THEY ARE LOCATED, SUBJECT TO THE REQUIREMENTS OF THIS CHAPTER, BUT WITHOUT REQUIREMENT OF A PERMIT;

4. TO PROHIBIT ALL SIGNS NOT EXPRESSLY PERMITTED BY THIS ARTICLE; AND

5. TO PROVIDE FOR ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE.

C. CONFLICT WITH OTHER REGULATIONS

IN THE EVENT OF CONFLICT BETWEEN THE REGULATIONS OF THIS CHAPTER AND THOSE OF OTHER LOCAL, STATE OR FEDERAL REGULATIONS, THE MORE RESTRICTIVE REGULATION SHALL GOVERN.

§ 50-169. SIGN PERMIT REQUIRED

A. SIGN PERMIT

EXCEPT AS EXPRESSLY PROVIDED IN SECTION 50-172 HEREOF, NO SIGN SHALL BE ERECTED, ENLARGED, EXPANDED, ALTERED, OR RELOCATED UNLESS A SIGN PERMIT EVIDENCING THE COMPLIANCE OF SUCH WORK WITH THE PROVISIONS OF THIS ARTICLE AND OTHER APPLICABLE PROVISIONS OF THIS CODE SHALL HAVE FIRST BEEN ISSUED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 15 OF THIS CODE; PROVIDED, HOWEVER, THAT ROUTINE SIGN MAINTENANCE, CHANGING OF PARTS DESIGNED TO BE CHANGED AND SHALL NOT, STANDING ALONE, BE CONSIDERED AN ALTERATION OF THE SIGN REQUIRING THE

ISSUANCE OF A SIGN ZONING PERMIT HEREUNDER.

WHEN A SIGN IS TO BE ERECTED AS PART OF A NEW DEVELOPMENT OR A REDEVELOPMENT REQUIRING ZONING APPROVAL FROM THE DEPARTMENT OF PLANNING AND DEVELOPMENT UNDER ARTICLE 50.17 OF THIS CODE, THE MATERIALS REQUIRED BELOW MAY BE INCLUDED IN THE APPLICATION AND WOULD BE REVIEWED CONCURRENTLY WITH THE OVERALL PROJECT. APPROVAL OF THE PROJECT WOULD SERVE AS THE APPROVAL FOR THE SIGN ZONING PERMIT.

WHEN SIGNAGE IS OTHERWISE ERECTED, ENLARGED, EXPANDED, ALTERED OR RELOCATED, A SEPARATE APPLICATION FOR A SIGN ZONING PERMIT IS REQUIRED. SIGN ZONING PERMITS MAY BE APPROVED BY THE ZONING COORDINATOR OR TRAINED DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF DESIGNATED BY THE ZONING COORDINATOR. REVIEW OF AN APPLICATION FOR A SIGN ZONING PERMIT SHALL BE COMPLETED WITHIN 15 DAYS OF RECEIPT OF ALL MATERIALS AND APPROPRIATE PAYMENT. IF THE APPLICATION IS MISSING MATERIALS NECESSARY TO DETERMINE IF THE PROPOSED SIGNAGE SATISFIES ALL NECESSARY REGULATIONS THE REVIEW TIMEFRAME WILL PAUSE UNTIL THE OUTSTANDING MATERIALS ARE PROVIDED.

ONCE THE OUTSTANDING MATERIALS ARE SUBMITTED THE TIMEFRAME WILL RESUME BUT REVIEWING OFFICIALS SHALL HAVE AN EXTRA SEVEN (7) DAYS TO COMPLETE THE REVIEW. IF THE PROPOSED SIGNAGE SATISFIES ALL THE REQUIREMENTS OF THIS CHAPTER THE REVIEWING OFFICIAL SHALL APPROVE THE APPLICATION AND ISSUE A SIGN ZONING PERMIT.

APPEALS, VARIANCES OR SIMILAR ACTIONS SHALL FOLLOW THE PROCEDURES OF ARTICLE 50.17 OF THIS CODE.

B. APPLICATION REQUIREMENTS
APPLICATIONS FOR A SIGN PERMIT FOR A SIGN SHALL BE ACCOMPANIED BY:

1. **PLANS AND SPECIFICATIONS SHOWING THE LOCATION ON THE LOT OR BUILDING AND THE METHOD OF CONSTRUCTION, ILLUMINATION AND SUPPORT OF SUCH SIGN;**

2. **A SCALE DRAWING SHOWING SIGN FACES, EXPOSED SURFACES AND THE PROPOSED LETTERING AND DESIGN, ACCURATELY REPRESENTED AS TO SIZE, AREA, PROPORTION AND COLOR;**

3. **PHOTOGRAPHS OF THE**

STREET SIDES OF THE PROPERTY IN QUESTION, SHOWING ALL EXISTING SIGNS ON THE PROPERTY;

4. **A CALCULATION OF THE TOTAL AMOUNT OF SIGN AREA PRESENTLY EXISTING ON THE PROPERTY;**

5. **THE APPLICANT'S ATTESTATION THAT THE SUM OF THE AREAS OF THE REQUESTED SIGN OR SIGNS AND THE EXISTING SIGNS DOES NOT EXCEED THE MAXIMUM ALLOWED BY THE PROVISIONS OF THIS CODE; AND,**

6. **SIGN INSTALLATION AND LANDSCAPING MUST BE COMPLETED WITHIN ONE (1) YEAR FOLLOWING ISSUANCE OF A SIGN PERMIT.**

7. **EACH APPLICATION SHALL BE ACCOMPANIED BY PAYMENT, TO COVER THE COST OF REVIEW AND ANY NECESSARY PUBLICATIONS, POSTINGS, AND HEARINGS. AMOUNT OF SAID PAYMENT SHALL BE ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL, KEPT ON FILE BY THE CITY CLERK, AND CONTAINED IN APPENDIX A OF THE CITY CODE.**

§ 50-170. GENERAL STANDARDS THE FOLLOWING GENERAL STANDARDS SHALL APPLY TO ALL SIGNS.

A. MESSAGE

SUBSTITUTION THE

MESSAGE ON ANY COMMERCIAL SIGN MAY BE REPLACED WITH A NON-COMMERCIAL MESS AGE PROVIDED THAT THE SIGN OTHERWISE MEETS THE REQUIREMENTS OF THIS CHAPTER.

B. ILLUMINATION

1. **LOCATION AND DESIGN OF LIGHT SOURCE WHENEVER AN EXTERNAL ARTIFICIAL LIGHT SOURCE IS USED FOR A SIGN, SUCH SOURCE SHALL BE LOCATED, SHIELDED AND DIRECTED SO AS NOT TO BE DIRECTLY VISIBLE FROM ANY PUBLIC STREET OR PRIVATE RESIDENCE.NO RECEPTACLE ORDEVICE HOUSING A PERMITTED LIGHT SOURCE FOR A SIGN SHALL PROTRUDE MORE THAN EIGHTEEN(18) INCHES FROM THE FACE OF THE SIGN OR BUILDING TO WHICH ITISATTACHED; PROVIDED, HOWEVER, THAT A RECEPTACLEOR DEVICE HOUSING A PERMITTED LIGHT**

SOURCE FOR A SIGN MAY BE LOCATED MORE THAN EIGHTEEN (18) INCHES FROM THE FACE OF THE SIGN IF SUCH LIGHT SOURCE IS GROUND MOUNTED, LOCKED IN PLACE, AND CANNOT BE REDIRECTED.

2. **LEVEL OF ILLUMINATION**
   IN NO EVENT SHALL THE ILLUMINATION OF ANY SIGN, RESULTING FROM ANY INTERNAL OR EXTERNAL ARTIFICIAL LIGHT SOURCE, EXCEED ONE-HUNDRED SEVENTY FIVE (175) FOOTCANDLES WHEN MEASURED WITH A STANDARD LIGHT METER HELD PERPENDICULAR TO THE SIGN FACE AT A DISTANCE EQUAL TO THE NARROWEST DIMENSION OF SUCH SIGN FACE. ALL ARTIFICIAL ILLUMINATION SHALL BE SO DESIGNED, LOCATED, SHIELDED, AND DIRECTED AS TO PREVENT THE CASTING OF GLARE OR DIRECT LIGHT UPON ADJACENT PROPERTY OR STREETS.
   ILLUMINATION RESULTING FROM ANY INTERNAL OR EXTERNAL ARTIFICIAL LIGHT SOURCE SHALL NOT EXCEED 0.5 FOOT CANDLES ASMEASURED ATTHEPROPERTY LINE OFTHE SUBJECT PROPERTY.
   ILLUMINATION LEVELS FOR ELECTRONIC MESSAGE CENTERSIGNS SHALL BE PRESCRIBED INPARAGRAPH G OF THISSECTION.

3. **FLASHING LIGHTS PROHIBITED**
   EXCEPT FOR PUBLIC SERVICE SIGNS WHEN EXPRESSLY PERMITTED BY THIS SECTION, NO FLASHING, BLINKING OR INTERMITTENT LIGHTS SHALL BE PERMITTED.

4. **LIGHT FIXTURE SCREENING**
   LIGHT FIXTURES PLACED ALONG THE BASE OF THE SIGN SHALL BE SCREENED FROM VIEW BY SITE GRADING OR EVERGREEN SHRUBS. NO UNSCREENEDLIGHT SOURCES ARE PERMITTED.
   TEMPORARY HOLIDAY DISPLAYS, WHICH CONTAIN LIGHTS, ARE EXEMPT FROM THESE PROVISIONS.

5. **EXTERNAL ILLUMINATION**
   EXTERNAL ILLUMINATION SHALL BE PROVIDED BY

STEADY, STATIONARY LIGHT OF REASONABLE INTENSITY, DIRECTED SOLELY AT THE SIGN AND SHIELDED OR OTHERWISE PREVENTED FROM SHINING DIRECTLY ONTO ADJACENT PROPERTIES OR RIGHTS OF WAY.

6. **INTERNAL ILLUMINATION INTERNAL ILLUMINATION SHALL BE PROVIDED BY INTERIOR WHITE LIGHTING OF REASONABLE INTENSITY WITH PRIMARY AND SECONDARY IMAGES LIT OR SILHOUETTED (I.E., BACKLIT) ON AN OPAQUE BACKGROUND. THE BACKGROUND OF ALL SIGNS MUST BE OPAQUE. NO ADDITIONAL BACKGROUND LIGHTING OR ILLUMINATED BORDERS OR OUTLINES SHALL BE PERMITTED.**

7. **ADDITIONAL LIGHTINGSTANDARDS THE FOLLOWING ARE ADDITIONAL LIGHTING STANDARDS FO R SPECIFIC SIGN TYPES:**

   I. **SIGNS WITHOUT PERMITS: SIGNS PERMITTED PURSUANT TO SECTION 50-127 OF THIS ARTICLE SHALL BE ILLUMINATED ONLY AS PERMITTED IN THAT SECTION.**

   II. **AWNING AND CANOPY SIGNS: SHALL BE ILLUMINATED USING A DIRECT LIGHT SOURCE. DIRECT ILLUMINATION SHALL BE AIMED AT THE EXTERIOR OF THE AWNING/CANOPY , NOT THE UNDERSIDE.**

   III. **MONUMENT SIGNS: MONUMENT SIGNS SHALL BE BACKLIT, DIRECTLY-LIT, OR INTERNALLY ILLUMINATED. ALL LETTERS**

MUST BE INDIVIDUALLY AFFIXED. ANY DIRECT LIGHT SOURCE SHALL BE CONCEALED FROM VIEW FROM THE RIGHT-OF-WAY.

IV. WALL SIGNS: LETTERS SHALL BE INDIVIDUALLY AFFIXED TO WALLS OF A BUILDING AND BE EITHER INTERNALLY ILLUMINATED OR BACKLIT.

V. ELECTRONIC MESSAGE CENTER SIGNS:

1. **ALL ELECTRONIC MESSAGE CENTERS SHALL COME EQUIPPED WITH AUTOMATIC DIMMING TECHNOLOGY WHICH AUTOMATICALLY ADJUSTS THE SIGN'S BRIGHTNESS BASED ON AMBIENT LIGHT CONDITIONS.**
2. **NO ELECTRONIC MESSAGE CENTER SHALL EXCEED A BRIGHTNESS LEVEL OF 0.3 FOOT CANDLES ABOVE AMBIENT LIGHT AS MEASURE USING A FOOT CANDLE (LUX) METER AT A PRESET DISTANCE DEPENDING ON SIGN AREA, MEASURED ACCORDING TO TABLE 50-170.**

<u>ATTACHMENT</u>:
TABLE 50-170 (EXHIBIT 86)

C. LANDSCAPING
THE BASE OF ALL PERMANENT GROUND SIGNS SHALL BE EFFECTIVELY LANDSCAPED AND MAINTAINED IN GOOD CONDITION AT ALL TIMES. THE MINIMUM LANDSCAPED AREA SHALL EXTEND AT LEAST THREE (3) FEET BEYOND ALL SIGN FACES OR

SUPPORTING STRUCTURES IN ALL DIRECTIONS. EXPOSED FOUNDATIONS MUST BE CONSTRUCTED WITH A FINISHED MATERIAL SUCH AS BRICK, STONE, ARCHITECTURAL METAL, OR WOOD. LANDSCAPING MUST BE MAINTAINED IN A MANNER THAT PREVENTS THE SCREENING OR BLOCKING OF ADDRESSES AND OTHER INFORMATION PROVIDED ON THE MONUMENT SIGN.

D. MINIMUM ELEVATION OF CERTAIN SIGNS
THE BOTTOM OF EVERY AWNING, CANOPY, PROJECTING, MARQUEE AND BILLBOARD SIGN SHALL BE ELEVATED AT LEAST EIGHT (8) FEET ABOVE GRADE.

<u>ATTACHMENT</u>:
DIAGRAM 50-170D (EXHIBIT 87)

E. OBSTRUCTION OF ACCESS WAYS
NO SIGN OR SIGN STRUCTURE SHALL OBSTRUCT FREE INGRESS TO OR EGRESS FROM A FIRE ESCAPE, DOOR, WINDOW OR OTHER REQUIRED ACCESS WAY.

F. OBSTRUCTION OF WINDOW SURFACE
NO SIGN SHALL PROJECT OVER, OCCUPY OR OBSTRUCT ANY WINDOW SURFACE REQUIRED FOR LIGHT OR VENTILATION BY ANY APPLICABLE PROVISION OF THE MUNICIPAL CODE.

G. TRAFFIC SAFETY

1. CONFUSION WITH TRAFFIC SIGNALS
NO SIGN SHALL BE MAINTAINED AT ANY LOCATION WHERE BY REASON OF ITS POSITION, SIZE, SHAPE, CONTENT, COLOR, OR ILLUMINATION IT MAY OBSTRUCT, IMPAIR, OBSCURE, INTERFERE WITH THE VIEW OF, OR BE CONFUSED WITH, ANY TRAFFIC CONTROL SIGN, SIGN OR DEVICE, OR WHERE IT MAY INTERFERE WITH, MISLEAD OR CONFUSE TRAFFIC.

2. CORNER VISUAL CLEARANCE
AT ALL INTERSECTIONS, AT A POINT OF TWENTY (20) FEET IN ANY DIRECTION FROM THE POINT OF INTERSECTION OF THE STREET RIGHT-OF-WAY, NO SIGN, NOR ANY PART OF A SIGN OTHER THAN A SUPPORTING POLE OR BRACE NO GREATER THAN EIGHTEEN (18) INCHES IN WIDTH OR DIAMETER SHALL BE LOCATED LOWER THAN EIGHT (8) FEET FROM GRADE.

<u>ATTACHMENT</u>:
DIAGRAM 50-170G

H. SIGNS IN RIGHTS-OF-WAY EXCEPT AS PROVIDED IN THIS ARTICLE OR ARTICLE 8, NO SIGN EXCEPT GOVERNMENTAL SIGNS OR OTHER SIGNS AUTHORIZED IN THIS ARTICLE SHALL BE PLACED IN OR EXTEND INTO OR OVER ANY RIGHT-OF-WAY.

I. SIGNS ON LOTS WITH MULTIPLE USERS
WHERE MORE THAN ONE USER OCCUPIES A ZONING LOT, THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR ALLOCATING PERMITTED SIGNAGE AMONG SUCH USERS

J. SIGN MAINTENANCE
THE OWNER OF A SIGN AND THE OWNER OF THE PREMISES ON WHICH SUCH SIGN IS LOCATED SHALL BE JOINTLY AND SEVERALLY LIABLE TO MAINTAIN SUCH SIGN, INCLUDING ITS ILLUMINATION SOURCES, IN COMPLIANCE WITH THIS CODE AND ALL APPLICABLE LAWS, IN A SAFE AND SECURE CONDITION, AND IN A NEAT AND ORDERLY CONDITION AND GOOD WORKING ORDER AT ALL TIMES, AND TO PREVENT THE DEVELOPMENT OF ANY RUST, CORROSION, ROTTING OR OTHER DETERIORATION IN THE PHYSICAL APPEARANCE OR SAFETY OF SUCH SIGN. THE PREMISES AROUND GROUND AND PYLON SIGNS SHALL BE KEPT CLEAN AND FREE OF ALL RUBBISH AND WEEDS.

K. SIGN MEASUREMENT.

1. **AREA TO BE INCLUDED**
   THE SUPPORTING STRUCTURE OR BRACING OF A SIGN SHALL BE OMITTED IN MEASURING THE AREA OF THE SIGN UNLESS SUCH STRUCTURE OR BRACING IS MADE PART OF THE MESSAGE OR FACE OF THE SIGN. WHERE A SIGN HAS MORE THAN ONE DISPLAY FACE.

2. **AREA OF SIGNS WITH BACKING**
   THE AREA OF ALL SIGNS WITH BACKING SHALL BE MEASURED BY COMPUTING THE AREA OF THE SIGN BACKING.

3. **AREA OF SIGNS WITHOUT BACKING**
   THE AREA OF ALL SIGNS WITHOUT BACKING SHALL BE MEASURED BY COMPUTING THE AREA OF THE SMALLEST REGULAR GEOMETRIC FIGURE THAT CAN ENCOMPASS ALL WORDS, LETTERS, FIGURES, EMBLEMS AND OTHER ELEMENTS OF THE SIGN MESSAGE.

<u>ATTACHMENT</u>:
DIAGRAM 50-170K

4. **AREA OF SIGNS WITH AND WITHOUT BACKING THE AREA OF ALL SIGNS FORMED BY A COMBINATION OF ELEMENTS WITH AND WITHOUT BACKING SHALL BE MEASURED BY COUNTING THE AREA OF SUCH ELEMENTS MEASURED IN ACCORDANCE THE FOREGOING SUBPARAGRAPHS.**

L. **PORNOGRAPHIC CONTENT. NO SIGN SHALL DEPICT 1) PATENTLY OFFENSIVE REPRESENTATIONS OR DESCRIPTIONS OF ULTIMATE SEXUAL ACTS, NORMAL OR PERVERTED, ACTUAL OR SIMULATED; OR 2) PATENTLY OFFENSIVE REPRESENTATION OR DESCRIPTIONS OF MASTURBATION, EXCRETORY FUNCTIONS, AND LEWD EXHIBITION OF THE GENITALS.**

M. **CLEAR VISION AREA SEE SECTION 50-66 OF THIS CHAPTER.**

N. **GENERAL SAFETY NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO SIGN SHALL BE LOCATED IN ANY AREA OR IN ANY MANNER SO AS TO CREATE A NUISANCE OR A THREAT TO THE PUBLIC SAFETY AND WELFARE.**

§ 50-171. CLASSIFICATION OF SIGNS

A. **FUNCTIONAL TYPES FOR PURPOSES OF THIS CODE, SIGNS SHALL BE CLASSIFIED AS FOLLOWS ACCORDING TO FUNCTION:**

1. **ATTENTION-GETTING DEVICE. A SIGN DESIGNED TO ATTRACT ATTENTION BY MEANS OF FLASHING OR MOVING PARTS, BRIGHT COLOR OR LIGHT, OR MOVEMENT OF ANY KIND. EXAMPLES OF SUCH SIGNS INCLUDE PENNANTS HUNG IN SERIES, WHIRLIGIGS, SPINNERS, STREAMERS, FLASHING LIGHTS, SEARCH LIGHTS AND BALLOONS.**

2. **GOVERNMENTAL SIGNS. A SIGN ERECTED AND MAINTAINED PURSUANT TO AND IN DISCHARGE OF ANY GOVERNMENTAL FUNCTION OR REQUIRED BY ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION THAT RELATES TO TRAFFIC DIRECTION OR SAFETY.**

3. **PRIVATE WARNING SIGN. A SIGN LIMITED IN CONTENT TO MESSAGES WARNING CAUTION OR DANGER.**

B. STRUCTURAL TYPES FOR PURPOSES OF THIS CODE, SIGNS SHALL BE CLASSIFIED AS FOLLOWS ACCORDING TO STRUCTURE:

1. AWNING, CANOPY OR MARQUEE SIGN. A SIGN THAT IS MOUNTED OR PAINTED ON OR ATTACHED TO AN AWNING, CANOPY OR MARQUEE THAT IS OTHERWISE PERMITTED BY THIS CODE. NO SUCH SIGN SHALL PROJECT ABOVE, BELOW, OR BEYOND THE PHYSICAL DIMENSIONS OF SUCH AWNING, CANOPY OR MARQUEE.

<u>ATTACHMENTS</u>:
DIAGRAM 50-171B-1 (EXHIBIT 90)
DIAGRAM 50-171B-2 (EXHIBIT 91)
DIAGRAM 50-171B-3 (EXHIBIT 92)

2. BANNER SIGN. A SIGN MADE OF FABRIC OR OTHER SIMILAR NON-RIGID MATERIAL WITH NO ENCLOSING FRAMEWORK OR ELECTRICAL COMPONENTS THAT IS SUPPORTED OR ANCHORED ON TWO OR MORE EDGES OR AT ALL FOUR CORNERS.

<u>ATTACHMENT</u>:
DIAGRAM 50-171B-4 (EXHIBIT 93)

3. BILLBOARD SIGN. A BOARD, PANEL, OR TABLET USED FOR THE DISPLAY OF POSTERS, PRINTED OR PAINTED ADVERTISING MATTER, EITHER ILLUMINATED OR NON-ILLUMINATED.

<u>ATTACHMENT</u>:
DIAGRAM 50-171B-5 (EXHIBIT 94)

4. BOX SIGN. A SIGN THAT IS SELF-ENCLOSED IN A TYPICALLY SQUARE OR RECTANGULAR STRUCTURE WITH OR WITHOUT INTERNAL LIGHTING. A BOX SIGN CAN BE SINGLE-OR DOUBLE-SIDED. INTERNALLY ILLUMINATED CHANNELIZED LETTERING, LOGO, OR GROUPINGS OF LETTERS AND/OR LOGOS, NOT PROVIDING ANY ADDITIONAL SIGN FACE, SHALL NOT BE CONSIDERED A BOX SIGN.

<u>ATTACHMENT</u>:
50-171B-6 (EXHIBIT 95)

5. ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN. IS A SIGN OR PORTION THEREOF DESIGNED TO ACCOMMODATE FREQUENT MESSAGE CHANGES COMPOSED OF CHARACTERS, OR LETTERS, OR ILLUSTRATIONS AND

THAT CAN BE CHANGED OR REARRANGED, EITHER MANUALLY OR ELECTRONICALLY, WITHOUT ALTERING THE FACE OR SURFACE OF SUCH SIGN.

6. **MONUMENT SIGN. A FREESTANDING SIGN DEFINED BY A SOLID SUPPORT STRUCTURE (OTHER THAN SUPPORT POLES) WITH EQUAL TO OR GREATER WIDTH THAN THE FACEPLATE.**

ATTACHMENTS:
50-171B-7 (EXHIBIT 96)
50-171B-8 (EXHIBIT 97)

7. **MOVING OR ANIMATED SIGN. ANY SIGN OR PART OF A SIGN THAT CHANGES PHYSICAL POSITION BY ANY MOVEMENT OR ROTATION OR THAT GIVES THE VISUAL IMPRESSION OF SUCH MOVEMENT OR ROTATION.**

8. **PAINT ON WALL SIGN. A SIGN PAINTED ON THE WALL OF A BUILDING OR STRUCTURE WITH THE EXPOSED FACE OF THE SIGN IN A PLACE PARALLEL TO THE FACE OF THE WALL.**

9. **PROJECTING SIGN. A SIGN THAT IS WHOLLY OR PARTIALLY DEPENDENT UPON A BUILDING FOR SUPPORT AND THAT PROJECTS MORE THAN TWELVE (12) INCHES FROM SUCH BUILDING.**

ATTACHMENT:
DIAGRAM 50-171B-9 (EXHIBIT 98)

10. **PYLON SIGN. A SIGN THAT IS MOUNTED ON A FREESTANDING POLE OR OTHER SUPPORTS.**

ATTACHMENT:
50-171B-10 (EXHIBIT 99)

11. **ROOF SIGN. A SIGN THAT IS MOUNTED OR PAINTED ON THE ROOF OF A BUILDING, OR THAT IS WHOLLY DEPENDENT UPON A BUILDING FOR SUPPORT AND THAT PROJECTS ABOVE THE HIGHEST POINT OF A BUILDING WITH A FLAT ROOF, THE EAVE LINE OF A BUILDING WITH GAMBREL, GABLE OR HIP ROOF OR THE DECK LINE OF A BUILDING WITH A MANSARD ROOF.**

ATTACHMENT:
50-171B-11 (EXHIBIT 100)

12. **SANDWICH BOARD SIGN. A MOVABLE SIGN NOT SECURED OR ATTACHED TO THE GROUND OR SURFACE UPON WHICH IT IS LOCATED.**

ATTACHMENT:
50-171B-12 (EXHIBIT 101)

13. **TEMPORARY SIGN. A SIGN OR ADVERTISING DISPLAY CONSTRUCTED OF CLOTH, CANVAS, FABRIC, PAPER, PLYWOOD OR OTHER LIGHT MATERIAL AND INTENDED TO BE DISPLAYED FOR A SHORT PERIOD OF TIME AS DESCRIBED IN THIS CHAPTER.**

14. **VEHICLE/TRAILER SIGN. A SIGN THAT IS ATTACHED TO OR PAINTED ON A VEHICLE OR TRAILER THAT IS PARKED ON OR ADJACENT TO ANY PROPERTY.**

15. **WALL SIGN. A SIGN FASTENED TO THE WALL OF A BUILDING OR STRUCTURE IN SUCH A MANNER THAT THE WALL BECOMES THE SUPPORTING STRUCTURE FOR, OR FORMS THE BACKGROUND SURFACE OF, THE SIGN AND THAT DOES NOT PROJECT MORE THAN EIGHTEEN (18) INCHES FROM SUCH BUILDING OR STRUCTURE, TWENTY-FOUR (24) INCHES.**

ATTACHMENT:
50-171B-13 (EXHIBIT 102)

16. **WINDOW SIGN. A SIGN THAT IS APPLIED OR ATTACHED TO THE EXTERIOR OR INTERIOR OF A WINDOW OR LOCATED WITHIN THE INTERIOR OF A STRUCTURE SO THAT ITS MESSAGE CAN BE READ FROM THE EXTERIOR OF THE STRUCTURE.**

ATTACHMENT:
DIAGRAM 50-171B-14 (EXHIBIT 103)

§ 50-172. SIGNS PERMITTED IN ANY DISTRICT WITHOUT A PERMIT EXCEPT AS REGULATED BY SECTION 50-174 THROUGH SECTION 50-177, AND NOTWITHSTANDING ANY OTHER CONTRARY PROVISIONS OF THIS CODE, THE FOLLOWING SIGNS MAY, SUBJECT TO THE FOLLOWING LIMITATIONS, BE ERECTED AND MAINTAINED IN ANY DISTRICT WITHOUT OBTAINING A CITY SIGN PERMIT.

A. **GOVERNMENTAL SIGNS. THE CONTENT AND SIZE OF ANY SUCH SIGN SHALL NOT EXCEED THE REQUIREMENTS OF THE LAW, ORDINANCE OR REGULATION PURSUANT TO WHICH SUCH SIGN IS ERECTED. THIS INCLUDES BANNER SIGNS FOR EVENTS OR PROMOTIONAL CAMPAIGNS ORGANIZED BY THE CITY.**

B. **ON-SITE TRAFFIC SIGNS. SUCH SIGNS SHALL BE LIMITED TO WALL OR FREESTANDING SIGNS OF NOT MORE THAN SIX (6)**

SQUARE FEET IN AREA; SHALL BE, IF A FREESTANDING SIGN, NOT MORE THAN FOUR (4) FEET IN HEIGHT; AND SHALL BE ILLUMINATED ONLY AS NECESSARY TO ACCOMPLISH THEIR INTENDED PURPOSE.

C. PRIVATE WARNING SIGNS. SUCH SIGNS SHALL BE NO MORE THAN TWO (2) SQUARE FEET IN AREA AND SHALL BE LIMITED TO THE NUMBER NECESSARY TO ACCOMPLISH THE INTENDED PURPOSE AND SHALL BE ILLUMINATED ONLY AS REQUIRED TO ACCOMPLISH SUCH PURPOSE.

D. YARD SIGNS, TEMPORARY. SUCH SIGNS SHALL BE NO MORE THAN THREE (3) FEET IN HEIGHT AND THE AGGREGATE AREA OF ALL SUCH SIGNS SHALL NOT EXCEED TWELVE (12) SQUARE FEET. A TEMPORARY YARD SIGN MAY BE DISPLAYED FOR UP TO 90 DAYS PER CALENDAR YEAR.

§ 50-173. SIGNS SPECIFICALLY PROHIBITED IN ALL DISTRICTS

THE FOLLOWING SIGNS, AS WELL AS ALL OTHER SIGNS NOT EXPRESSLY PERMITTED BY THIS SECTION, ARE PROHIBITED IN ALL DISTRICTS AND SHALL NOT BE ERECTED, MAINTAINED OR, EXCEPT AS PROVIDED FOR ELSEWHERE IN THIS CODE, PERMITTED TO CONTINUE IN ANY DISTRICT:

A. ATTENTION-GETTING DEVICES.

B. MOVING OR ANIMATED SIGNS

C. ROOF SIGNS.

D. TEMPORARY SIGNS, EXCEPT AS EXPRESSLY AUTHORIZED IN THIS ARTICLE.

E. VEHICLE/TRAILER SIGNS

F. ANY SIGN ON A TREE OR UTILITY POLE, WHETHER ON PUBLIC OR PRIVATE PROPERTY.

G. ANY SIGN PAINTED DIRECTLY ON A WALL, ROOF OR FENCE.

§ 50-174. PERMITTED SIGN TYPES BY DISTRICT

FUNCTIONAL SIGN TYPES AND STRUCTURAL SIGN TYPES SHALL BE PERMITTED IN VARIOUS ZONING DISTRICTS AS IDENTIFIED IN TABLE 50-174 BELOW. THESE TYPES ARE PERMITTED IN ADDITION TO WHAT IS PERMITTED IN SECTION 50-172.

ATTACHMENT:

TABLE 50-174 (EXHIBIT 104)

§ 50-175. DISTRICT REGULATIONS – NC, CC, DE, DC, UC AND IC

SIGNS SHALL BE PERMITTED IN THE NC, CC, DE, DC, UC AND IC DISTRICTS AS FOLLOWS:

A. NUMBER OF SIGNS PERMITTED PER LOT THE NUMBER OF SIGNS PERMITTED MUST BE WITHIN THE MAXIMUM TOTAL SIGN AREA. ALL SIGNS PERMITTED SECTION 50-172 OF THIS ARTICLE; PLUS

1. **ONE (1) MONUMENT SIGN PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS LESS THAN FIVE HUNDRED (500) FEET IN LENGTH, AND UP TO TWO (2) MONUMENTS SIGNS PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS FIVE HUNDRED (500) FEET OR MORE IN LENGTH. MONUMENT SIGNS MUST BE SPACED AT LEAST THREE-HUNDRED (300) FEET APART ON A ZONING LOT WHEN A ZONING LOT CONTAINS TWO (2) MONUMENT SIGNS PER STREET FRONTAGE, AND THE SIGN MUST BE A JOINT IDENTIFICATION SIGN; PLUS**

2. **ONE (1) ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN PER ZONING LOT FRONTAGE.**

3. **ONE (1) WALL SIGN OVER FIVE (5) SQUARE FEET IN SIGN FACE AREA PER ZONING LOT FRONTAGE FOR BUILDINGS WITH A SINGLE GROUND FLOOR TENANT, OR ONE (1) WALL SIGN OVER FIVE (5) SQUARE FEET IN SIGN FACE AREA PER GROUND FLOOR BUSINESS TENANT (SEE TABLE 50.15.09.C FOR MAX SIZE IN DISTRICT); PLUS**

4. **FIVE (5) WALL SIGNS WITH SIGN FACE AREAS EQUAL TO OR LESS THAN FIVE (5) SQUARE FEET; PLUS**

5. **ONE (1) PROJECTING SIGN; PLUS**

6. **ONE (1) PYLON SIGN; PLUS**

7. **ONE (1) WINDOW SIGN; PLUS**

8. **ONE (1) SANDWICH BOARD SIGN PER GROUND FLOOR TENANT; PLUS**

9. **ONE (1) BILLBOARD SIGN, PER ZONING LOT (LOT MUST BE WITHIN 300 FEET OF INTERSTATE 69 OR INTERSTATE 475). A BILLBOARD SIGN MUST BE LOCATED AT LEAST ONE THOUSAND (1,000) FEET FROM ANY OTHER BILLBOARD SIGN, INCLUDING BILLBOARDS SIGNS LOCATED IN ADJACENT JURISDICTIONS. ALL SUCH SIGNS SHALL BE DISPLAYED IN ANY OF THE FOLLOWING MANNERS:**

   I. **ONE (1) SINGLE-FACED PAINTED BULLETIN, POSTER PANEL DISPLAY, OR ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN.**

   II. **A DISPLAY OF TWO (2) POSTER PANELS PLACED SIDE-BY-SIDE IN A STRAIGHT LINE.**

   III. **A DOUBLE-FACED DISPLAY OF PAINTED BULLETINS, POSTER PANELS, OR ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN AS PREVIOUSLY DESCRIBED IN (1) AND (2).**

   IV. **FORMING AN ANGLE OF LESS THAN FORTY-FIVE (45) DEGREES, UP TO TWO (2) SIDE-BY-SIDE POSTER PANELS MAY BE BACKED BY THE SAME OR ONE (1) PAINTED BULLETIN, OR ONE (1) PAINTED BULLETIN MAY BE BACKED UP BY THE SAME OR A DISPLAY OF UP TO TWO (2) SIDE-BY-SIDE POSTER PANELS.**

   V. **NO STACKING OF POSTER PANELS OR PAINTED BULLETINS IN WHATEVER MANNER SHALL BE PERMITTED.**

B. MAXIMUM GROSS SURFACE AREA OF SIGNS PERMITTED

1. **TOTAL SIGN AREA: THE TOTAL AREA OF ALL SIGNS ON A LOT SHALL NOT EXCEED ONE (1) SQUARE FOOT PER LINEAR FOOT OF ZONING LOT FRONTAGE; PROVIDED, HOWEVER, SIGNS**

ALLOWED WITHOUT PERMITS SHALL NOT BE COUNTED TOWARD THE TOTAL ALLOWANCE GROSS SIGN SURFACE AREA PERMITTED ON A ZONING LOT. THE MAXIMUM AMOUNT OF SIGN AREA SHALL BE ALLOCATED PROPORTIONALLY BASED ON THE LINEAR ZONING LOT FRONTAGE. ALL ZONING LOTS SHALL BE ALLOTTED A MINIMUM TOTAL SIGN AREA OF SIXTY (60) SQUARE FEET.

C. SIGN AREA, HEIGHT, AND SETBACKS. SIGNS IN THE NC, CC, DE, DC, UC AND IC DISTRICTS SHALL CONFORM WITH THE REQUIREMENTS OF TABLE 50-175.

<u>ATTACHMENT</u>:
TABLE 50-175 (EXHIBIT 105)

§ 50-176. DISTRICT REGULATIONS – CE, PC, GI-1 AND GI-2 DISTRICTS

SIGNS SHALL BE PERMITTED IN THE CE, PC, GI-1 AND GI-2 DISTRICTS AS FOLLOWS:

A. NUMBER OF SIGNS PERMITTED PER ZONING LOT.
ALL SIGNS PERMITTED BY SECTION 50-174 OF THIS ARTICLE; PLUS

1. **ONE (1) AWNING SIGN PER ENTRANCE; PLUS**
2. **ONE (1) PROJECTING SIGN; PLUS**
3. **ONE (1) PYLON SIGN; PLUS**
4. **ONE (1) WINDOW SIGN; PLUS**
5. **ONE (1) MONUMENT SIGN PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS LESS THAN FIVE HUNDRED (500) FEET IN LENGTH, AND UP TO TWO (2) MONUMENTS SIGNS PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS FIVE HUNDRED (500) FEET OR MORE IN LENGTH. MONUMENT SIGNS MUST BE SPACED AT LEAST THREE-HUNDRED (300) FEET APART ON A ZONING LOT WHEN A ZONING LOT CONTAINS TWO (2) MONUMENT SIGNS PER STREET FRONTAGE; PLUS**
6. **ONE (1) ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN PER ZONING LOT LOCATED IN EITHER A MONUMENT SIGN OR BILLBOARD SIGN; PLUS**
7. **ONE (1) WALL SIGN OVER FIVE (5) SQUARE FEET IN SIGN FACE**

AREA PER ZONING LOT FRONTAGE FOR BUILDINGS WITH A SINGLE GROUND FLOOR TENANT, OR ONE (1) WALL SIGN OVER FIVE (5) SQUARE FEET IN SIGN FACE AREA PER GROUND FLOOR BUSINESS TENANT (SEE TABLE 50.15.10.B FOR MAX SIZE IN DISTRICT); PLUS

8. **FIVE (5) WALL SIGNS WITH SIGN FACE AREAS EQUAL TO OR LESS THAN FIVE (5) SQUARE FEET; PLUS**

9. **ONE (1) BILLBOARD SIGN, PER ZONING LOT (LOT MUST BE WITHIN 300 FEET OF INTERSTATE 69 OR INTERSTATE 475). A BILLBOARD SIGN MUST BE LOCATED AT LEAST ONE THOUSAND (1,000) FEET FROM ANY OTHER BILLBOARD SIGN, INCLUDING BILLBOARDS SIGNS LOCATED IN ADJACENT JURISDICTIONS. ALL SUCH SIGNS SHALL BE DISPLAYED IN ANY OF THE FOLLOWING MANNERS:**

   I. **ONE (1) SINGLE-FACED PAINTED BULLETIN, POSTER PANEL DISPLAY, OR ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN.**

   II. **A DISPLAY OF TWO (2) POSTER PANELS PLACED SIDE-BY-SIDE IN A STRAIGHT LINE.**

   III. **A DOUBLE-FACED DISPLAY OF PAINTED BULLETINS, POSTER PANELS, OR ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN AS PREVIOUSLY DESCRIBED IN (A) AND (B).**

   IV. **FORMING AN ANGLE OF LESS THAN FORTY-FIVE (45) DEGREES, UP TO TWO (2) SIDE-BY-SIDE POSTER PANELS MAY BE BACKED BY THE SAME OR ONE (1) PAINTED BULLETIN, OR ONE (1) PAINTED BULLETIN MAY BE BACKED UP BY THE SAME OR A DISPLAY OF UP TO TWO (2) SIDE-BY-SIDE POSTER PANELS.**

V. NO STACKING OF POSTER PANELS OR PAINTED BULLETINS IN WHATEVER MANNER SHALL BE PERMITTED.

B. MAXIMUM GROSS SURFACE AREA OF SIGNS PERMITTED

1. TOTAL SIGN AREA: THE TOTAL AREA OF ALL SIGNS ON A ZONING LOT SHALL NOT EXCEED ONE (1) SQUARE FOOT PER LINEAR FOOT OF ZONING LOT FRONTAGE; PROVIDED, HOWEVER, SIGNS ALLOWED WITHOUT PERMITS SHALL NOT BE COUNTED TOWARD THE TOTAL ALLOWANCE GROSS SIGN SURFACE AREA PERMITTED ON A ZONING LOT. THE MAXIMUM AMOUNT OF SIGN AREA SHALL BE ALLOCATED PROPORTIONALLY BASED ON THE LINEAR ZONING LOT FRONTAGE. ALL ZONING LOTS SHALL BE ALLOTTED A MINIMUM TOTAL SIGN AREA OF SIXTY (60) SQUARE FEET.

C. SIGN AREA, HEIGHT, AND SETBACKS. SIGNS IN THE CE, PC, GI-1 AND GI-2 DISTRICTS SHALL CONFORM WITH THE REQUIREMENTS OF TABLE 50-176.

ATTACHMENT:
TABLE 50-176 (EXHIBIT 106)

§ 50-177. DISTRICT REGULATIONS – GN-1, GN-2, TN-1, TN-2, MR-1, MR-2, MR-3 AND OS DISTRICTS

EXCEPT WHERE EXEMPTED BY THIS CHAPTER, ALL OF THE FOLLOWING SIGNS REQUIRE PERMITS FROM THE CITY:

A. SIGNS SHALL BE PERMITTED IN THE GN-1, GN-2, TN-1, TN-2, MR-1, MR-2, MR-3 AND OS DISTRICTS AS FOLLOWS. THE NUMBER OF SIGNS PERMITTED MUST BE WITHIN THE MAXIMUM TOTAL SIGN AREA. ALL SIGNS PERMITTED SECTION 50-172 OF THIS ARTICLE; PLUS

1. SIGNS FOR GN-1, GN-2, TN-1, TN-2 AND MR-1 LOTS UNDER 30,000 SQUARE FEET

I. ONE WALL SIGN, SIGN FACE AREA NOT TO EXCEED EIGHT (8) SQUARE FEET; PLUS

II. ONE AWNING SIGN PER ENTRANCE, SIGN FACE AREA NOT TO EXCEED SIX (6) SQUARE FEET.

2. SIGNS FOR GN-1, GN-2, TN-1, TN-2 AND MR-1 LOTS OVER 30,000 SQUARE FEET

I. ALL GROUND-MOUNTED SIGNS MUST BE AT LEAST 10 FEET FROM ANY LOT LINE.

II. ONE (1) AWNING SIGN PER ENTRANCE, SIGN FACE AREA NOT TO EXCEED 50 SQUARE FEET; PLUS

III. ONE (1) MONUMENT SIGN PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS LESS THAN FIVE HUNDRED (500) FEET IN LENGTH, AND UP TO TWO (2) MONUMENTS SIGNS PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS FIVE HUNDRED (500) FEET OR MORE IN LENGTH. MONUMENT SIGNS MUST BE SPACED AT LEAST THREE-HUNDRED (300) FEET APART ON A ZONING LOT WHEN A ZONING LOT CONTAINS TWO (2) MONUMENT SIGNS PER STREET FRONTAGE, EACH SIGN FACE MUST NOT EXCEED 80 SQUARE FEET, EACH SIGN MAY BE NO MORE THAN FIVE FEET TALL; PLUS

IV. ONE (1) ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN PER ZONING LOT IF MOUNTED IN A MONUMENT SIGN; PLUS

V. ONE (1) WALL SIGN PER ZONING LOT FRONTAGE, EACH SIGN FACE MUST NOT EXCEED 100 SQUARE FEET.

3. **SIGNS IN MR-2, MR-3 AND OS DISTRICTS**

   I. **TOTAL SIGN AREA: THE TOTAL AREA OF ALL SIGNS ON A ZONING LOT SHALL NOT EXCEED ONE (1) SQUARE FOOT PER LINEAR FOOT OF ZONING LOT FRONTAGE; PROVIDED, HOWEVER, SIGNS ALLOWED WITHOUT PERMITS SHALL NOT BE COUNTED TOWARD THE TOTAL ALLOWANCE GROSS SIGN SURFACE AREA PERMITTED ON A ZONING LOT. THE MAXIMUM AMOUNT OF SIGN AREA SHALL BE ALLOCATED PROPORTIONALLY BASED ON THE LINEAR ZONING LOT FRONTAGE. ALL ZONING LOTS SHALL BE ALLOTTED A MINIMUM TOTAL SIGN AREA OF FORTY (40) SQUARE FEET.**

   II. **ONE (1) AWNING SIGN PER ENTRANCE, SIGN FACE AREA NOT TO EXCEED 50 SQUARE FEET; PLUS**

   III. **ONE (1) MONUMENT SIGN PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS LESS THAN FIVE HUNDRED (500) FEET IN LENGTH, AND UP TO TWO (2) MONUMENTS SIGNS PER STREET FRONTAGE FOR ZONING LOT FRONTAGE THAT IS FIVE HUNDRED (500) FEET OR MORE IN LENGTH. MONUMENT SIGNS MUST BE SPACED AT LEAST THREE-HUNDRED (300) FEET APART ON A ZONING LOT WHEN A ZONING LOT CONTAINS TWO (2) MONUMENT SIGNS PER STREET FRONTAGE, EACH SIGN FACE MUST**

NOT EXCEED 80 SQUARE FEET, EACH SIGN MAY BE NO MORE THAN SIX FEET TALL; PLUS

IV. ONE (1) ELECTRONIC MESSAGE CENTER / MANUAL CHANGEABLE COPY SIGN PER ZONING LOT IF MOUNTED IN A MONUMENT SIGN; PLUS

V. ONE (1) WALL SIGN PER ZONING LOT FRONTAGE FOR BUILDINGS WITH A SINGLE GROUND FLOOR TENANT, OR ONE (1) WALL SIGN PER GROUND FLOOR BUSINESS TENANT. EACH SIGN FACE MUST NOT EXCEED 100 SQUARE FEET.

VI. IN OS DISTRICTS ONLY: UNLIMITED FREESTANDING (PYLON, MONUMENT, ETC.) SIGNS MORE THAN 25' FROM ANY STREET EDGE THAT ARE NO MORE THAN SIX FEET SIX INCHES (6.5') TALL AND HAVE A SIGN FACE AREA OF NO MORE THAN TWELVE (12) SQUARE FEET.

§ 50-178. PLANNED SIGN PROGRAM

A. IN LIEU OF THE SPECIFIC SIGN REQUIREMENTS OF A PARTICULAR ZONE DISTRICT, THE PLANNING COMMISSION MAY REVIEW AND APPROVE A PLANNED SIGN PROGRAM FOR TEMPORARY OR PERMANENT SIGNS IN ALL ZONE DISTRICTS. THE APPROVED PLANNED SIGN PROGRAM MAY DEVIATE FROM THE LIMITS IMPOSED BY THE STANDARD SIGN REQUIREMENTS.

1. DEMONSTRATED NEED. THE APPLICANT SHALL DEMONSTRATE THE FOLLOWING:

I. A DEVIATION FROM THE SPECIFIC SIGN REQUIREMENTS OF THE ZONE DISTRICT IS NEEDED;

II. THE APPLICANT'S PROPERTY IS UNIQUE WHEN COMPARED TO OTHER PARCELS

IN THE SAME ZONE DISTRICT AND IN THE SAME VICINITY;

III. THE PROPOSED PLAN SHALL BE CONSISTENT WITH THE PURPOSES AND INTENT OF THIS CHAPTER AND THIS ARTICLE;

IV. THE PROPOSED PLAN SHALL NOT CREATE A DANGER TO PUBLIC SAFETY;

V. THE APPROVAL OF THE PLANNED SIGN PROGRAM SHALL NOT HAVE AN ADVERSE IMPACT ON PROPERTY IN THE VICINITY;

VI. THE PROPOSED SIGNS ARE COMPATIBLE WITH SURROUNDING BUILDINGS AS WELL AS THE BUILDINGS ON SITE; AND

VII. THE PROPOSED SIGNS WILL BE CONSTRUCTED OUT OF HIGH QUALITY MATERIAL.

B. A PUBLIC HEARING IS REQUIRED AND NOTICE SHALL BE GIVEN ACCORDING TO SECTION 50-189 OF THIS CHAPTER.

C. REQUIREMENTS OF APPROVAL. THE FOLLOWING RULES SHALL APPLY:

1. THE PROJECT SITE SHALL BE LARGER THAN 2 ACRES IN SIZE, OR THE BUILDING SHALL HAVE FOUR (4) OR MORE TENANTS OR UNITS.

D. THE DURATION OF THE DISPLAY PERIOD FOR TEMPORARY SIGNS SHALL BE SPECIFIED BY THE PLANNING COMMISSION.

E. DEVIATIONS FROM A PLANNED SIGN PROGRAM. DEVIATIONS FROM AN APPROVED PLANNED SIGN PROGRAM SHALL BE APPROVED BY THE PLANNING COMMISSION.

F. THE APPLICANT MAY APPEAL A DECISION OF THE PLANNING COMMISSION TO THE ZONING BOARD OF APPEALS.

§ 50-179. CLASSIC SIGNS

THE DESIGNATION OF A SIGN AS A CLASSIC SIGN IS INTENDED TO PERMIT THE RECONSTRUCTION OR REINVESTMENT IN A WAY THAT IS NOT COMPLIANT WITH THE REQUIREMENTS OF THIS ARTICLE

FOR SIGNS THAT ARE DEEMED TO HAVE ESPECIALLY SIGNIFICANT AESTHETIC OR HISTORIC CHARACTER.

A. ELIGIBILITY:

1. **ANY PERSON OF THE CITY MAY APPLY FOR DESIGNATION OF AN EXISTING SIGN, AS OF THE DATE OF ADOPTION OF THIS ARTICLE, AS A CLASSIC SIGN. CLASSIC SIGNS ARE EXEMPT FROM AREA, SETBACK, HEIGHT, LIGHTING, MOVEMENT, FLASHING, PLACEMENT, TYPE, CONTENT, AND CONSTRUCTION MATERIALS REQUIREMENTS OF THIS ARTICLE.**

2. **TO QUALIFY FOR DESIGNATION AS A CLASSIC SIGN, THE SIGN MUST:**

   I. **BE AT LEAST TWENTY-FIVE (25) YEARS OLD OR A DUPLICATE OF AN ORIGINAL SIGN WHERE THE COMBINED AGE OF THE DUPLICATE AND ORIGINAL SIGN IS AT LEAST TWENTY-FIVE (25) YEARS.**

   II. **POSSESS UNIQUE PHYSICAL DESIGN CHARACTERISTICS, SUCH AS CONFIGURATION, MESSAGE, COLOR, TEXTURE, ETC.**

   III. **BE OF EXTRAORDINARY SIGNIFICANCE TO THE CITY, REGARDLESS OF THE USE IDENTIFIED BY THE SIGN.**

A. APPLICATION

1. **AN APPLICATION FOR CLASSIC SIGN STATUS MUST INCLUDE PLANS FOR SIGN MAINTENANCE, RENOVATION OR POSSIBLE RECONSTRUCTION, ACCEPTABLE TO THE ZONING COORDINATOR.**

2. **APPLICATION FOR CLASSIC SIGN STATUS MUST BE MADE TO THE ZONING COORDINATOR, WHO SCHEDULES A PUBLIC HEARING OF THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 50-189 OF THIS CHAPTER AND PRESENTS HIS/HER RECOMMENDATIONS**

TO THE PLANNING COMMISSION AT THE PUBLIC HEARING.

3. **THE PLANNING COMMISSION SHALL APPROVE OR DENY THE APPLICATION BASED ON THE QUALIFICATIONS ABOVE.**

4. **THE APPLICANT MAY APPEAL A DECISION OF THE PLANNING COMMISSION TO THE ZONING BOARD OF APPEALS.**

B. **MAINTENANCE**
THE OWNER OF A CLASSIC SIGN MUST ENSURE THAT THE SIGN IS NOT STRUCTURALLY DANGEROUS, A FIRE HAZARD, AN ELECTRICAL SHOCK HAZARD, OR ANY OTHER KIND OF HAZARD. CLASSIC SIGNS MAY BE REBUILT IF DAMAGED.

C. **DESIGNATED CLASSIC/MURAL SIGNS**
THE CITY SHALL KEEP A LIST OF SIGNS DEEMED TO BE OF SPECIAL SIGNIFICANCE IN THE CITY AND ARE, THEREFORE, EXEMPTED FROM THE PROVISIONS OF THIS ARTICLE. THIS LIST WILL BE AVAILABLE TO THE PUBLIC UPON REQUEST.

§ 50-180. TEMPORARY SIGNS

A. **GENERAL REGULATIONS FOR ALL TEMPORARY SIGNS:**

1. **ANY SIGN LISTED IN SECTION 50-173 OF THIS ARTICLE IS PROHIBITED.**

2. **TEMPORARY SIGNS MUST BE RELATED TO GOODS AND/OR SERVICES SOLD ON THE PREMISES, EXCEPT FOR REAL ESTATE, NONCOMMERCIAL OR POLITICAL MESSAGES. TEMPORARY OFF PREMISES SIGNS ARE PROHIBITED.**

3. **NO TEMPORARY SIGN MAY BE ILLUMINATED.**

4. **ALL TEMPORARY SIGNS MUST REMAIN IN GOOD CONDITION DURING THE DISPLAY PERIOD. THROUGHOUT THE DISPLAY PERIOD, CORRECTIVE ACTION MUST BE TAKEN IMMEDIATELY SHOULD THERE BE ANY PROBLEMS WITH THE APPEARANCE, CONDITION OR MAINTENANCE OF THE SIGN AND/OR SUPPORT HARDWARE.**

5. **CERTAIN TYPES OF TEMPORARY SIGNS ARE SUBJECT TO OTHER PROVISIONS CONTAINED IN THIS ARTICLE.**

B. **REGULATIONS BY TEMPORARY SIGN TYPE: TEMPORARY SIGNS MUST**

COMPLY WITH THE REGULATIONS CONTAINED IN SECTION 50-180A, "GENERAL REGULATIONS FOR ALL TEMPORARY SIGNS", OF THIS ARTICLE AND THE FOLLOWING:

1. **TEMPORARY SANDWHICH BOARD SIGNS:**

   I. **TEMPORARY SANDWHICH BOARD SIGNS ARE PERMITTED ONLY WITHIN THE NC, DC, DE, UC, IC, CC, MR-2, MR-3 AND OS DISTRICTS.**

   II. **TEMPORARY SANDWHICH BOARD SIGNS ARE LIMITED TO SIX (6) SQUARE FEET IN AREA AND FOUR FEET (4') IN HEIGHT.**

   III. **THE USE OF TEMPORARY SANDWHICH BOARD SIGNS IS LIMITED TO BUSINESS HOURS ONLY. SIGNS MUST BE STORED INDOORS AT ALL OTHER TIMES. TEMPORARY SANDWHICH BOARD SIGNS MUST NOT BE USED OUTDOORS WHEN HIGH WINDS OR HEAVY SNOW CONDITIONS EXIST.**

   IV. **ONLY ONE TEMPORARY SANDWHICH BOARDSIGN IS PERMITTED PER BUSINESS. A MINIMUM TWENTY FOOT (20') SEPARATION IS REQUIRED BETWEEN ALL TEMPORARY SANDWHICH BOARD SIGNS.**

   V. **A TEMPORARY SANDWHICH BOARD SIGN MUST BE PLACED WITHIN FIFTEEN FEET (15') OF THE PRIMARY ENTRANCE OF THE BUSINESS, AND MUST NOT INTERFERE WITH PEDESTRIAN TRAFFIC OR VIOLATE STANDARDS OF ACCESSIBILITY AS REQUIRED BY THE ADA OR OTHER ACCESSIBILITY CODES. PLACEMENT OF TEMPORARY SANDWHICH BOARD SIGNS MUST MAINTAIN**

A FIVE FOOT (5') SIDEWALK CLEARANCE AT ALL TIMES.

VI. TEMPORARY SANDWHICH BOARD SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.

2. TEMPORARY BANNERS:

I. TEMPORARY BANNERS ARE PERMITTED FOR IN THE CC, NC, DE, DC, UC, IC, OS, CE, AND PC DISTRICTS.

II. TEMPORARY BANNERS ARE LIMITED TO THIRTY-TWO (32) SQUARE FEET IN AREA. FOR BUILDINGS THREE (3) OR MORE STORIES IN HEIGHT, BANNERS HUNG ON THE SIDE OF THE BUILDING ARE CONSIDERED TEMPORARY WALL SIGNS.

III. ONLY TWO BANNERS ARE PERMITTED PER ZONING LOT.

IV. NO TEMPORARY BANNER MAY BE LOCATED HIGHER THAN THE ROOFLINE OF THE BUILDING TO WHICH IT IS ATTACHED OR, IF ATTACHED TO A PERMANENT SIGN, HIGHER THAN THE SIGN. THERE MUST BE NO ENCROACHMENT INTO THE PUBLIC RIGHT OF WAY.

V. TEMPORARY BANNERS REQUIRE A SIGN PERMIT.

VI. TEMPORARY BANNERS ARE LIMITED TO A DISPLAY OF NINETY (90) DAYS WHEN NOT RELATED TO A DATE SPECIFIC OR, IF DATE SPECIFIC, MAY BE ERECTED NO EARLIER THAN 14 DAYS PRIOR TO THE EVENT PLUS THE DURATION OF THE EVENT AND MUST BE REMOVED WITHIN SEVEN

(7) DAYS AFTER THE EVENT. DOES NOT INCLUDED BANNERS MOUNTED ON LIGHT POLES OR CITY-OWNED STRUCTURES.

VII. TEMPORARY BANNERS MOUNTED ON LIGHT POLES OR CITY-OWNED STRUCTURES WITHIN THE CITY ARE SUBJECT TO THE FOLLOWING REQUIREMENTS.

A. NO BANNER SHALL BE AFFIXED TO ANY LIGHT POLE OR STRUCTURE EXCEPT BY AUTHORIZATION OF THE DIRECTOR OF PLANNING AND DEVELOPMENT.

B. BANNERS MAY NOT BLOCK ANY PUBLIC SIGNS OR LIGHTING.

C. NO BANNER SHALL EXCEED A MAXIMUM SIZE OF THIRTY INCHES (30") IN WIDTH AND SEVENTY-TWO INCHES (72") IN LENGTH.

D. BANNERS MAY REMAIN IN PLACE AS LONG AS THEY ARE STILL IN SERVICEABLE CONDITION.

E. BANNER MATERIAL SHALL BE OF A DURABLE, WEATHER RESISTANT

MATERIAL LIKE CANVAS, NYLON OR VINYL COATED FABRIC. GROMMETS MUST BE INSTALLED IN THE TOP AND BOTTOM CORNERS OF THE BANNER ONE INCH (1") ABOVE THE BOTTOM ROD POCKET AND ONE INCH (1") BELOW THE TOP ROD POCKET.

F. IF THE CITY MUST REMOVE A BANNER OR PERFORM MAINTENANCE WORK ON A BANNER, THE COST FOR SUCH WORK WILL BE BILLED TO THE ORGANIZATION FOR WHICH THE BANNERS ARE BEING INSTALLED.

G. THE APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION TO THE CITY AS PART OF THE SIGN PERMIT APPLICATION:

1. THE NAME OF COMPANY THAT WILL PERFORM THE INS

TALLATIONWORK.

2. A SKETCH OR COPY OF ARTWORK THAT WILL APPEAR ON THE BANNERS.

3. A COPY OF AN INSURANCE CERTIFICATE NAMING THE CITY AS ADDITIONALLY INSURED ON THE LIABILITY POLICY OF THE ORGANIZATION FOR WHICH THE BANNERS ARE INSTALLED. MINIMUM COVERAGE MUST BE ONE MILLION DOLLAR

S ($1,000,000.00). THIS INSURANCE COVERAGE IS INDEPENDENT OF THE INSURANCE REQUIRED BY THE CONTRACTOR INSTALLING THE BANNERS.

4. THE NAME, ADDRESS AND PHONE NUMBER OF CONTACT PERSON FOR MAINTENANCE OF BANNERS OR EMERGENCY RELATING TO BANNERS.

5. A TIMETABLE FOR THE INSTALLATION AND REMOVAL

OF BANNERS, WHICH MUST COMPLY WITH THE ABOVE TIME LIMITS.

3. **TEMPORARY WALL SIGNS:**

   I. **TEMPORARY WALL SIGNS ARE PERMITTED FOR IN THE CC, NC, DE, DC, CE, PC, UC, AND GI DISTRICTS.**

   II. **TEMPORARY WALL SIGNS ARE LIMITED TO 100 SQUARE FEET IN AREA. FOR BUILDINGS OF THREE OR MORE STORIES IN HEIGHT, THE MAXIMUM AREA IS LIMITED TO 600 SQUARE FEET**

   III. **NO TEMPORARY WALL SIGN MAY BE LOCATED HIGHER THAN THE ROOFLINE OF THE BUILDING TO WHICH IT IS ATTACHED. THERE MUST BE NO ENCROACHMENT INTO THE PUBLIC RIGHT OF WAY. NO TEMPORARY WALL SIGN MAY COVER WINDOWS, DOORS OR ARCHITECTURAL FEATURES.**

   IV. **TEMPORARY WALL SIGNS REQUIRE A SIGN PERMIT.**

   V. **TEMPORARY WALL SIGNS ARE LIMITED TO A DISPLAY OF NINETY (90) DAYS WHEN NOT RELATED TO A DATE SPECIFIC OR, IF DATE SPECIFIC, MAY BE ERECTED NO EARLIER THAN FOURTEEN (14) DAYS PRIOR TO THE EVENT PLUS THE DURATION OF**

THE EVENT AND MUST BE REMOVED WITHIN SEVEN (7) DAYS AFTER THE EVENT. TEMPORARY WALL SIGNS MAY BE ERECTED ON A ZONING LOT NO MORE THAN FOUR (4) TIMES IN A YEAR.

4. **TEMPORARY WINDOW SIGNS:**

   I. **TEMPORARY WINDOW SIGNS ARE PERMITTED IN THE CC, NC, DE, DC, CE, PC, UC, AND GI-1 AND GI-2 DISTRICTS.**

   II. **TEMPORARY WINDOW SIGNS ARE LIMITED TO TWENTY PERCENT (20%) OF THE WINDOW AREA. WINDOW AREA IS COUNTED AS A CONTINUOUS SURFACE UNTIL DIVIDED BY AN ARCHITECTURAL OR STRUCTURAL ELEMENT. MULLIONS ARE NOT CONSIDERED AN ELEMENT THAT DIVIDES WINDOW AREA.**

   III. **A SIGN ATTACHED TO, PLACED UPON OR PRINTED ON THE INTERIOR OF A WINDOW OR DOOR OF A BUILDING INTENDED FOR VIEWING FROM THE EXTERIOR OF SUCH A BUILDING IS CONSIDERED A TEMPORARY WINDOW SIGN.**

   IV. **TEMPORARY WINDOW SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.**

   V. **BUSINESSES MUST ROTATE AND REFRESH WINDOW SIGNS. SIGNS ARE LIMITED TO A DISPLAY OF NINETY (90) DAYS PER CALENDAR YEAR WHEN NOT RELATED TO A DATE SPECIFIC OR, IF DATE SPECIFIC, MAY BE ERECTED NO EARLIER THAN FOURTEEN (14)**

DAYS PRIOR TO THE EVENT PLUS THE DURATION OF THE EVENT AND MUST BE REMOVED WITHIN SEVEN (7) DAYS AFTER THE EVENT.

§ 50-181. NONCONFORMING SIGNS

A. APPLICABILITY
EVERY PERMANENTLY AFFIXED SIGN WHICH WAS LEGALLY ERECTED, CONSTRUCTED, INSTALLED, PLACED OR LOCATED, AND WHICH LAWFULLY EXISTED ON THE EFFECTIVE DATE OF THIS CHAPTER, BUT WHICH DOES NOT CONFORM TO THE TYPE, HEIGHT, SIZE, AREA, OR LOCATION REQUIREMENTS OF THIS ARTICLE SHALL BE DEEMED TO BE LEGALLY NONCONFORMING. THIS STATUS SHALL NOT BE GRANTED TO ANY TEMPORARY SIGN, BANNER, PLACARD, INCLUDING SIGNS AFFIXED TO THE INTERIOR OR EXTERIOR OF WINDOWS.

B. EXPANSION OR EXTENSION PROHIBITED
NONCONFORMING SIGNS SHALL NOT BE EXPANDED, ENLARGED, EXTENDED OR STRUCTURALLY ALTERED TO CREATE AN ADDITIONAL NONCONFORMITY OR TO INCREASE THE EXTENT OF THE EXISTING NONCONFORMITY. A NONCONFORMING SIGN MAY BE DIMINISHED IN SIZE OR DIMENSION WITHOUT JEOPARDIZING ITS NONCONFORMING STATUS.

C. MAINTENANCE
NONCONFORMING SIGNS MAY BE MAINTAINED AND REPAIRED SO AS TO CONTINUE THE USEFUL LIFE OF THE SIGN.

1. MAINTENANCE AND REPAIR INCLUDES RE-FACING, PAINTING OF CHIPPED OR FADED SIGNS; REPLACEMENT OF FADED OR DAMAGED SURFACE PANELS; OR REPAIR OR REPLACEMENT OF ELECTRICAL WIRING OR ELECTRICAL DEVICES. A SIGN ZONING PERMIT APPLICATION SHALL BE SUBMITTED FOR SIGN RE-FACING, HOWEVER, IT IS NOT REQUIRED THAT A PERMIT BE ISSUED FOR NORMAL REPAIRS AND MAINTENANCE.

2. EXCLUDING MAINTENANCE AND REPAIR, MODIFICATIONS TO NONCONFORMING SIGNS SHALL BE PROHIBITED UNLESS THE SIGNS ARE BROUGHT CLOSER TO CONFORMANCE WITH THIS CHAPTER.

D. DAMAGE OR DESTRUCTION SHOULD A NONCONFORMING SIGN BE DESTROYED TO AN EXTENT OF MORE THAN FIFTY (50) PERCENT OF ITS REPLACEMENT COST, EXCLUSIVE OF THE FOUNDATION, THE SIGN SHALL NOT BE RESTORED OR REBUILT.

E. SITE REDEVELOPMENT NONCONFORMING SIGNS MAY BE ELIMINATED AS PART OF DIRECTOR OF PLANNING AND DEVELOPMENT, DIRECTOR'S DESIGNEE , PLANNING COMMISSION OR BOARD OF ZONING APPEALS APPROVALS INVOLVING THE REDEVELOPMENT OF A SITE, INCLUDING BUT NOT LIMITED TO DIRECTOR REVIEW, SITE PLAN REVIEW, SPECIAL LAND USE, ZONE CHANGE OR USE VARIANCE APPLICATIONS.

F. NONCONFORMING USE A SIGN ON A LOT WITH A NONCONFORMING USE MAY BE ERECTED IN THE CITY IN ACCORDANCE WITH THE SIGN REGULATIONS FOR THE DISTRICT IN WHICH THE PROPERTY IS LOCATED.

§ 50-182. MAINTENANCE OF SIGNS AND PRIVILEGE FEES

A. RESPONSIBILITY FOR KEEPING SIGNS IN GOOD REPAIR AND IN GOOD CONDITION RESTS ENTIRELY WITH THE OWNER OR OWNERS OF THE SIGN.

B. SIGNS OR SIGN STRUCTURES THAT HAVE BEEN ABANDONED SHALL BE REMOVED WITHIN THREE (3) MONTHS AFTER NOTIFICATION OF THE PROPERTY OWNER BY THE ZONING COORDINATOR.

1. STANDARDS FOR DETERMINING ABANDONMENT:

I. SIGN OR SIGN STRUCTURE HAS BEEN LEFT VACANT FOR MORE THAN SIX (6) MONTHS.

II. THE BUSINESS OR SERVICE THE SIGN REFERS TO HAS NOT BEEN IN OPERATION FOR MORE THAN SIX MONTHS.

III. THE PROPERTY WAS FORECLOSED.

IV. OTHER ACTIONS BY THE PROPERTY OWNER OR TENANT THAT DEMONSTRATE THE INTENT TO ABANDON THE SIGN OR SIGN STRUCTURE.

2. NOTICE AND OPPORTUNITY FOR HEARING:

I. THE ZONING COORDINATOR SHALL NOTIFY THE PROPERTY OWNER OF THE ORDER TO REMOVE THE ABANDONED SIGN BY CERTIFIED MAIL.

II. THE PROPERTY OWNER MAY SUBMIT AN APPLICATION FOR A HEARING TO APPEAL THE DETERMINATION OF ABANDONMENT TO THE ZONING BOARD OF APPEALS WITHIN TWO (2) MONTHS OF RECEIVING THE NOTICE AND MUST DEMONSTRATE THAT THE FINDINGS OF THE ZONING COORDINATOR ARE FALSE OR PROVIDE A PLAN TO OCCUPY THE SIGN/SIGN STRUCTURE WITHIN THREE (3) MONTHS.

III. IF THE PROPERTY OWNER DOES NOT OCCUPY THE SIGN/SIGN STRUCTURE WITHIN THREE (3) MONTHS OF THEIR HEARING THEY SHALL REMOVE THE SIGN/SIGN STRUCTURE WITHIN 30 DAYS. IF THE PROPERTY OWNER DOES NOT COMPLY, THE CITY MAY REMOVE THE SIGN/SIGN STRUCTURE AT THE OWNER'S EXPENSE.

C. ANNUAL PRIVILEGE FEES SHALL BE PAYABLE ON OR BEFORE MAY 1 OF EACH YEAR AT THE DIVISION OF BUILDING AND SAFETY INSPECTION. PERSONS WITH DELINQUENT SIGN PRIVILEGE FEES SHALL BE CHARGED A SERVICE CHARGE OF 1½% PER MONTH BEGINNING 30 DAYS AFTER THE DUE DATE.

D. CHARGES FOR USE OF THE CITY PROPERTY FOR SIGNS SHALL BE A LIEN THEREON AND DURING THE MONTH OF APRIL OF EACH YEAR THE ZONING COORDINATOR SHALL CERTIFY ANY SUCH CHARGES WHICH, AS OF APRIL 1 OF THAT YEAR, HAVE BEEN DELINQUENT SIX MONTHS OR MORE TO THE CITY ASSESSOR, WHO SHALL ENTER THE SAME UPON THE CITY TAX ROLL OF THAT YEAR AGAINST THE PREMISES TO WHICH THE CITY PROPERTY WAS USED

FOR THE SIGN, AND THE CHARGES SHALL BE COLLECTED AND THE LIEN SHALL BE ENFORCED IN THE SAME MANNER AS PROVIDED WITH RESPECT TO TAXES ASSESSED UPON SAID ROLL; PROVIDED, THAT WHEN A TENANT IS RESPONSIBLE FOR PAYMENT OF ANY SUCH CHARGES AND THE CITY COUNCIL IS SO NOTIFIED IN WRITING WITH A TRUE COPY OF THE LEASE OF THE PREMISES ATTACHED (IF THERE IS ONE), THEN NO SUCH CHARGE SHALL BECOME A LIEN AGAINST SUCH PREMISES FROM AND AFTER THE DATE OF SUCH NOTICE. HOWEVER, IN THE EVENT OF THE FILING OF SUCH NOTICE, THE OWNER OF THE PREMISES SHALL CAUSE THE SIGN TO BE REMOVED AND NO PERMIT SHALL BE ISSUED FOR THE ERECTION OF A SIGN ON CITY PROPERTY FOR SUCH PREMISES UNTIL THE DELINQUENT CHARGES HAVE BEEN PAID AND A ONE YEAR ADVANCE DEPOSIT IS MADE.

§ 50-170. GENERAL STANDARDS

Table 50-170 (Exhibit 86):

Table 50-170. Ambient Light Measurement Distance by Sign Area	
Area of Sign (sq. ft.)	**Measurement Distance (ft.)**
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

Diagram 50-170D (Exhibit 87):

Minimum Elevation of Certain Signs
§ 50-170D

8' Min. Elevation

Diagram 50-170G (Exhibit 88):

Corner Visual Clearance for Signs
§ 50-170G

Diagram 50-170K (Exhibit 89):

Sign Area With and Without Backing
§ 50-170K

§ 50-171. CLASSIFICATION OF SIGNS

Diagram 50-171B-1 (Exhibit 90):

Awning
§ 50-171B-1

Diagram 50-171B-2 (Exhibit 91):

Canopy
§ 50-171B-2

Diagram 50-171B-3 (Exhibit 92):

Marquee
§ 50-171B-3

Diagram 50-171B-4 (Exhibit 93):

Banners
§ 50-171B-4

Diagram 50-171B-5 (Exhibit 94):

Billboard Sign
§ 50-171B-5

Diagram 50-171B-6 (Exhibit 95):

Box Sign
§ 50-171B-6

Diagram 50-171B-7 (Exhibit 96):

Electronic Message Center / Manual Changeable Copy Sign
§ 50-171B-7

Diagram 50-171B-8 (Exhibit 97):

Monument Sign
§ 50-171B-8

Diagram 50-171B-9 (Exhibit 98):

Projecting Sign
§ 50-171B-9

Diagram 50-171B-10 (Exhibit 99):

Pylon Sign
§ 50-171B-10

Diagram 50-171B-11 (Exhibit 100):

Roof Sign
§ 50-171B-11

Diagram 50-171B-12 (Exhibit 101):

Sandwich Board Sign
§ 50-171B-12

Diagram 50-171B-13 (Exhibit 102):

Wall Sign
§ 50-171B-13

Diagram 50-171B-14 (Exhibit 103):

Window Sign
§ 50-171B-14

§ 50-174. PERMITTED SIGN TYPES BY DISTRICT

Table 50-174 (Exhibit 104):

Table 50-174. Permitted Sign Types by District					
Sign Type	District				
	NC, CC, UC, IC, AP and DC	CE, EC, GI-1 and GI-2	GN-1, GN-2, IN-1, IN-2, MR-1	MR-2, MR-3	OS
P = Permitted					
Structural Types					
Awning	P	P	P	P	P
Billboard Signs[1]	P	P			
Box Sign		P			
Electronic Message Center/Manual Changeable Copy Sign [2]	P	P		P	P
Monument Sign	P	P		P	P
Projecting Sign	P	P			
Pylon Sign	P	P			
Temporary Sign (including temporary sandwich board signs, banners, wall signs and window signs)	See Section 50.15.14 below				
Wall Sign	P	P	P	P	P
Window Sign	P	P			

[1]: Only permitted when within 300 feet of Interstate 69 or Interstate 475

[2]: Only permitted if the following conditions are met (conditions apply in all districts when permitted):

- Copy shall not be changed more than once every two minutes; or
- Such a sign is located within a permitted billboard sign. Copy shall not be changed more than once every 10 seconds.

§ 50-175. DISTRICT REGULATIONS – NC, CC, DE, DC, UC, AND IC

Table 50-175 (Exhibit 105):

Table 50-175. Sign Area, Height and Setback Requirements for the NC, CC, DE, DC, UC and IC Districts			
[illegible]	[illegible]	[illegible]	[illegible]
Awning and Canopy Signs	50 sq. ft. per sign face; No sign identifying an individual tenant of a multi-tenant building shall cover more than 10% of the canopy to which it is affixed	20 ft., must be 8 ft. above grade; signs for individual tenants of a multi- tenant building shall be the same heights on the building to which they are affixed	
Billboard Signs	Not to exceed 48 ft. by 14 ft. per sign face, must be freestanding type display	24 ft. above grade for highest edge of display face, no less than 10 ft. above grade for lowest edge of display face; supports of billboard must be covered and hidden from view of public rights- of-way; regulation does not apply where road design, natural topography, buildings, and other objects provide screen to backs of any graphic	All parts at least 15 ft. from the property line.
Electronic Message Center/Manual Changeable Copy Signs	If located within a monument sign, not to exceed 30% of the gross surface area of the monument sign face, as regulated under monument signs. If located within a billboard sign, not to exceed the sign area limitations as regulated under billboard signs	Not to extend beyond the sign face of the monument sign within such a sign is incorporated more than 4 inches, not to exceed the height of said monument signs as regulated under monument signs	Shall adhere to the setback requirements established for the permitted monument sign or billboard sign within which they are incorporated as regulated under monument signs or billboard signs respectively
Monument Signs	80 sq. ft. per sign face, 180 sq. ft. total for lots in the CC district; 60 sq. ft. per face, 120 sq. ft. total for lots in NC, DE, DC, UC and IC districts	10 ft. for lots in CC district, 6 ft. for lots in NC, DE, DC, UC and IC districts	5 ft. from "right-of-way", 6 ft. from all other lot lines; must be perpendicular to the street and not within clear vision areas at intersections.
Projecting Signs	40 sq. ft.	Not to extend more than 6 feet. Minimum 8 feet of clearance from bottom of sign to ground; must be erected on the signable area of a structure, not to project over the roof line or parapet wall elevation of structure	
Pylon Signs	20 sq. ft. per sign face, 80 sq. ft. total in CC, 40 sq. ft. total in NC, DE, DC,	12 ft. in CC, 8 ft. in NC, DE, DC, UC and IC districts.	All parts at least five ft. from the property line and not within clear vision areas.

Wall Signs	**200 sq. ft. per sign or not to exceed 10% coverage of wall to which it is affixed, whichever is less, for lots in CC district; 100 sq. ft. per sign or not to exceed 10% coverage of wall to which it is affixed, whichever is less, for lots in D-E, D-C, NC, UC and IC districts**	**Not to extend beyond the roof line or parapet of building to which it is affixed; Not to cover any architectural features (including, but not limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or tile inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed; Not to be affixed to HAVC screening, elevator overrun, or other features protruding from the roof of the structure, with the exception of building parapets which have been designed and integrated into the building's architecture and which are in line with and not set back from the perimeter facade of the building; for multiple story-buildings, not to exceed 30 ft.**	
Window Signs	**20% of the window area. One sign per ground floor tenant**	**Limited to ground floor windows**	

Table 50-176 (Exhibit 106):

Table 50-176. Sign Area, Height and Setback Requirements for the CE, PC, GI-1 and GI-2 Districts			
[illegible]	[illegible]	[illegible]	[illegible]
Awning and Canopy Signs	50 sq. ft. per sign face; No sign identifying an individual tenant of a multi-tenant building shall cover more than 10% of the canopy to which it is affixed	20 ft., minimum height of 8 ft. above grade	
Billboard Signs	Not to exceed 48 ft. by 14 ft. per sign face, must be freestanding type display	24 ft. above grade for highest edge of display face, no less than 10 ft. above grade for lowest edge of display face; supports of billboard must be covered and hidden from view of public rights- of-way; regulation does not apply where road design, natural topography, buildings, and other objects provide screen to backs of any graphic	shall be erected in compliance with the building setback requirements of the underlying zoning district
Electronic Message Center/Manual Changeable Copy Signs	If located within a monument sign, not to exceed 30% of the gross surface area of the monument sign face, as regulated under monument signs. If located within a billboard sign, not to exceed the sign area limitations as regulated under billboard signs	Not to extend beyond the sign face of the monument sign or billboard within which sign is incorporated, therefore not to exceed height of said monument or billboard signs as regulated under monument signs and billboard signs respectively	shall adhere to the setback requirements established for the permitted monument sign or billboard sign within which they are incorporated as regulated under monument signs or billboard signs respectively
Monument Signs	100 sq. ft. per sign face, 200 sq. ft. total	12 ft.	5 ft. from "right-of-way", 6 ft. from all other lot lines; must be perpendicular to the street and not within clear vision areas at intersections.
Projecting Signs	40 sq. ft. per sign face	Not to extend more than 6 feet. Minimum 8 feet of clearance from bottom of sign to ground; must be erected on the signable area of a structure, not to project over the roof line or parapet wall elevation of structure	
Pylon Signs	50 sq. ft. per sign face	20 ft.	All parts at least ten ft. from the property line.
Sandwich Board Signs	6 sq. ft. per sign face, not to exceed 12 sq. ft. total	4 ft.	Cannot be more than 3 ft. from the building or curb and cannot impede pedestrian movement; must be perpendicular to the street, clear vision areas at intersections must be maintained; only to be displayed during business hours

Wall Signs/Box Signs	**200 sq. ft. per sign face**	**Not to extend beyond the roof line or parapet of building to which it is affixed; Not to cover any architectural features (including, but not limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or tile inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed; Not to be affixed to HAVC screening, elevator overrun, or other features protruding from the roof of the structure, with the exception of building parapets which have been designed and integrated into the building's architecture and which are in line with and not set back from the perimeter facade of the building; for multiple story-buildings, not to exceed 30 ft.**	
Window Signs	**20% of the window area. One sign per ground floor tenant**	**Limited to ground floor windows**	

ARTICLE 16. DEFINITIONS

§ 50-183. RULES OF CONSTRUCTION AND ORGANIZATION.

A. THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS CHAPTER, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING.

B. RULES OF CONSTRUCTION: THE FOLLOWING RULES OF CONSTRUCTION APPLY TO THIS CHAPTER:

1. THE LANGUAGE OFTHIS CHAPTER SHALL BE READ LITERALLY. REGULATIONS ARE NO MORE OR LESS STRICT THAN STATED.

2. THE PARTICULAR SHALL CONTROL THE GENERAL. FOR TERMS USED IN THIS CHAPTER, THE USE OF A GENERAL OR SIMILAR TERM SHALL NOT BE TAKEN TO BE THE SAME AS THE USE OF ANY OTHER SPECIFIC TERM.

3. IN CASE OF ANY DIFFERENCE OF MEANING OR IMPLICATION BETWEEN THE TEXT OF THIS CHAPTER ANDANY CAPTION OR ILLUSTRATION, THE TEXT SHALL CONTROL.

4. A BUILDING OR STRUCTURE INCLUDESANY PART THEREOF.

5. THE TERM "USED" INCLUDES THE FOLLOWING MEANINGS: ARRANGED, DESIGNED, CONSTRUCTED, ALTERED, RENTED, LEASED, SOLD, OCCUPIED, AND INTENDED TO BE OCCUPIED.

6. UNLESS THE CONTEXT CLEARLY INDICATESTHE CONTRARY, WHERE A REGULATION INVOLVES TWO ORMORE ITEMS, CONDITIONS, PROVISIONS OR EVENTS CONNECTED BY THE CONJUNCTIONS "AND," "OR" OR "EITHER . . . OR," THE CONJUNCTION SHALLBE INTERPRETED AS FOLLOWS:

I. "AND" INDICATES THATTHE CONNECTED ITEMS, CONDITIONS, PROVISIONS OR EVENTS APPLY.

II. "OR" INDICATES THAT THE CONNECTED ITEMS, CONDITIONS, PROVISIONS OR EVENTS MAY APPLY SINGLY OR IN ANY COMBINATION.

III. "EITHER . . . OR" INDICATES THAT

THE CONNECTED ITEMS, CONDITIONS, PROVISIONS OR EVENTS APPLY SINGLY BUT NOT IN COMBINATION.

7. **TERMS NOT DEFINED IN THIS ARTICLE SHALL HAVE THE MEANING GIVEN IN THE LATEST EDITION OF MERRIAM WEBSTER'S COLLEGIATE DICTIONARY.**

§ 50-184. DEFINITIONS

ABUTTING - THE CONDITION OF TWO ADJOINING PARCELSHAVING A COMMON PROPERTY LINE OR BOUNDARY BUT NOT INCLUDING CASES WHEREADJOINING LOTS ARE SEPARATED BY A STREET OR ALLEY

ACCESS – THE WAY BY WHICH VEHICLES SHALL INGRESS TO AND EGRESS FROM A LAND PARCEL OR PROPERTY AND THE EITHER STREET FRONTING ALONG SAID PROPERTY OR PARCEL OR AN ABUTTING ALLEY.

ACCESSORY USE - A USE WHICH IS CLEARLY INCIDENTAL TO OR CUSTOMARILY CARRIED ON IN CONNECTION WITH THE PRINCIPAL USE ON THE SAME LOT OR ON A DIFFERENT LOT TO WHICH THE USE HAS BEEN EXTENDED; SYNONYMOUS WITH ANCILLARY USE.

ACCESSORY BUILDING - A BUILDING OR PORTION OF A BUILDING SUBORDINATE TO A MAIN BUILDING ON THE SAMELOT THAT IS OCCUPIED BY OR DEVOTED EXCLUSIVELY TO AN ACCESSORY USE.

ACCESSORY STRUCTURE - SEE ACCESSORY BUILDING.

ACREAGE - ANY TRACT OR PARCEL OF LAND WHICH HAS NOT BEEN SUBDIVIDED ORPLATTED.

ADAPTIVE REUSE – REUSING AN OLD SITE OR BUILDING FOR A PURPOSE OTHER THAN WHICH IT WAS BUILT OR DESIGNED FOR.

ADDITION - AN EXTENSION OR INCREASE IN FLOOR AREA OR HEIGHT OF A BUILDING OR STRUCTURE.

ADJACENT - THE CONDITION OF WHERE TWO OR MORE PARCELS SHARE COMMON PROPERTYLINES OR WHERE TWO PARCELS ARE SEPARATED ONLY BY AN ALLEY, EASEMENT OR STREET; SYNONYMOUS WITH ADJOINING.

ADMINISTRATIVE WAIVER - A MINOR DEVIATION FROM THE REQUIREMENTS OF THIS CHAPTER, AS PROVIDED FOR IN INDIVIDUAL SECTIONS.

ADULT ENTERTAINMENT USES - ANY USE THAT PROVIDES SERVICES, MATERIALS OR ENTERTAINMENT TO ADULTS INVOLVING "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS." ADULT ENTERTAINMENT USES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

- **ADULT BOOKSTORE - AN ESTABLISHMENT THAT DEVOTES MORE THAN AN**

INCIDENTAL PORTION OF ITS FLOOR AREA TO THE SALE OR DISPLAY OF PORNOGRAPHY. ESTABLISHMENTS THAT DISPLAY, SELL OR RENT SUCH MATERIAL WITHIN AN ENCLOSED AREA THAT IS ACCESSIBLE ONLY TO ADULTS AND THAT COMPRISES NO MORE THAN 5 PERCENT OF THE FLOOR AREA SHALL NOT BE INCLUDED WITHIN THIS DEFINITION.

ADULT NIGHTCLUB – A CLUB, CABARET, BAR, JUICE BAR, RESTAURANT BOTTLE CLUB, OR SIMILAR COMMERCIAL ESTABLISHMENT, WITH OR WITHOUT ALCOHOLI CBEVERAGES, WHICH REGULARLY FEATURES:

- **PERSONS WHO APPEAR NUDE OR SEMI-NUDE,**
- **LIVE PERFORMANCES WHICH ARE CHARACTERIZED BY THE EXPOSURE OF "SPECIFIED ANATOMICAL AREAS" OR "SPECIFIED SEXUAL ACTIVITIES," OR**
- **FILMS, MOTION PICTURES,SLIDES, ELECTRONIC, DIGITAL OR OTHER PHOTOGRAPHIC REPRODUCTIONS WHICHARE CHARACTERIZED BY THEIR EMPHASIS UPONTHE EXHIBITION OR DESCRIPTION OF "SPECIFIED SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS."**

- **ADULT MOVIE THEATER OR ARCADE - A BUILDING USED FOR PRESENTING PORNOGRAPHIC MOTION PICTURES OR VISUAL IMAGES BY ANY MEANS OR DEVICE.**
- **ADULT NOVELTY BUSINESS - ANY ESTABLISHMENT THAT SELLS DEVICES DESIGNED FOR SEXUAL STIMULATION.**
- **ADULT PERSONAL SERVICE ESTABLISHMENT - ANY ESTABLISHMENT THAT PROVIDES MASSAGES, BATHS, TATTOOS, OR SIMILAR SERVICES, OR THAT ARRANGES, SOLICITS OR PROVIDES ESCORTS, DATES, MODELS, UNLICENSED THERAPISTS, COMPANIONS OR ENTERTAINERS, EITHER ON OR OFF THE PREMISES. THE FOLLOWING ARE NOT INCLUDED WITHIN THE DEFINITION OF AN "ADULT PERSONAL SERVICES ESTABLISHMENT:"**
  - **ESTABLISHMENTS THAT ROUTINELY PROVIDE ANY SUCH SERVICES BY A LICENSED OR CERTIFIED HEALTH PROFESSIONAL OR MASSAGE THERAPIST ACTING WITHIN THE STANDARDS AND SCOPE OF A GENERALLY RECOGNIZED HEALTH PROFESSION OR**

ORGANIZATION;

- PUBLIC OR NON-PROFIT ORGANIZATIONS SUCH AS SCHOOLS, PARKS, AND COMMUNITY RECREATION CENTERS;

- STUDIOS, CLUBS, AND GYMNASIUMS OFFERING CONTINUING INSTRUCTION IN MARTIAL OR PERFORMING ARTS OR PROVIDING FACILITIES FOR ORGANIZED ATHLETIC ACTIVITIES TO THE GENERAL PUBLIC;
- HOSPITALS, NURSING HOMES, MEDICAL CLINICS, AND MEDICAL OFFICES;

- BARBER SHOPS, BEAUTY PARLORS, HEALTH SPAS, AND SALONS THAT ADMINISTER MASSAGEONLY TO THE NECK, SHOULDER, SCALP, AND FACE OR BY A LICENSED OR CERTIFIED THERAPISTACTING WITHIN THE STANDARDS OF AGENERALLY RECOGNIZEDLICENSING OR CERTIFYING ORGANIZATION.

- NUDE OR SEMI-NUDE MODEL STUDIOS - ANY BUILDING, STRUCTURE, PREMISES OR PART THEREOF REGULARLY USED SOLELY OR PRIMARILY AS A PLACE WHICH OFFERS AS ITS PRINCIPAL ACTIVITY THE PROVIDING OF MODELS TO DISPLAY ANY "SPECIFIED ANATOMICAL AREAS" AS DEFINED HERE FOR PATRONS FOR A FEE OR CHARGE.

- REGULARLY FEATURES OR REGULARLY SHOWN- A CONSISTENT AND SUBSTANTIAL COURSE OF CONDUCT SUCH THAT THE FILMS OR PERFORMANCES EXHIBITED ON THE PREMISES CONSTITUTE A SUBSTANTIAL OR SIGNIFICANT PORTION OF THE FILMS OR PERFORMANCES CONSISTENTLY OFFERED ASA PART OF THE ONGOING BUSINESS OF THE ADULT ENTERTAINMENT BUSINESS.

- RESTRICTED ADULT BUSINESS - ANY ADULT ENTERTAINMENT USE THAT IS CUSTOMARILY OPEN ONLYTO ADULTS.

- SEXUALLY ORIENTED BUSINESS - AN ADULT BOOKSTORE, VIDEO STORE, OR NOVELTY STORE, ADULT CABARET, ADULT MOTION PICTURE THEATER, OR A COMMERCIAL ESTABLISHMENT THAT REGULARLY FEATURES THE SALE, RENTAL, OR EXHIBITION FOR ANY FORM OF CONSIDERATION, OF BOOKS, FILMS, VIDEOS, DVDS,

MAGAZINES, OR OTHER VISUAL REPRESENTATION OF LIVE PERFORMANCES WHICH ARE CHARACTERIZED BY AN EMPHASIS ON THE EXPOSURE OF DISPLAY OF SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS.

- **SPECIFIED SEXUAL ACTIVITIES –**

SPECIFIED SEXUAL ACTIVITIES ARE DEFINED AS:

- **HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR AROUSAL;**
- **ACTS OF HUMAN MASTURBATION, SEXUAL INTERCOURSE OR SODOMY;**
- **FONDLING OR OTHER EROTIC TOUCHING OF HUMAN GENITALS, PUBIC REGION, BUTTOCK OR FEMALE BREAST.**

- **SPECIFIED ANATOMICA LAREAS -**

SPECIFIED ANATOMICAL AREASARE DEFINED AS:

- **LESS THAN COMPLETELY AND OPAQUEL YCOVERED:**
- **HUMAN GENITALS, PUBIC REGION,**
- **BUTTOCK, AND**
- **THE NIPPLE AND/OR AREOLA OF THE FEMALE BREAST.**
- **HUMAN MALE GENITALS IN A DISCERNIBLE TURGID STATE, EVEN IF COMPLETELY AND OPAQUELY COVERED.**

AGRICULTURAL USES -

- **AGRICULTURAL WASTE/COMPOSTING - RELATIVELY STABLE DECOMPOSED ORGANIC MATTER FOR USE IN AGRICULTURAL AND OTHER GROWING PRACTICES CONSISTING OF YARD WASTE (LEAVES, GRASS), COMPOST, MULCH, WORMS, AND ORGANIC KITCHEN WASTE EXCLUDING BONES, MEAT, FAT, GREASE, OIL, AND MILK PRODUCTS.**
- **APIARY/BEEKEEPING - ONEOR MORE MANAGED AND MAINTAINED HIVES FOR THE PRIMARY PURPOSE OF PERSONAL HOBBY, PERSONAL CONSUMPTION OF BEE BY-PRODUCTS, OR FOR EDUCATIONAL PURSUITS.**
- **AQUACULTURE - THE CULTIVATION OF MARINE OR FRESHWATER FOOD FISH, SHELLFISH, OR PLANTSUNDER CONTROLLEDCONDITIONS.**
- **AQUAPONICS - THE INTEGRATION OF AQUACULTURE WITH HYDROPONICS, IN WHICH THE WASTE PRODUCTS FROM FISH ARE TREATED AND THEN USED TO FERTILIZE HYDROPONICALLY GROWING PLANTS.**

- **CHICKEN/ FOWL KEEPING - THE CARE OF POULTRY FOR NON-COMMERCIAL AND NON-PROCESSING PURPOSES. SEE ARTICLE 9, USE REGULATIONS**

- **COMMERCIAL AQUACULTURE/AQUAPONICS, LARGE SCALE – ANY AQUACULTURE/AQUAPONICS FACILITY OVER 1,400 SF IN FLOOR AREA, OR AN AQUACULTURE/AQUAPONICS FACILITY OPERATING AS A PRINCIPAL BUSINESS.**

- **COMMERCIAL COMPOSTING, LARGE SCALE – A SITE WITH MORE THAN 1,000 CUBIC FEET OF COMPOST.**

- **COMMUNITY GARDEN - A SITE OPERATED AND MAINTAINED BY AN INDIVIDUAL OR GROUP TO ENCOURAGE STORMWATER MANAGEMENT, CULTIVATE TREES, HERBS, FRUITS, VEGETABLES, FLOWERS, OR OTHER ORNAMENTAL FOLIAGE FOR THE FOLLOWING USES: PERSONAL USE, CONSUMPTION, DONATION OR ON SITE SALE OF ITEMS GROWN ON THE SITE.**

- **FARMERS MARKET - TEMPORARY OUTDOOR SALES OF AGRICULTURE PRODUCTS OR BY-PRODUCTS BY VENDORS WHO ARE TYPICALLY ALSO THE PRODUCERS IN A PRE-DESIGNATED AREA.**

- **GREENHOUSE (STRUCTURE) - A PERMANENT BUILDING OR STRUCTURE WHOSE ROOF AND SIDES ARE MADE LARGELY OF GLASS OR OTHER TRANSPARENT OR TRANSLUCENT MATERIAL AND IN WHICH THE TEMPERATURE ·AND HUMIDITY CAN BE REGULATED FOR THE CULTIVATION OF PLANTS FOR PERSONAL USE AND/OR FOR SUBSEQUENT SALE.**

- **GREENHOUSE (USE) – SEE NURSERY/GREENHOUSE**

- **HOOPHOUSE - A TEMPORARY UNHEATED ACCESSORY STRUCTURE TYPICALLY MADE OF, BUT NOT LIMITED TO, PIPING OR OTHER MATERIAL COVERED WITH TRANSLUCENT PLASTIC, CONSTRUCTED IN A "HALF-ROUND" OR "HOOP" SHAPE, FOR THE PURPOSES OF GROWING PLANTS.**

- **HYDROPONICS – - A METHOD OF GROWING PLANTS USING MINERAL NUTRIENT SOLUTIONS, IN WATER, WITHOUT SOIL.**

- **NURSERY/GREENHOUSE - A USE WHERE LIVE TREES, SHRUBS, OR PLANTS ARE GROWN, TENDED, OR STORED AND OFFERED FOR RETAIL SALE, INCLUDING PRODUCTS USED FOR GARDENING OR LANDSCAPING.**

- **ORCHARD - THE ESTABLISHMENT, CARE, AND HARVESTING OF A GROUP OF MORE THAN 10 FRUIT OR NUT BEARING TREES; AN ORCHARD AS A PRINCIPAL USE IS CONSIDERED AN URBAN AGRICULTURE.**

- **PRODUCE STAND - A TEMPORARY STRUCTURE FOR THE DISPLAY AND SALE OF LOCALLY GROWN VEGETABLES OR PRODUCE, FLOWERS, ORCHARD PRODUCTS, LOCALLY-PRODUCED PACKAGED FOOD PRODUCTS AND SIMILAR NON-ANIMAL AGRICULTURAL PRODUCTS, EXCEPT FOR PRODUCTS FROM BEEKEEPING.**

- **URBAN AGRICULTURE. A ZONING LOT, AS DEFINED IN THIS ARTICLE, ONE ACRE OR GREATER, USED TO GROW AND HARVEST FOOD CROPS AND/OR NON-FOOD CROPS FOR PERSONAL OR GROUP USE; AN ORCHARD OR TREE FARM THAT IS A PRINCIPAL USE IS CONSIDERED URBAN AGRICULTURE; URBAN AGRICULTURE MAY BE DIVIDED INTO PLOTS FOR CULTIVATION BY ONE OR MORE INDIVIDUALS AND/OR GROUPS OR MAY BE CULTIVATED BY INDIVIDUALS AND/OR GROUPS COLLECTIVELY; THE PRODUCTS OF AN URBAN AGRICULTURE MAY OR MAY NOT BE FOR COMMERCIAL PURPOSES.**

ALCOHOL PRODUCTION –

- **BREWPUB – A BAR OR RESTAURANT WITH AN ANCILLARY BREWERY PRODUCING A MAXIMUM OF 18,000 BARRELS OF BEER PER YEAR.**

- **CRAFT WINERY/DISTILLERY – A WINERY OR DISTILLERY THAT PRODUCES 18,000 GALLONS OR LESS OF PRODUCT PER YEAR.**

- **MICROBREWERY – A BREWERY THAT PRODUCES 60,000 BARRELS OR LESS OF BEER PER YEAR.**
- **SMALL DISTILLERY – A DISTILLERY THAT PRODUCES 60,000 GALLONS OR LESS OF SPIRITS PER YEAR.**

- **SMALL WINERY – A WINERY THAT PRODUCES 50,000 GALLONS OR LESS OF WINE PER YEAR.**

- **LARGE BREWERY – A BREWERY THAT PRODUCES MORE THAN 60,000 BARRELS OF BEER PER YEAR.**

- **LARGE DISTILLERY – A DISTILLERY THAT PRODUCES MORE THAN 60,000 GALLONS OF SPIRITS PER YEAR.**

- **LARGE WINERY – A WINERY THAT PRODUCES**

MORE THAN 50,000 GALLONS OF WINE PER YEAR.

ALLEY - SEE STREET, ALLEY.

ALTERATION - ANY CHANGE, ADDITION, OR MODIFICATION IN CONSTRUCTION OR USE; ANY CHANGE IN THE STRUCTURAL MEMBERS OF A STRUCTURE, SUCH AS WALLS OR PARTITIONS, COLUMNS, BEAMS OR GIRDERS.

AMENDMENT - A CHANGE IN THE WORDING, CONTEXT OR SUBSTANCE OF THIS CHAPTER, OR A CHANGE IN ZONE DISTRICT BOUNDARIES OR NEIGHBORHOOD CLASSIFICATIONS ON A ZONING MAP.

AMUSEMENT ENTERPRISES, SEASONAL – SEASONAL OR TEMPORARY ENTERTAINMENT EVENTS SUCH AS FAIRS, CARNIVALS, FESTIVALS, ETC.

ANCILLARY USE - SEE ACCESSORY USE.

ANIMAL SERVICES

- **DOMESTIC ANIMAL - A SMALL ANIMAL OF THE TYPE GENERALLY ACCEPTED AS PETS INCLUDING, BUT NOT LIMITED TO, DOGS, CATS, AND FISH, BUT NOT INCLUDING ROOSTERS,DUCKS, GEESE, PEA FOWL, GOATS, SHEEP, HOGS OR SIMILAR ANIMALS.**
- **KENNEL - A FACILITY FOR THE BOARDING, BREEDING, RAISING, GROOMING, SELLING, TRAINING, OTHER ANIMAL HUSBANDRY ACTIVITIES OR RELATED SERVICES FOR DOMESTIC ANIMALS.**
- **SALES, SERVICES AND DAY CARE - AN ESTABLISHMENT THAT INCLUDES SALES, GROOMING OR OTHER SERVICES, OR DAY TIME CARE OF DOGS, CATS AND SIMILAR SMALL ANIMALS; TYPICAL USES INCLUDE PET STORES, DOG BATHING AND CLIPPING SALONS AND PET GROOMING SHOPS; NO OVERNIGHT BOARDING IS ALLOWED.**
- **VETERINARY CLINIC - A BUILDING, OR ANY PORTION OF A BUILDING, USED FOR THE TREATMENT OF HOUSE PETS AS OUTPATIENTS ONLY AND DOES NOT HAVE INTERIOR OR OUTDOOR KENNELS AND OVERNIGHT BOARDING.**
- **VETERINARY HOSPITAL - A BUILDING, OR ANY PORTION OF A BUILDING, USED FOR THE TREATMENT OF HOUSE PETS, AND MAY HAVE INTERIOR OR OUTDOOR KENNELS AND OVERNIGHT BOARDING.**

ANTENNA – SEE WIRELESS COMMUNICATIONS FACILITY, ANTENNA.

APPEAL: A PROCEDURE BY WHICH A DECISION, INTERPRETATION OR

ENFORCEMENT ACTION IS BROUGHT FROM A LOWER DECISION-MAKING AUTHORITY TO A HIGHER FOR DETERMINATION

APPLICANT - THE OWNER OF PROPERTY OR THE AUTHORIZED REPRESENTATIVE OF THE OWNER APPLYING FOR DEVELOPMENT APPROVAL.

APPROVAL - A WRITTEN NOTICE BY AN AUTHORIZED REPRESENTATIVE OR DESIGNATED DECISION-MAKING BODY OF THE CITY APPROVING THE DESIGN, PROGRESS OR COMPLETION OF WORK.

ARCADE, & GAMING, HALL - ANY ESTABLISHMENT THAT CONTAINS 4 OR MORE AMUSEMENT DEVICES AND WHOSE PRINCIPAL USE IS PROVIDING ENTERTAINMENT THROUGH SUCH DEVICES.

ARTICULATION - SHIFTS IN THE PLANE OF WALLS, SETBACKS, STEPBACKS, REVEALS,OVERHANGS, AND DETAILS IN ORDER TO CREATE VARIATIONS IN A BUILDING'S FAÇADE. VARIATIONS OF A BUILDING'S MASS THROUGH THE USE OF DEEP SETBACKS, DIMINISHING UPPER FLOOR AREAS, AND/OR PROJECTING ROOF OVERHANGS.

AVERAGE - (ALSO "MEAN AVERAGE, "ARITHMETIC MEAN") THE NUMERICAL VALUE DERIVED BY DIVIDING THE SUM OF A SET OF NUMBERS BY THE TOTAL OF THE NUMBERS. (EXAMPLE: 50 + 100 + 75 = 225. 225 / 3 = 75. 75 IS THE AVERAGE.)

AVERAGE GRADE - THE GROUND ELEVATION ESTABLISHED FOR THE PURPOSE OF REGULATING THE HEIGHT OF A STRUCTURE; THE GRADE SHALL BE THE LEVEL OF THE GROUND ADJACENT TO THE STRUCTURE IF THE FINISHED GRADE IS LEVEL; IF THE GROUND IS NOT ENTIRELY LEVEL, THE AVERAGE GRADE SHALL BE DETERMINED BY AVERAGING THE ELEVATION OF THE GROUND FOR EACH SIDE OF THE STRUCTURE, AS MEASURED SIX (6) FEET FROM THE EXTERIOR WALLS OF THE STRUCTURE.

<u>ATTACHMENT</u>:
DIAGRAM 50-184A (EXHIBIT 107)

AWNING - A RETRACTABLE OR FIXED SHELTER PROJECTING FROM AND SUPPORTED BY THE EXTERIOR WALL OF A BUILDING (I.E. CANTILEVERED) AND CONSTRUCTED ON NON-RIGID MATERIALS ON A SUPPORTING FRAMEWORK.

BASE FLOOD - THE FLOOD HAVING A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.

BASEMENT - THAT PORTION OF A STRUCTURE BETWEEN THE FLOOR AND CEILING WHICH HAS MORE THAN ONE HALF (1/2) ITS HEIGHT BELOW GRADE.

<u>ATTACHMENT</u>:
DIAGRAM 50-184B (EXHIBIT 108)

BED AND BREAKFAST HOME - AN

OWNER-OCCUPIED ESTABLISHMENT IN WHICH TRANSIENT GUESTS ARE PROVIDED A SLEEPING ROOM AND A MEAL OR MEALS IN RETURN FOR PAYMENT FOR A LIMITED TIME.

BEEKEEPING - SEE APIARY/BEEKEEPING.

BINGO HALL/CHARITY GAMING – ANY BINGO HALL, CHARITY POKER ROOM, OR OTHER GAMBLING ESTABLISHMENT REGULATED BY THE TRAXLER-MCCAULEY-LAW-BOWMAN BINGO ACT 382 OF 1972 OR ANY OTHER STATE STATUTE RELATED TO CHARITABLE GAMING OR GAMBLING.

BLOCK - LAND BOUNDED BY STREETS, NOT INCLUDING ALLEYS, OR BY A COMBINATION OF STREETS AND PUBLIC LAND, RAILROAD RIGHTS-OF-WAY, WATER BODIES, OR ANY OTHER BARRIER.

- **CORNER - THE OUTSIDE CORNER OF A BLOCK AT THE INTERSECTION OF ANY TWO (2) STREETS.**

- **FACE - LAND ABUTTING ONE SIDE OF A STREET AND LYING BETWEEN THE TWO NEAREST INTERSECTING O R INTERCEPTING STREETS, RAILROAD RIGHTS-OF-WAY, WATER BODIES, OR UN-SUBDIVIDED LAND.**

BUFFER - VEGETATIVE MATERIAL, STRUCTURES (E.G. WALLS, FENCES), BERMS, OR ANY COMBINATION OF THESE ELEMENTS THAT ARE USED TO SEPARATE AND SCREEN INCOMPATIBLE USES FROM ONE ANOTHER.

BUILDING - AN INDEPENDENT STRUCTURE, EITHER TEMPORARY OR PERMANENT, HAVING A ROOF SUPPORTED BY COLUMNS OR ANY OTHER SUPPORT USED FOR THE ENCLOSURE OF PERSONS, ANIMALS, CHATTELS OR PROPERTY OF ANY KIND, OR CARRYING ON BUSINESS ACTIVITIES OR OTHER USES.

BUILDABLE AREA - THE AREA OF THE LOT WITHIN THE LIMITS OF THE REQUIRED SETBACKS FOR THE MAIN BUILDING OR PRINCIPAL STRUCTURE. THE BUILDABLE AREA IS THE MAXIMUM AREA THAT CAN BE BUILT UPON, INCLUDING ADDITIONS, NOW AND IN THE FUTURE. SYNONYMOUS WITH BUILDING ENVELOPE.

<u>ATTACHMENT</u>:
DIAGRAM 50-184C (EXHIBIT 109)

BUILDING FRONT LINE - A LINE THAT COINCIDES WITH THEFACE OF THE BUILDING NEAREST THE FRONT LINE OF THE LOT. THIS FACE INCLUDES SUN PARLORS AND ENCLOSED PORCHES, BUT DOES NOT INCLUDE STEPS. SAID LINE SHALL BE PARALLEL TO THE FRONT LOT LINE AND MEASURED AS A STRAIGHT LINE BETWEEN THE INTERSECTION POINTS WITH THE SIDE YARD. FOR THE PURPOSES OF THIS ORDINANCE, THE FRONT LINE SHALL BE THE FRONT SETBACK

LINE.

BUILDING HEIGHT - THE VERTICAL DISTANCE MEASURED FROM THE ESTABLISHED AVERAGE GRADE TO THE HIGHEST POINT OF THE ROOF SURFACE FOR FLAT ROOFS; TO THE DECK LINE OF MANSARD ROOFS; AND TO THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP AND GAMBREL ROOFS. WHERE A BUILDING IS LOCATED ON A TERRACE, THE HEIGHT SHALL BE MEASURED FROM THE AVERAGE FINISHED GROUND LEVEL OF THE TERRACE AT THE BUILDING WALL. BUILDING MATERIALS CENTER - COLLECTION AND SALE OF REUSABLE BUILDING MATERIALS FROM BUILDING DECONSTRUCTION TO REDUCE WASTE.

BULK STATION - A PLACE WHERE CRUDE PETROLEUM AND PETROCHEMICAL LIQUIDS SUCH GASOLINE, NAPHTHA, BENZENE, BENZAL, AND KEROSENE ARE STORED FOR WHOLESALE PURPOSES AND WHERE THE AGGREGATE CAPACITY OF ALL STORAGE TANKS IS MORE THAN 6,000 GALLONS.

CALIPER - THE DIAMETER OF A TREE TRUNK MEASURED SIX (6) INCHES ABOVE THE GROUND FOR TREES UP TO AND INCLUDING FOUR INCHES IN DIAMETER; AND 12 INCHES ABOVE THE GROUND FOR TREES GREATER THAN FOUR INCHES INDIAMETER.

<u>ATTACHMENT</u>:

DIAGRAM 50-184D (EXHIBIT 110)

CAMPUS - THE GROUNDS AND BUILDINGS OF A COLLEGE, UNIVERSITY, HOSPITAL OR OTHER INSTITUTIONAL OR EDUCATIONAL USE.

CANOPY - A RIGID MULTI-SIDED STRUCTURE COVERED WITH FABRIC, METAL OR OTHER MATERIAL AND SUPPORTED IN WHOLE OR IN PART BY POSTS EMBEDDED IN THE GROUND.

CARPORT - A ROOFED STRUCTURE OR SHELTER OR PORTION OF A BUILDING OPEN ON TWO OR MORE SIDES THAT IS PROVIDED FOR THE PURPOSE OF SHELTERING ONE OR MORE MOTOR VEHICLES.

CASH ADVANCE – A FACILITY OFFERING SHORT-TERM, SMALL-DOLLAR LOANS, TYPICALLY FOR A FEE BASED ON THE AMOUNT OF THE LOAN. DOES NOT INCLUDE BANKS, CREDIT UNIONS, OR OTHER FINANCIAL SERVICE ESTABLISHMENTS OFFERING LONG-TERM LOANS.

CEMETERY - LAND USED OR INTENDED TO BE USED FOR THE BURIAL OF THE HUMAN DEAD, INCLUDING COLUMBARIA, CREMATORIES, MAUSOLEUMS AND MORTUARIES, IF OPERATED IN CONNECTION WITH, AND WITHIN THE BOUNDARIES OF SUCH CEMETERY.

CHANGE IN USE - A USE DIFFERENT FROM THE PREVIOUS USE OF A SITE;

CHURCH - SEE PLACE OF

WORSHIP.

CITY - CITY OF FLINT.

CITY OFFICIALS - CITY OFFICIALS WHO ARE DULY ELECTED OR APPOINTED TO THOSE OFFICES OR POSITIONS AND INCLUDES ANYONE DESIGNATED BY THEM OR BY ANY OF THEIR SUPERIORS TO ACT IN THEIR PLACE; EXAMPLES INCLUDE CITY CLERK AND CITY ATTORNEY.

CLEAR VISION AREA - THE AREALOCATED AT THE INTERSECTION OF TWO STREETS, WHETHER PUBLIC OR PRIVATE, OR A STREET AND DRIVEWAY THROUGH WHICH AN UNOBSTRUCTED VIEW OF APPROACHING TRAFFIC IS NECESSARY FOR PEDESTRIANS AND DRIVERS.

COMMERCIAL USE - ANYNONRESIDENTIAL USE OF A LOT,BUILDING OR STRUCTURE FORFINANCIAL GAIN, INCLUDINGBUT NOT LIMITED TO ENTERTAINMENT ACTIVITIES,OFFICES, PERSONAL SERVICESAND RETAIL SALES; GARAGE/BASEMENT/YARD SALES OPERATING MORE THANTWO (2) DAYS ON TWO (2)SEPARATE OCCASIONS PER YEAR ARE CONSIDERED ACOMMERCIAL USE.

COMMERCIAL VEHICLE - A VEHICLE DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE TRANSPORTATION OF PROPERTY OR PASSENGERS IN FURTHERANCE OF A COMMERCIAL ENTERPRISE, INCLUDING TOW TRUCKS AND SEMI-TRUCKS.

COMMISSION - THE CITY OF FLINT PLANNING COMMISSION.

COMMON LAND - A PARCEL OR PARCELS OF LAND TOGETHER WITH THE IMPROVEMENTS THEREON, THE USE, MAINTENANCE, AND ENJOYMENT OF WHICH ARE INTENDED TO BE SHARED BY THE OWNERS AND OCCUPANTS OF THE INDIVIDUAL BUILDING UNITS IN A PLANNED UNIT DEVELOPMENT.

CONFORMING - IN COMPLIANCE WITH THE REGULATIONS OF THE PERTINENT ZONING DISTRICT.

CONVENIENCE STORE - A RETAIL ESTABLISHMENT WITH A TOTAL SALES AREA OF FIVE THOUSAND (5,000) SQUARE FEET OR LESS; A CONVENIENCE STORE MAY OR MAY NOT BE LICENSED BY THE STATE OF MICHIGAN FOR THE SALE OF BEER, WINE, LIQUOR OR OTHER ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES.

COUNTY - THE COUNTY OF GENESEE, MICHIGAN.

COVERAGE- THE PART OF A LOT OR PARCEL OF LAND OCCUPIED BY ONE OR MORE STRUCTURES.

<u>ATTACHMENT</u>:
DIAGRAM 50-184E (EXHIBIT 111)

CUL-DE-SAC - A STREET TERMINATING AT ONE END WITH A TURNING RADIUS.

CURB CUT – THE OPENING ALONG THE CURB LINE, EXCLUSIVE OF HANDICAP RAMPS, AT WHICH POINT VEHICLES MAY ENTER OR LEAVE THE STREET.

CURB LINE – A LINE LOCATED ON EITHER EDGE OF THE PAVEMENT, BUT WITHIN THE RIGHT-OF-WAY LINE.

DECK - A ROOFLESS OUTDOOR STRUCTURE BUILT AS AN ABOVEGROUND PLATFORM SUPPORTED BY POSTS, AT LEAST ONE FOOT ABOVE AVERAGE GRADE; A DECK MAY OR MAY NOT BE ATTACHED TO THE MAIN BUILDING, AND MAY OR MAY NOT HAVE RAILINGS OR STEPS; A DECK IS GENERALLY OF SIGNIFICANT SIZE AND IS USED PRIMARILY FOR RECREATION USES, AND SECONDARILY AS AN ENTRANCE AND EXIT TO THE BUILDING.

DENSITY - THE NUMBER OF DWELLING UNITS PER ACRE OF LAND. DENSITY IS CALCULATED BY DIVIDING THE NUMBER OF DWELLING UNITS ON A SITE BY THE GROSS ACREAGE OF THE SITE. FOR PURPOSES OF CALCULATING RESIDENTIAL DENSITY, DEDICATED RIGHTS- OF-WAY WITHIN A SITE, AND THAT PORTION OF EXISTING DEDICATED RIGHTS-OF-WAY ADJOINING A SITE THAT IS BETWEEN THE STREET OR ALLEY CENTERLINE AND LOT LINES SHALL BE INCLUDED.

DEVELOPER - ANY INDIVIDUAL, FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP OR TRUST INVOLVED IN COMMENCING PROCEEDINGS TO EFFECT DEVELOPMENT OF LAND.

DEVELOPMENT - THE CONSTRUCTION, RECONSTRUCTION, REMODELING, CONVERSION, STRUCTURAL ALTERATION, RELOCATION, ENLARGEMENT,

OR DEMOLITION OF ANY STRUCTURE, PROPORTION OF A STRUCTURE, OR SIGN; ANY CHANGE IN USE IN LAND, BUILDING, OR STRUCTURE, OR MATERIAL CHANGE IN THE APPEARANCE OF ANY STRUCTURE; ANY INCREASE IN THE NUMBER OF DWELLING UNITS, BUSINESSES, MANUFACTURING ESTABLISHMENTS, OR OFFICES; ANY MINING, EXCAVATION, FILLING, GRADING, PAVING, OR LAND DISTURBANCE; AND ANY ACT OF SUBDIVISION OF LAND.

DIRECTOR OF PLANNING AND DEVELOPMENT– THE HIGHEST RANKING OFFICIAL IN THE DEPARTMENT OF PLANNING AND DEVELOPMENT.

DISTRICT - SEE ZONING DISTRICT.

DRIVE-IN OR DRIVE-THROUGH - PERMITS CUSTOMERS TO RECEIVE SERVICES, OBTAIN GOODS OR BE ENTERTAINED WHILE REMAINING PRIMARILY IN THEIR MOTOR VEHICLES.

DWELLING - A BUILDING OR PORTION THEREOF WHICH IS USED EXCLUSIVELY FOR HUMAN HABITATION. INCLUDED WITHIN THIS DEFINITION ARE SINGLE-FAMILY, TWO-FAMILY AND MULTIPLE-FAMILY DWELLINGS, AND APARTMENT BUILDINGS; THE TERM DWELLING DOES NOT INCLUDE GROUP LIVING ARRANGEMENTS OR HOTELS, MOTELS, BED AND BREAKFAST OPERATIONS, OTHER STRUCTURES DESIGNED FOR TRANSIENT RESIDENCE, OR TENTS, CAMPERS, TRAILERS, PORTABLE BUILDINGS, AND MOBILE HOMES OR OTHER BUILDINGS WITHOUT A PERMANENT FOUNDATION.

<u>ATTACHMENT</u>:
DIAGRAM 50-184F (EXHIBIT 112)

- **ATTACHED SINGLE-FAMILY - A SINGLE-FAMILY DWELLING ATTACHED TO ONE (1) OR MORE OTHER SINGLE-FAMILY DWELLINGS BY A COMMON VERTICAL WALL, WITH EACH DWELLING LOCATED ON A SEPARATE LOT; THIS TERM INCLUDES TOWN HOUSES AND ROW HOUSES.**

- **DETACHED SINGLE-FAMILY - A PRINCIPAL RESIDENCE INTENDED FOR OCCUPANCY BY A SINGLE HOUSEHOLD, LOCATED ON A SEPARATE LOT OR PARCEL, AND NOT SHARING COMMON STRUCTURAL ELEMENTS WITH ANY OTHER STRUCTURE INTENDED FOR OCCUPATION BY ANOTHER HOUSEHOLD.**

- **MANUFACTURED HOME (MOBILE HOME) - A STRUCTURE TRANSPORTABLE IN ONE (1) OR MORE SECTIONS, CONNECTED TO REQUIRED UTILITIES WHICH INCLUDES THE PLUMBING, HEATING, AIR CONDITIONING AND ELECTRICAL SYSTEMS CONTAINED IN THE STRUCTURE, BUILT ON A**

CHASSIS AND DESIGNED TO BE USED AS A SINGLE DWELLING UNIT WITH OR WITHOUT PERMANENT FOUNDATION

- **MODULAR HOME - A DWELLING MANUFACTURED IN A FACTORY IN SEPARATE UNITS THAT COMPLY WITH APPLICABLE STATE CONSTRUCTION CODES AND THAT ARE DESIGNED FOR TRANSPORT BY SEPARATE CARRIER TO THE BUILD SITE FOR ASSEMBLY ON A PERMANENT FOUNDATION; MODULAR HOMES SHALL BE CONSIDERED SITE-BUILT HOMES. NOT THE SAME AS A MANUFACTURE HOME.**

- **MANUFACTURED HOUSING (MOBILE HOME) COMMUNITY - A PARCEL OR TRACT OF LAND WHICH IS UNDER THE CONTROL OF ONE PERSON, GROUP OR FIRM UPON WHICH THREE (3) OR MORE MANUFACTURED HOMES HAVE BEEN LOCATED ON A CONTINUAL NON-RECREATIONAL BASIS AND WHICH IS OFFERED TO THE PUBLIC FOR THAT PURPOSE REGARDLESS OF WHETHER A CHANGE IS MADE THEREFORE, TOGETHER WITH ANY BUILDING, STRUCTURE, ENCLOSURE, STREET, EQUIPMENT, OR FACILITY USED OR INTENDED FOR USE INCIDENT TO THE OCCUPANCY OF A MANUFACTURED HOUSE.**

- **MULTI-FAMILY - A BUILDING FOR RESIDENTIAL PURPOSES WITH THREE (3) OR MORE DWELLING UNITS, HAVING COMMON OR PARTY WALLS, ON A SINGLE LOT. EACH UNIT IS TOTALLY SEPARATED FROM THE OTHER BY AN UNPIERCED WALL EXTENDING FROM GROUND TO ROOF OR AN UNPIERCED CEILING AND FLOOR EXTENDING FROM EXTERIOR WALL TO EXTERIOR WALL, EXCEPT FOR A COMMON OR INDIVIDUAL STAIRWELL(S) EXTERIOR TO ANY DWELLING UNIT(S).**

- **TWO-FAMILY - A BUILDING DESIGNED ORIGINALLY FOR RESIDENTIAL OCCUPANCY BY TWO (2) FAMILIES LIVING INDEPENDENTLY OF EACH OTHER, WHICH CONTAINS TWO (2), LEGALLY COMPLETE, DWELLING UNITS. EACH UNIT IN A TWO-FAMILY DWELLING IS COMPLETELY SEPARATED FROM THE OTHER BY EITHER; A) AN UNPIERCED WALL EXTENDING FROM GROUND TO ROOF; OR, B) AN UNPIERCED CEILING AND FLOOR EXTENDING FROM EXTERIOR WALL TO EXTERIOR WALL, EXCEPT FOR A COMMON STAIRWELL EXTERIOR TO BOTH DWELLING UNITS. ALSO KNOWN AS A DUPLEX.**

- **ACCESSORY DWELLING UNIT - A SECONDARY AND CLEARLY SUBORDINATE DWELLING UNIT THAT IS**

CONTAINED WITHIN A DETACHED SINGLE- FAMILY DWELLING (PRIMARY DWELLING UNIT), INCLUDED WITHIN AN ACCESSORY STRUCTURE, OR SEPARATE FROM BUT LOCATED ON THE SAME LOT AS A DETACHED SINGLE-FAMILY DWELLING; ALSO KNOWN AS A "GRANNY FLAT" OR "CARRIAGE HOUSE".

<u>ATTACHMENT</u>:
DIAGRAM 50-184G (EXHIBIT 113)

- **LIVE-WORK UNIT - A DWELLING UNIT THAT CONTAINS LIMITED COMMERCIAL ACTIVITIES ON THE GROUND LEVEL OF A MULTIPLE-STORY BUILDING AND MAY PROVIDE LIVE-WORK OPPORTUNITIES OR ARTISTS' LOFT/STUDIO ARRANGEMENTS.**

- **DWELLING, HOME OCCUPATION - SEE HOME OCCUPATION.**

EASEMENT - A LEGAL RECORDED DOCUMENT THAT RESERVES A PORTION OF LAND OR PROPERTY FOR PRESENT OR FUTURE USE BY A PERSON OR AGENCY OTHER THAN THE LEGAL FEE OWNER OF THE PROPERTY.

ELEVATION DRAWING - A VERTICAL VIEW DRAWING OF THE FRONT, SIDE OR REAR OF A STRUCTURE THAT DESCRIBES THE DESIGN, FLOOR-TO- FLOOR DIMENSIONS, BUILDING HEIGHT, WINDOW AND DOOR DIMENSIONS, AND SIGNS.

ENCROACHMENT - THE PORTION OF A BUILDING, STRUCTURE OR SIGN THAT INTRUDES INTO A REQUIRED SETBACK, RIGHT-OF WAY OR EASEMENT.

ENTERTAINMENT, LIVE - ANY ONE OR MORE OF THE FOLLOWING, PERFORMED LIVE BY ONE OR MORE PERSONS, WHETHER OR NOT DONE FOR COMPENSATION AND WHETHER OR NOT ADMISSION IS CHARGED, INCLUDING BUT NOT LIMITED TO: MUSICAL ACTS, KARAOKE, THEATRICAL ACTS, STANDUP COMEDY, PLAYS, REVUES, DANCE, MAGIC ACTS, DISC JOCKEY FUNCTIONS OR OTHER SIMILAR ACTIVITIES; LIVE ENTERTAINMENT DOES NOT INCLUDE ADULT ENTERTAINMENT, AS DEFINED UNDER REGULATED USES.

- **AUDITORIUM - AN ESTABLISHMENT DESIGNED OR USED FOR THE GATHERING OF PEOPLE SEATED AS AN AUDIENCE; OPEN TO THE GENERAL PUBLIC, WITH OR WITHOUT ADMISSION CHARGE; AND USED PRIMARILY FOR PUBLIC SPEAKING OR LIVE ENTERTAINMENT.**

- **BANQUET HALL - AN ESTABLISHMENT USED REGULARLY FOR SERVING FOOD OR BEVERAGES TO GROUPS THAT, BEFORE THE DAY OF THE EVENT, HAVE**

RESERVED THAT FACILITY FOR BANQUETS OR MEETINGS; AND TO WHICH THE GENERAL PUBLIC IS NOT ADMITTED; AND FOR WHICH NO ADMISSION CHARGE IS IMPOSED AT THE DOOR.

- **CLUB/LODGE - A MEETING, RECREATIONAL, OR SOCIAL FACILITY OF A PRIVATE OR NONPROFIT ORGANIZATION PRIMARILY FOR USE BY MEMBERS OR GUESTS.**

- **MUSIC HALL - A BUILDING, BUILDING COMPLEX, AND/OR AN INDOOR OR OUTDOOR AREA USED TO ACCOMMODATE MUSICAL PERFORMANCES, INCLUDING LIVE MUSIC. A MUSIC VENUE MAY BE A STAND-ALONE USE OR MAY BE ASSOCIATED WITH ANOTHER USE SUCH AS A RESTAURANT.**

- **THEATER, LIVE PERFORMANCE – A BUILDING OR PART OF A BUILDING DEVOTED TO THEATRICAL OR PERFORMING ARTS PRODUCTIONS AS A PRINCIPAL USE.**

ERECT - TO BUILD, CONSTRUCT, ALTER, RECONSTRUCT, OR OTHERWISE PERFORM ANY PHYSICAL OPERATION INTENDED TO RESULT IN THE PLACEMENT OF A STRUCTURE ON THE PREMISES, INCLUDING EXCAVATION, BACKFILL, DRAINAGE, AND THE LIKE.

EXCEPTION - A MODIFICATION OF REQUIREMENTS OF THIS CHAPTER, SPECIFICALLY PERMITTED HEREIN, WHICH IS NECESSARY TO AVOID UNDUE HARDSHIP IN THE PRACTICAL APPLICATION OF THE PROVISIONS OF THIS CHAPTER; AN EXCEPTION IS NOT A VARIANCE.

FAÇADE – THE EXTERIOR WALL(S) OF A BUILDING FACING A STREET.

FAMILY -

- **AN INDIVIDUAL OR GROUP OF TWO OR MORE PERSONS RELATED BY BLOOD, MARRIAGE OR ADOPTION, TOGETHER WITH FOSTER CHILDREN AND SERVANTS OF THE PRINCIPAL OCCUPANTS, WITH NOT MORE THAN TWO ADDITIONAL UNRELATED PERSONS WHO ARE DOMICILED TOGETHER AS A SINGLE, DOMESTIC, HOUSEKEEPING UNIT IN A DWELLING UNIT.**

- **A COLLECTIVE NUMBER OF INDIVIDUALS DOMICILED TOGETHER IN ONE DWELLING UNIT HAVING A DEMONSTRABLE AND RECOGNIZABLE BOND CHARACTERISTIC OF A COHESIVE UNIT, WHOSE RELATIONSHIP IS OF A CONTINUING NONTRANSIENT DOMESTIC CHARACTER AND WHO LIVE TOGETHER AS A FUNCTIONAL FAMILY IN A SINGLE NONPROFIT HOUSEKEEPING UNIT; THIS DEFINITION SHALL NOT INCLUDE ANY SOCIETY,**

CLUB, FRATERNITY, SORORITY, ASSOCIATION, LODGE, COTERIE, OR ORGANIZATION.

- **NO MORE THAN FIVE UNRELATED INDIVIDUALS LIVING IN A DWELLING UNIT.**

FAMILY DAY CARE HOME - SEE CHILD CARE HOME, FAMILY.

FEMA - U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY, INCLUDING ANY SUCCESSOR AGENCY.

FENCE - A WALL COMPOSED OF POSTS CARRYING BOARDS, RAILS, PICKETS, OR WIRE, OR TO IRON STRUCTURES CONSISTING OF VERTICAL OR HORIZONTAL BARS OR OF OPEN WORK.

FENCE, DECORATIVE - AN OPEN OR SEMI-OPEN FENCE, ORNAMENTAL IN NATURE, NOT INTENDED TO PROVIDE A PERMANENT BARRIER TO PASSAGE OR FOR SCREENING; DECORATIVE FENCING DOES NOT INCLUDE CHAIN LINK FENCING.

FINANCIAL SERVICES – BANKS, CREDIT UNIONS, SAVINGS AND LOAN ASSOCIATIONS, FINANCE COMPANIES OR SIMILAR SERVICES. DOES NOT INCLUDE CASH ADVANCE OR PAWN SHOPS.

FLAG, BUSINESS - A FLAG USED TO IDENTIFY THE NAME AND/OR LOGO OF AN ON-SITE BUSINESS OR ORGANIZATION OR TO SIGNIFY IMMEDIATE BUSINESS ACTIVITY AT THE PROPERTY; SUCH AS "OPEN" "ANTIQUES" "NOW HIRING" "LIVE MUSIC" ETC.

FLAG, GOVERNMENT - A FLAG DISPLAYING THE NAME, INSIGNIA, EMBLEM OR LOGO OF ANY NATION, STATE, MUNICIPALITY, OR EDUCATIONAL INSTITUTION.

FLOOD OR FLOODING - A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF NORMALLY DRY LAND AREA FROM:

- **THE OVERFLOW OF INLAND OR TIDAL WATERS AND/OR;**
- **THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE WATERS FROM ANY SOURCE.**

FLOOD INSURANCE RATE MAP (FIRM) - THE OFFICIAL MAP ON WHICH THE FEDERAL INSURANCE ADMINISTRATION HAS DELINEATED BOTH THE AREAS OF SPECIAL FLOOD HAZARD AND THE RISK PREMIUM ZONES APPLICABLE TO THE COMMUNITY.

FLOOR AREA - THE SUM OF THE HORIZONTAL AREA OF THE SEVERAL FLOORS OF A BUILDING MEASURED FROM THE INTERIOR FACES OF THE EXTERIOR WALLS; FOR RESIDENTIAL DWELLINGS, THE FLOOR AREA MEASUREMENT SHALL NOT INCLUDE THE AREA OF BASEMENTS, STAIRWAYS,

UNFINISHED ATTICS, ATTACHED GARAGES, BREEZEWAYS, ENCLOSED OR UNENCLOSED PORCHES, OR UTILITY ROOMS. FOR COMMERCIAL USES, THE FLOOR AREA MEASUREMENT SHALL NOT INCLUDE AREAS USED, OR INTENDED TO BE USED, PRINCIPALLY FOR STORAGE OR PROCESSING; HALLWAYS; STAIRWELLS; ELEVATOR SHAFTS; FLOOR SPACE USED FOR MECHANICAL EQUIPMENT OR UTILITIES; ATTIC SPACE HAVING HEADROOM OF SEVEN (7) FEET, TEN (10) INCHES OR LESS; INTERIOR BALCONIES; MEZZANINES; OR SANITARY FACILITIES; IN ADDITION, ANY SPACE DEVOTED TO OFF-STREET PARKING OR LOADING SHALL NOT BE CONSIDERED FLOOR AREA.

FLOOR AREA, GROUND - THE HORIZONTAL AREA OF THE FIRST FLOOR OF A BUILDING OTHER THAN A CELLAR OR BASEMENT.

FLOOR AREA RATIO (FAR) - THE AGGREGATE FLOOR AREA OF ALL STORIES OF ALL BUILDINGS WITHIN THE PROJECT DIVIDED BY THE LAND AREA.

FOLDING TENT TRAILER - A CANVAS FOLDING STRUCTURE MOUNTED ON WHEELS AND DESIGNED FOR TRAVEL AND VACATION USE.

FOOD CARTS & TRUCKS - READILY MOVABLE, MOTORIZED OR TOWED WHEELED VEHICLE, DESIGNED AND EQUIPPED TO SERVE FOOD AND BEVERAGES.

FRONTAGE, BUILDING - THE LENGTH OF ANY SIDE OF A BUILDING WHICH FRONTS ON A PUBLIC STREET, A PUBLIC OR PRIVATE PARKING AREA, OR A PEDESTRIAN WALK WHERE CUSTOMER ACCESS TO THE BUILDING IS AVAILABLE.

FUNERAL AND INTERMENT SERVICES - PROVISION OF SERVICES INVOLVING THE CARE, PREPARATION OR DISPOSITION OF THE HUMAN DEAD.

- **CEMETERY - LAND USED OR INTENDED TO BE USED FOR THE BURIAL OF HUMAN REMAINS OR STORAGE OF CREMATED HUMAN REMAINS, INCLUDING COLUMBARIA, CREMATORIES, MAUSOLEUMS AND MORTUARIES, WHEN OPERATED IN CONJUNCTION WITH, AND WITHIN THE BOUNDARY OF, SUCH CEMETERY.**
- **CREMATORY - AN ESTABLISHMENT THAT IS INVOLVED IN THE PURIFICATION AND REDUCTION OF HUMAN BODIES BY FIRE.**
- **FUNERAL HOME OR MORTUARY - AN ESTABLISHMENT IN WHICH THE HUMAN DEAD ARE PREPARED FOR BURIAL OR CREMATION. THE FACILITY**

MAY BE USED TO DISPLAY FUNERAL EQUIPMENT AND TO PROVIDE GATHERING SPACES FOR VIEWING THE BODY AND CONDUCTING FUNERAL SERVICES.

GARAGE SALE/YARD SALE/BASEMENT SALE - A SALE OF PERSONAL HOUSEHOLD GOODS AND CLOTHING AS ANCILLARY TO THE PRINCIPAL RESIDENTIAL USE; GARAGE/YARD/BASEMENT SALES OPERATING MORE THAN THREE (3) DAYS PER SALES OR ON MORE THAN TWO SEPARATE OCCASIONS PER YEAR ARE NOT PERMITTED.

GAZEBO - A ROOFED, GROUND-SUPPORTED, UNENCLOSED, ACCESSORY PLATFORM STRUCTURE, USUALLY CONSTRUCTED OF WOOD, STONE, BRICK, OR METAL DESIGNED AND INTENDED FOR THE RECREATIONAL ENJOYMENT OF THE OCCUPANTS AND GUESTS OF THE PRIMARY STRUCTURE OR USE.

GLARE - SEE LIGHTING, GLARE.

GRADE - A REFERENCE PLANE REPRESENTING THE GROUND LEVEL ADJOINING A BUILDING OR STRUCTURE.

GRADE, AVERAGE - SEE AVERAGE GRADE.

GRADE, EXISTING - THE ELEVATION OR SURFACE OF THE GROUND OR PAVEMENT AS IT EXISTS PRIOR TO DISTURBANCE.

GRADE, FINISHED - THE ELEVATION OR SURFACE OF THE GROUND AFTER ALL EARTHWORK HAS BEEN COMPLETED, WITHOUT A BERM, AS MEASURED SIX (6) FEET FROM THE EXTERIOR WALLS OF THE STRUCTURE.

GREEN BUSINESS - BUSINESSES OR ORGANIZATIONS THAT PRODUCE GOODS AND SERVICES WITH AN ENVIRONMENTAL BENEFIT OR ADD VALUE TO SUCH PRODUCTS USING SKILLS OR TECHNOLOGIES THAT ARE UNIQUELY APPLIED TO THOSE PRODUCTS. ECONOMIC BENEFITS CAN BE DERIVED EITHER INHERENTLY, SUCH AS ENVIRONMENTAL REMEDIATION SERVICES, HOME WEATHERIZATION, ENERGY RETROFITTING, AND SOLAR PANEL INSTALLATION, OR RELATIVELY, SUCH AS ORGANIC FOOD PRODUCTION OR PROCESSING, THE PRODUCTION OF SOLAR PANELS, OR THE PRODUCTION OF PARTS FOR WIND TURBINES. EDUCATION AND TRAINING IN GREEN ECONOMY SKILLS IS ENCOURAGED. GREEN ECONOMY BUSINESSES OR ORGANIZATIONS ARE NOT SIMPLY BUSINESSES THAT CONDUCT THEMSELVES IN AN ENVIRONMENTALLY-FRIENDLY MANNER, RATHER, GREEN INNOVATION USES ENHANCE THE LOCAL ECONOMY AND PROVIDE PRODUCTS OR SERVICES WITH AN ENVIRONMENTAL BENEFIT. DESCRIPTIONS OF GREEN

BUSINESSES INCLUDE THE FOLLOWING:

1. **AGRICULTURAL AND NATURAL RESOURCES CONSERVATION: ESTABLISHMENTS IN THIS CATEGORY WORK TO CONSERVE NATURAL RESOURCES OR NATURAL FOOD SYSTEMS.**

2. **EDUCATION AND COMPLIANCE: ESTABLISHMENTS IN THIS CATEGORY ENFORCE OR ASSIST IN THE COMPLIANCE OF ENVIRONMENTAL LAWS OR EDUCATE WORKERS FOR JOBS THAT BENEFIT THE ENVIRONMENT.**

3. **ENERGY AND RESOURCE EFFICIENCY: ESTABLISHMENTS IN THIS CATEGORY MAKE GOODS OR PROVIDE SERVICES THAT INCREASE ENERGY EFFICIENCY.**

4. **GREENHOUSE GAS REDUCTION, ENVIRONMENTAL MANAGEMENT, AND RECYCLING: ESTABLISHMENTS IN THIS CATEGORY MAKE GOODS OR PROVIDE SERVICES THAT INCREASE ENVIRONMENTAL SUSTAINABILITY.**

5. **RENEWABLE ENERGY: ESTABLISHMENTS IN THIS CATEGORY MAKE GOODS OR PROVIDE SERVICES THAT FACILITATE THE USE OF ENERGY FROM RENEWABLE SOURCES.**

GREEN ECONOMY LIGHT INDUSTRIAL USES - GREEN BUSINESSES THAT MANUFACTURE, PREDOMINATELY FROM PREVIOUSLY PREPARED MATERIALS OR FINISHED PRODUCTS OR PARTS, AS WELL AS PROCESS, FABRICATE, ASSEMBLE, TREAT, AND PACKAGE. IT ALSO INCLUDES THE INCIDENTAL STORAGE, SALES, AND DISTRIBUTION OF SUCH PRODUCTS, BUT EXCLUDING BASIC INDUSTRIAL PROCESSING.

GROCERY STORE - A COMMERCIAL ESTABLISHMENT, COMMONLY KNOWN AS A SUPERMARKET, FOOD OR GROCERY STORE, PRIMARILY ENGAGED IN THE RETAIL SALE OF CANNED FOODS AND DRY GOODS, SUCH AS TEA, COFFEE, SPICES, SUGAR, AND FLOUR; FRESH FRUITS AND VEGETABLES; AND FRESH AND PREPARED MEATS, FISH AND POULTRY.

GROSS ACRE - A HORIZONTAL MEASURE OF LAND AREA EQUAL TO FORTY-THREE THOUSAND FIVE HUNDRED SIXTY (43,560) SQUARE FEET.

GROUND COVER - LOW-GROWING PLANTS INCLUDING GRASS THAT FORM A DENSE, EXTENSIVE GROWTH AFTER ONE (1) COMPLETE GROWING SEASON AND TEND TO PREVENT WEEDS AND SOIL EROSION.

GROUND FLOOR - THAT STORY WHICH CONTAINS FINISHED FLOOR AREA CLOSEST TO BUT NOT BELOW GRADE LEVEL. IN CASES IN WHICH THE ONLY STORY WITH FINISHED FLOOR AREA IS BELOW GRADE LEVEL, THAT STORY WITH FINISHED FLOOR AREA CLOSEST TO GRADE LEVEL SHALL BE CONSIDERED THE GROUND FLOOR.

GROUND FLOOR ESTABLISHMENT - A BUILDING OR PORTION THEREOF UNDER SEPARATE OWNERSHIP, LEASE, OR MANAGEMENT, WHICH FRONTS ON AND HAS ACCESS TO A STREET

GROUP DAY CARE HOME - SEE CHILD CARE HOME, GROUP.

GROUP LIVING - RESIDENTIAL OCCUPANCY OF A DWELLING UNIT BY OTHER THAN A HOUSEHOLD AND PROVIDING COMMUNAL FACILITIES; TYPICAL USES INCLUDE ADULT FOSTER CARE FACILITIES, ASSISTED LIVING FACILITIES, NURSING HOMES, AND TRANSITIONAL SHELTERS.

STATE REGULATED GROUP LIVING

- **ADULT FOSTER CARE FACILITY - A FACILITY FOR THE CARE OF ADULTS OVER 18 YEARS OF AGE, AS LICENSED AND REGULATED BY THE STATE OF MICHIGAN; IT INCLUDES FACILITIES AND FOSTER CARE HOMES FOR ADULTS WHO ARE AGED, MENTALLY ILL, DEVELOPMENTALLY DISABLED, OR PHYSICALLY DISABLED WHO REQUIRE SUPERVISION ON AN ONGOING BASIS BUT WHO DO NOT REQUIRE CONTINUOUS NURSING CARE; IT DOES NOT INCLUDE NURSING HOMES, ASSISTED LIVING FACILITIES, HOSPITALS, ALCOHOL OR SUBSTANCE ABUSE REHABILITATION CENTERS, OR RESIDENTIAL CENTERS FOR PERSONS RELEASED FROM OR ASSIGNED TO A CORRECTIONAL FACILITY; THE ORGANIZATIONS SHALL BE DEFINED AS FOLLOWS:**

  - **ADULT FOSTER CARE FAMILY HOME - A STATE LICENSED RESIDENTIAL FACILITY IN A PRIVATE RESIDENCE WITH THE APPROVED CAPACITY TO RECEIVE 6 OR FEWER ADULTS TO BE PROVIDED WITH FOSTER CARE FOR 5 OR MORE DAYS A WEEK AND FOR 2 OR MORE CONSECUTIVE WEEKS. THE ADULT FOSTER CARE FAMILY HOME LICENSEE SHALL BE A MEMBER OF THE HOUSEHOLD, AND AN OCCUPANT OF THE RESIDENCE.**

  - **ADULT FOSTER CARE LARGE GROUP HOME - AN ADULT FOSTER CARE FACILITY WITH THE APPROVED CAPACITY TO RECEIVE THIRTEEN (13) TO TWENTY (20) ADULTS, EXCLUDING LICENSEE**

AND STAFF, TO BE PROVIDED WITH FOSTER CARE.

- **ADULT FOSTER CARE SMALL GROUP HOME - AN ADULT FOSTER CARE FACILITY WITH THE APPROVED CAPACITY OF NOT MORE THAN TWELVE (12) ADULTS, EXCLUDING LICENSEE AND STAFF, WHO ARE PROVIDED WITH FOSTER CARE.**

- **CHILD CARE CENTER - A FACILITY, OTHER THAN A PRIVATE RESIDENCE, RECEIVING ONE OR MORE PRESCHOOL OR SCHOOL AGE CHILDREN FOR CARE FOR PERIODS LESS THAN 24 HOURS A DAY, AND WHERE THE PARENTS OR GUARDIANS ARE NOT IMMEDIATELY AVAILABLE TO THE CHILD; THE TERM INCLUDES A FACILITY THAT PROVIDES CARE FOR NOT LESS THAN 2 CONSECUTIVE WEEKS, REGARDLESS OF THE NUMBER OF HOURS OF CARE PER DAY; THE TERM ALSO INCLUDES ANY FACILITY REFERRED TO AS A DAY CARE CENTER, DAY NURSERY, NURSERY SCHOOL, DROP-IN CENTER, AND PARENT COOPERATIVE PRESCHOOL; A CHILD CARE CENTER DOES NOT INCLUDE A SUNDAY SCHOOL, VACATION BIBLE SCHOOL, OR RELIGIOUS INSTRUCTIONAL CLASS OPERATED BY A RELIGIOUS ORGANIZATION WHERE CHILDREN ARE IN ATTENDANCE FOR NOT GREATER THAN 3 HOURS PER DAY FOR AN INDEFINITE PERIOD OR NOT GREATER THAN 8 HOURS PER DAY FOR LESS THAN ONE MONTH PER YEAR.**

- **CHILD CARE HOME, FAMILY - A PRIVATE HOME IN WHICH ONE (1) TO SIX (6) MINOR CHILDREN RECEIVE CARE AND SUPERVISION. CHILDREN RELATED TO AN ADULT MEMBER OF THE FAMILY BY BLOOD, MARRIAGE OR ADOPTION ARE NOT COUNTED IN THE NUMBER OF CHILDREN ALLOWED. THE TERM INCLUDES A HOME THAT GIVES CARE TO AN UNRELATED MINOR CHILD FOR MORE THAN FOUR (4) WEEKS DURING A CALENDAR YEAR.**

- **CHILD CARE HOME, GROUP – A PRIVATE HOME IN WHICH SEVEN (7) TO TWELVE (12) MINOR CHILDREN RECEIVE CARE AND SUPERVISION. CHILDREN RELATED TO AN ADULT MEMBER OF THE FAMILY BY BLOOD, MARRIAGE OR ADOPTION ARE NOT COUNTED IN THE NUMBER OF CHILDREN ALLOWED. THE TERM INCLUDES A HOME THAT GIVES CARE TO AN UNRELATED MINOR CHILD FOR MORE THAN FOUR (4) WEEKS DURING A CALENDAR YEAR.**

- **ADULT DAY CARE OR DAY SERVICES CENTER - A FACILITY THAT PROVIDES SOCIAL OR RECREATIONAL PROGRAMS, HEALTH SERVICES, SUPERVISION, OR OTHER CARE FOR FUNCTIONALLY OR COGNITIVELY IMPAIRED ADULTS PRINCIPALLY.**

- **CHILD DAY CARE - A PRIVATE HOME OR FACILITY IN WHICH MINOR CHILDREN ARE RECEIVED FOR CARE AND SUPERVISION FOR PERIODS OF LESS THAN TWENTY-FOUR (24) HOURS A DAY, AND WHERE THE PARENTS ARE NOT IMMEDIATELY AVAILABLE TO THE CHILD.**

- **NURSING HOME - A NURSING FACILITY THAT PROVIDES ORGANIZED NURSING CARE AND MEDICAL TREATMENT TO 7 OR MORE INDIVIDUALS SUFFERING OR RECOVERING FROM ILLNESS, INJURY, OR INFIRMITY, INCLUDING A COUNTY MEDICAL CARE FACILITY, BUT EXCLUDING A HOSPITAL OR A FACILITY CREATED BY ACT NO. 152 OF THE PUBLIC ACTS OF 1985, AS AMENDED, BEING SECTIONS 36.1 TO 36.12 OF THE MICHIGAN COMPILED LAWS.**

OTHER GROUP LIVING

- **ASSISTED LIVING FACILITY - A COMBINATION OF HOUSING, SUPPORTIVE SERVICES, PERSONALIZED ASSISTANCE OR HEALTH CARE DESIGNED TO RESPOND TO THE INDIVIDUAL NEEDS OF PERSONS, TYPICALLY THE FRAIL ELDERLY, WHO NEED HELP WITH ACTIVITIES OF DAILY LIVING; SUCH FACILITIES MAY INCLUDE A CENTRAL OR PRIVATE KITCHEN, DINING, RECREATIONAL OR OTHER FACILITIES, WITH SEPARATE BEDROOMS OR LIVING QUARTERS.**

- **FRATERNITY/SORORITY - A STRUCTURE OPERATED BY A CHARTERED FRATERNITY OR SORORITY ORGANIZATION AUTHORIZED BY A UNIVERSITY OR COLLEGE OR OPERATED DIRECTLY BY A COLLEGE OR UNIVERSITY AND USED AS A RESIDENCE AND/OR A DINING AND RECREATIONAL FACILITY FOR MEMBERS OF FRATERNITY OR SORORITY ORGANIZATIONS WHO ARE STUDENTS AT THE AUTHORIZING UNIVERSITY OR COLLEGE.**

- **ROOMING OR BOARDING HOUSE – AN OWNER OCCUPIED HOME WITH NOT MORE THAN FOUR BEDROOMS FOR RENT AND NO INDEPENDENT COOKING FACILITIES IN THE ROOMS.**

- **TRANSITIONAL OR EMERGENCY SHELTER - A RESIDENTIAL FACILITY OPERATED BY A GOVERNMENT AGENCY OR PRIVATE NONPROFIT ORGANIZATION THAT**

PROVIDES TEMPORARY ACCOMMODATIONS AND ON-SITE MANAGEMENT FOR HOMELESS PERSONS OR FAMILIES, OR OTHER PERSONS REQUIRING INTERIM HOUSING ARRANGEMENTS.

HABITABLE FLOOR - ANY FLOOR USABLE FOR LIVING PURPOSES, WHICH INCLUDE WORKING, SLEEPING, EATING, COOKING OR RECREATION, OR A COMBINATION THEREOF; A FLOOR USED ONLY FOR STORAGE PURPOSES IS NOT A "HABITABLE FLOOR".

HEALTH CARE FACILITY - ANY FACILITY OR INSTITUTION THAT PROVIDES MENTAL OR PHYSICAL HEALTH CARE SERVICES, INCLUDING DIAGNOSIS, TREATMENT, REHABILITATION, OR PREVENTIVE CARE, AND THAT ALLOWS OVERNIGHT STAYS.

- **HOSPITAL - A FACILITY PROVIDING MEDICAL, PSYCHIATRIC OR SURGICAL SERVICES FOR SICK OR INJURED PERSONS PRIMARILY ON AN INPATIENT BASIS, INCLUDING ANCILLARY FACILITIES FOR OUTPATIENT AND EMERGENCY TREATMENT, DIAGNOSTIC SERVICES, TRAINING, RESEARCH AND ADMINISTRATION, AND SERVICES TO PATIENTS, EMPLOYEES OR VISITORS.**

- **URGENT CARE FACILITY - CATEGORY OF WALK-IN CLINIC FOCUSED ON THE DELIVERY OF AMBULATORY CARE IN A DEDICATED MEDICAL FACILITY OUTSIDE OF A TRADITIONAL EMERGENCY ROOM. URGENT CARE FACILITIES PRIMARILY TREAT INJURIES OR ILLNESSES REQUIRING IMMEDIATE CARE, BUT NOT SERIOUS ENOUGH TO REQUIRE AN ER VISIT.**

- **CLINIC - AN ESTABLISHMENT PROVIDING MEDICAL, DENTAL, PSYCHIATRIC OR SURGICAL TREATMENT EXCLUSIVELY ON AN OUT-PATIENT BASIS, WITH NO OVERNIGHT STAYS; CLINICS MAY PROVIDE EXAMINATIONS, DIAGNOSTIC SERVICES AND MEDICAL TREATMENT.**

- **RESIDENTIAL REHABILITATION FACILITY - AN ADULT RESIDENTIAL CARE FACILITY OPERATED BY A GOVERNMENT AGENCY OR PRIVATE NONPROFIT ORGANIZATION THAT PROVIDES CARE AND SUPERVISION ON A TWENTY-FOUR (24) HOUR BASIS FOR THE TREATMENT OF MENTAL ILLNESS, ALCOHOL OR SUBSTANCE ABUSE, OR OTHER LONG TERM ILLNESSES ALONG WITH TEMPORARY GROUP LIVING ACCOMMODATIONS; ALSO INCLUDES "HALF-WAY HOUSES" FOR EX- PRISONERS MAKING THE ADJUSTMENT**

FROM PRISON/JAIL TO SELF-SUFFICIENCY.

HEIGHT, BUILDING - SEE BUILDING HEIGHT.

HEIGHT, FENCE OR WALL - THE VERTICAL DISTANCE BETWEEN FINISHED GRADE AND THE HIGHEST POINT OF THE FENCE OR WALL TO THE TOP OF THE FENCE OR WALL.

ATTACHMENT:
DIAGRAM 50-184H (EXHIBIT 114)

HEIGHT, STRUCTURE - THE VERTICAL DISTANCE BETWEEN THE FINISHED GRADE AND THE UPPERMOST PART OF THE STRUCTURE.

HISTORIC STRUCTURE - A BUILDING OR STRUCTURE OF HISTORIC VALUE AS DESIGNATED IN CHAPTER 19 HISTORIC DISTRICT AND HISTORIC DISTRICT COMMISSION OF THE CITY CODE AND/OR DESIGNATED BY THE COUNTY, STATE OR FEDERAL GOVERNMENT AS HISTORIC LANDMARKS OR STRUCTURES.

HOME OCCUPATION OR BUSINESS - AN OCCUPATION THAT IS TRADITIONALLY AND CUSTOMARILY CARRIED ON WITHIN A DWELLING AND THAT IS CLEARLY INCIDENTAL AND SECONDARY TO THE USE OF THE DWELLING AS A RESIDENCE. THE DWELLING SHALL BE OWNER-OCCUPIED AND SERVE AS THE PRIMARY RESIDENCE OF THE OWNER.

HOTEL - A BUILDING OR PART OF A BUILDING, WITH A COMMON ENTRANCE OR ENTRANCES, IN WHICH DWELLING OR ROOMING UNITS ARE USED PRIMARILY FOR TRANSIENT OCCUPANCY, AND IN WHICH ONE OR MORE OF THE FOLLOWING SERVICES ARE OFFERED: MAID SERVICE, FURNISHING OF LINEN, TELEPHONE, SECRETARIAL OR DESK SERVICE, AND BELLBOY SERVICE; A HOTEL MAY INCLUDE A RESTAURANT OR COCKTAIL LOUNGE, PUBLIC BANQUET HALLS, BALLROOMS, OR MEETING ROOMS AS ACCESSORY USES.

IMPERVIOUS SURFACE - ANY HARD-SURFACED, MAN-MADE AREA THAT DOES NOT READILY ABSORB OR RETAIN WATER INCLUDING BUT NOT LIMITED TO BUILDING ROOFS, PARKING AND DRIVEWAY AREAS, GRAVELED AREAS, SIDEWALKS, AND PAVED RECREATIONAL AREAS; SYNONYMOUS WITH NON-PERVIOUS SURFACE.

IMPROVEMENT - ANY BUILDING, STRUCTURE, PLACE, WORK OF ART, OR OTHER OBJECT CONSTITUTING A PHYSICAL BETTERMENT OF REAL PROPERTY, OR ANY PART OF THE BETTERMENT.

INDUSTRIAL PARK - A PLANNED INDUSTRIAL DEVELOPMENT ON A TRACT OF LAND CONTAINING AN INTERNAL ROAD NETWORK SUITABLE FOR TRUCKS AND EMPLOYEE TRAFFIC AND SUPPLIED WITH WATER, SEWER,

ELECTRIC, AND NATURAL GAS LINES.

INTEGRATED COMPLEX - A GROUP OF BUILDINGS CONTAINED WITHIN A SINGLE DEVELOPMENT AND UNDER A SINGLE APPROVED PLAN. AN INTEGRATED COMPLEX MAY SHARE PARKING, SIGNS, ACCESS, AND OTHER SIMILAR FEATURES, WHICH TOGETHER FORM A UNIFIED FUNCTION AND APPEARANCE THAT THE ZONING COORDINATOR DEEMS TO COLLECTIVELY BE A PRINCIPAL USE.

INFILL DEVELOPMENT - NEW DEVELOPMENT OR REDEVELOPMENT OF BUILDINGS AND STRUCTURES ON VACANT OR UNDERUSED LOTS WITHIN AREAS CONTAINING EXISTING STRUCTURES.

INFRASTRUCTURE - PUBLIC OR PRIVATE STRUCTURES THAT SERVE THE COMMON NEEDS OF THE POPULATION, SUCH AS: POTABLE WATER SYSTEMS; WASTE WATER DISPOSAL SYSTEMS, SOLID WASTE DISPOSAL SITES OR RETENTION AREAS; STORM DRAINAGE SYSTEMS; ELECTRIC, GAS, TELEPHONE, CABLE, AND OTHER UTILITIES; BRIDGES; ROADWAYS; BICYCLE PATHS AND TRAILS; PEDESTRIAN SIDEWALKS, PATHS AND TRAILS; AND TRANSIT STOPS.

KENNEL -SEE ANIMAL SERVICES, KENNEL.

LANDSCAPING - THE TREATMENT OF THE GROUND SURFACE WITH LIVE PLANT MATERIALS SUCH AS, BUT NOT LIMITED TO, GRASS, GROUND COVER, TREES, SHRUBS, VINES AND OTHER LIVE PLANT MATERIAL; IN ADDITION, A LANDSCAPE DESIGN MAY INCLUDE OTHER DECORATIVE NATURAL MATERIALS, SUCH AS WOOD CHIPS, BOULDERS OR MULCH; STRUCTURAL FEATURES SUCH AS FOUNTAINS, POOLS, STATUES AND BENCHES SHALL ALSO BE CONSIDERED A PART OF LANDSCAPING IF PROVIDED IN COMBINATION WITH LIVE PLANT MATERIAL.

- **BERM - AN ELONGATED EARTHEN MOUND CAPABLE OF SUPPORTING LIVE LANDSCAPING MATERIALS TYPICALLY BUILT TO SEPARATE, SCREEN, OR BUFFER ADJACENT USES.**

- **HEDGE - A ROW OR ROWS OF CLOSELY PLANTED SHRUBS, BUSHES, OR COMBINATION THEREOF CREATING A VEGETATIVE BARRIER.**

- **SCREEN OR SCREENING. A METHOD OF VISUALLY SHIELDING OR OBSCURING AN ABUTTING OR NEARBY STRUCTURE OR USE FROM ANOTHER BY FENCING, WALLS, BERMS, GATES, PARAPETS, PENTHOUSE ENCLOSURES, FEATURES OF A BUILDING, OR PLANTINGS OF SUFFICIENT HEIGHT, LENGTH, AND OPACITY TO FORM A VISUAL BARRIER; IF**

THE SCREEN IS COMPOSED OF NON-LIVING MATERIAL, SUCH MATERIAL SHALL BE COMPATIBLE WITH MATERIALS USED IN CONSTRUCTION OF THE MAIN BUILDING, BUT IN NO CASE SHALL INCLUDE WIRE FENCING.

- **TREE - A SELF-SUPPORTING WOODY, DECIDUOUS, OR EVERGREEN PLANT WHICH AT MATURITY IS FIFTEEN (15) FEET OR MORE IN HEIGHT WITH AN ERECT PERENNIAL TRUNK AND HAVING A DEFINITE CROWN OF FOLIAGE.**
  - **TREE, CANOPY (DECIDUOUS) - A DECIDUOUS TREE WHICH HAS A HEIGHT OF TWENTY-FIVE (25) FEET OR MORE, WITH BRANCH STRUCTURES THAT PROVIDE FOLIAGE PRIMARILY ON THE UPPER HALF OF THE TREE AND PROVIDE SHADE BENEATH THE TREE.**
  - **TREE, DECIDUOUS - A TREE THAT SHEDS ITS FOLIAGE AT THE END OF THE GROWING SEASON.**
  - **TREE, EVERGREEN - A TREE THAT HAS FOLIAGE THAT PERSISTS AND REMAINS GREEN THROUGHOUT THE YEAR.**
  - **TREE, ORNAMENTAL (DECIDUOUS) - A DECIDUOUS TREE THAT IS TYPICALLY GROWN BECAUSE OF ITS SHAPE, FLOWERING CHARACTERISTICS OR OTHER ATTRACTIVE FEATURES AND TYPICALLY GROWS TO A MATURE HEIGHT OF TWENTY-FIVE (25) FEET OR LESS; SUCH TREE IS SOMETIMES KNOWN AS AN UNDERSTORY TREE.**
- **TREE, HEIGHT - WHERE A MINIMUM HEIGHT IS SPECIFIED FOR A DECIDUOUS OR EVERGREEN TREE, THE HEIGHT SHALL BE MEASURED FROM THE TOP OF THE TREE TO THE SURROUNDING GROUND ELEVATION OR TOP OF THE ROOT BALL (LOCATION WHERE FABRIC CONTAINING THE TREE'S ROOT SYSTEM MEETS THE EXPOSED TRUNK).**

<u>ATTACHMENT</u>:
DIAGRAM 50-1841 (EXHIBIT 115)

- **TRELLIS - AN OUTDOOR GARDEN FRAME USED TO PARTITION AN AREA AND/OR AS A SUPPORT FOR VINES OR OTHER CLIMBING PLANTS.**

LAND USE PLAN - THE FUTURE LAND USE MAP IN THE CITY OF FLINT MASTER PLAN, SEE CHAPTER 4.

LEED CERTIFIED - THE LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM IS A VOLUNTARY,

CONSENSUS-BASED NATIONAL STANDARD FOR DEVELOPING HIGH-PERFORMANCE, SUSTAINABLE BUILDINGS.

LIGHTING -

- **AVERAGE ILLUMINATION LEVELS - THE OVERALL AVERAGE OF ALL POINTS ON THE SURFACE OF THE ILLUMINATED AREA INCLUDING THE BRIGHTEST AND THE DIMMEST POINTS.**

- **CUT-OFF-ANGLE - THE ANGLE BETWEEN THE VERTICAL AXIS OF A LUMINAIRE AND THE FIRST LINE OF SIGHT (OF A LUMINAIRE) AT WHICH THE LIGHT SOURCE IS NO LONGER VISIBLE.**

<u>ATTACHMENT</u>:
DIAGRAM 50-184J (EXHIBIT 116)

- **CUT-OFF FIXTURES - CUT-OFF FIXTURES CONTROL GLARE BY DIRECTING LIGHT WELL BELOW THE HORIZON, OUT OF THE VIEWER'S LINE OF SIGHT.**

- **DIRECT LIGHT - LIGHT EMITTED DIRECTLY BY A LAMP, OFF A REFLECTOR, OR THROUGH A REFRACTOR OF A LUMINAIRE.**

- **FIXTURE - THE ASSEMBLY THAT HOLDS A LAMP AND MAY INCLUDE AN ASSEMBLY HOUSING, A MOUNTING BRACKET OR POLE SOCKET, A LAMP HOLDER, A BALLAST, A REFLECTOR OR MIRROR, AND A REFRACTOR OR LENS.**

- **FLOODLIGHT - A LIGHT FIXTURE DESIGNED TO LIGHT A SCENE OR OBJECT TO A LEVEL GREATER THAN ITS SURROUNDINGS; THE BEAM OF FLOODLIGHTS MAY RANGE FROM NARROW FIELD ANGLES OF TEN (10) DEGREES TO WIDE ANGLES (MORE THAN ONE HUNDRED (100) DEGREES).**

- **FLUSH MOUNTED OR RECESSED LUMINAIRE - A LUMINAIRE THAT IS MOUNTED ABOVE A CEILING (OR BEHIND A WALL OR OTHER SURFACE) WITH THE OPENING OF THE LUMINAIRE LEVEL WITH THE SURFACE.**

- **FOOT-CANDLE - A MEASURE OF LIGHT FALLING ON A GIVEN SURFACE. ONE (1) FOOT-CANDLE IS EQUAL TO THE AMOUNT OF LIGHT GENERATED BY ONE (1) CANDLE SHINING ON A SQUARE FOOT SURFACE ONE (1) FOOT AWAY; FOOT-CANDLE MAY BE MEASURED BOTH HORIZONTALLY AND VERTICALLY BY A LIGHT METER.**

- **GLARE - THE CONDITION THAT RESULTS FROM INSUFFICIENTLY SHIELDED LIGHT SOURCES OR AREAS OF EXCESSIVE LIGHT WITHIN THE FIELD OF VIEW.**

- **LAMP - THE COMPONENT OF A LUMINAIRE THAT PRODUCES THE ACTUAL LIGHT INCLUDING LUMINOUS TUBE LIGHTING.**

- **LIGHT POLLUTION - ARTIFICIAL LIGHT WHICH CAUSES A DETRIMENTAL EFFECT ON THE ENVIRONMENT, ENJOYMENT OF THE NIGHT SKY OR CAUSES UNDESIRABLE GLARE OR UNNECESSARY ILLUMINATION OF ADJACENT PROPERTIES OR USES.**

- **LIGHT SHIELD - ANY ATTACHMENT WHICH INTERRUPTS AND BLOCKS THE PATH OF LIGHT EMITTED FROM A LUMINAIRE OR FIXTURE.**

- **LUMINAIRE - THE COMPLETE LIGHTING SYSTEM, INCLUDING THE LAMP AND THE FIXTURE.**

- **LUMINAIRE, FULL CUT-OFF - A LUMINAIRE THAT ALLOWS NO DIRECT LIGHT EMISSIONS ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE'S LOWEST LIGHT-EMITTING PART.**

- **LUMEN - A MEASURE OF LIGHT ENERGY GENERATED BY A LIGHT SOURCE; MANUFACTURERS LIST LUMEN RATINGS FOR ALL THEIR LAMPS; AVERAGE LUMEN LEVELS ARE SLIGHTLY LOWER THAN INITIAL LUMEN RATINGS.**

- **MAXIMUM TO MINIMUM ILLUMINATION RATIO - THE RATIO OF THE MAXIMUM ILLUMINATION LEVEL TO THE MINIMUM LEVEL.**

- **MOUNTING HEIGHT - THE VERTICAL DISTANCE BETWEEN THE SURFACE TO BE ILLUMINATED AND THE BOTTOM OF THE LIGHT SOURCE.**

<u>ATTACHMENT</u>:
DIAGRAM 50-184K (EXHIBIT 117)

- **LIGHTING, PEDESTRIAN-SCALE - DEVICES INTENDED TO PROVIDE OUTDOOR LIGHTING THAT ARE LOWER IN HEIGHT THAN TYPICAL STREET LIGHTING AND LOCATED PROXIMATE TO PEDESTRIAN AREAS SUCH AS SIDEWALKS, OPEN SPACE AREAS OR PLAZAS.**

- **UNIFORMITY RATIO - THE RATIO OF AVERAGE ILLUMINATION TO MINIMUM ILLUMINATION.**

LIQUOR STORE - A RETAIL ESTABLISHMENT PRIMARILY ENGAGED IN SELLING BEER, WINE, AND OTHER ALCOHOLIC BEVERAGES, WHICH MAY SPECIALIZE IN A PARTICULAR TYPE OF ALCOHOLIC BEVERAGE (E.G., WINE SHOPS).

LIVE-WORK DWELLING UNIT - SEE DWELLING UNIT-LIVE/WORK.

LOT - A PARCEL OF LAND PERMITTED BY LAW TO BE USED, OCCUPIED OR INTENDED TO BE OCCUPIED BY ONE OR MORE MAIN BUILDINGS OR STRUCTURES AND ACCESSORY STRUCTURES, TOGETHER WITH SUCH YARDS AND OPEN SPACES

REQUIRED BY THIS CHAPTER, AND HAVING ITS PRINCIPAL FRONTAGE UPON A PUBLIC OR APPROVED PRIVATE STREET; A LOT MAY OR MAY NOT BE SPECIFICALLY DESIGNATED AS SUCH ON PUBLIC RECORDS; A LOT MAY INCLUDE A CONDOMINIUM UNIT AND ANY LIMITED COMMON ELEMENT UNDER AND SURROUNDING THE CONDOMINIUM UNIT, WHICH TOGETHER MEET THE MINIMUM YARD AND AREA REQUIREMENTS OF THIS CHAPTER.

- **LOT AREA - THE TOTAL AREA INCLUDED WITHIN LOT LINES; WHERE A LOT LINE LIES IN PART OF A STREET, THE LOT AREA SHALL NOT INCLUDE THAT PART OF THE LOT IN THE STREET PROPER.**

- **LOT, CORNER - A LOT WHERE THE INTERIOR ANGLE OF TWO ADJACENT SIDES AT THE INTERSECTION OF TWO STREETS IS LESS THAN ONE HUNDRED THIRTY-FIVE (135) DEGREES. A LOT ABUTTING A CURVED STREET SHALL BE CONSIDERED A CORNER LOT FOR THE PURPOSES OF THIS CHAPTER IF THE ARC IS OF A SMALLER RADIUS THAN ONE HUNDRED AND FIFTY (150) FEET AND THE TANGENTS TO THE CURVE, AT THE TWO POINTS WHERE THE LOT LINES MEET THE CURVE OR THE STRAIGHT STREET LINE EXTENDED, FORM AN INTERIOR ANGLE OF LESS THAN ONE HUNDRED THIRTY-FIVE (135) DEGREES.**

- **LOT COVERAGE - THE PART OR PERCENT OF THE LOT AREA OCCUPIED BY STRUCTURES. LOT DEPTH. FOR AN INTERIOR LOT, THE HORIZONTAL DISTANCE BETWEEN THE FRONT AND REAR LOT LINES, MEASURED ALONG THE MIDPOINT BETWEEN THE SIDE LOT LINES; FOR A CORNER LOT, THE HORIZONTAL DISTANCE BETWEEN THE WIDER OF THE TWO DIMENSIONS BETWEEN THE FRONT LOT LINE AND THE SIDE LOT LINE.**

<u>ATTACHMENT</u>:
DIAGRAM 50-184L (EXHIBIT 118)

- **LOT, FRONTAGE - THE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES MEASURED AT THE POINT WHERE THE SIDE LOT LINES INTERSECT WITH THE STREET RIGHT-OF-WAY; ALL SIDES OF A LOT THAT ABUT A STREET SHALL BE CONSIDERED FRONTAGE; ON CURVILINEAR STREETS, THE ARC BETWEEN THE SIDE LOT LINES SHALL BE CONSIDERED THE LOT FRONTAGE.**

- **LOT, DOUBLE FRONTAGE - ANY INTERIOR LOT HAVING FRONTAGE ON TWO APPROXIMATELY PARALLEL STREETS AS DISTINGUISHED FROM A CORNER LOT; SEE "LOT, THROUGH."**

<u>ATTACHMENT</u>:
DIAGRAM 50-184M (EXHIBIT 119)

- **LOT, FLAG - A LOT NOT MEETING MINIMUM FRONTAGE REQUIREMENTS AND WHERE ACCESS TO THE PUBLIC ROAD IS BY A NARROW, PRIVATE RIGHT-OF-WAY OR DRIVEWAY.**

ATTACHMENT:
DIAGRAM 50-184N (EXHIBIT 120)

- **LOT, INTERIOR - ANY LOT OTHER THAN A CORNER LOT.**

- **LOT, WATERFRONT - ANY LOT WHICH DIRECTLY ABUTS A NATURAL WATER BODY.**

LOT LINES - THE PROPERTY LINES BOUNDING A LOT AS DEFINED HEREIN:

- **FRONT LOT LINE - THE SIDE OF A LOT THAT ABUTS A PUBLIC STREET; FOR CORNER LOTS, THE FRONT IS THE SHORTEST SIDE THAT ABUTS A STREET; WHERE BUILDINGS EXIST ON THE LOT, THE LOT FRONT MAY BE ESTABLISHED BY THE ORIENTATION OF THE BUILDINGS; IN THE CASE OF A ROW OF DOUBLE FRONTAGE LOTS, ALL SIDES OF SUCH LOTS ADJACENT TO STREETS SHALL BE CONSIDERED FRONT YARDS AND SHALL MEET THE REQUIREMENTS FOR BOTH FRONTAGES.**

- **REAR LOT LINE - THE LOT BOUNDARY OPPOSITE AND MOST DISTANT FROM THE FRONT LOT LINE; IN THE CASE OF IRREGULARLY SHAPED LOTS, A LINE 10-FEET IN LENGTH PARALLEL TO AND AT THE MAXIMUM DISTANCE FROM THE FRONT LOT LINE THAT IS ENTIRELY WITHIN THE LOT SHALL BE CONSIDERED THE REAR LOT LINE FOR THE PURPOSE OF DETERMINING REQUIRED REAR YARD SPACING.**

- **SIDE LOT LINE - ANY LOT LINE NOT A FRONT OR REAR LOT LINE; A SIDE LOT LINE SEPARATING A LOT FROM A STREET IS A SIDE STREET LOT LINE; A SIDE LOT LINE SEPARATING A LOT FROM ANOTHER LOT OR LOTS IS AN INTERIOR SIDE LOT LINE.**

ATTACHMENT:
DIAGRAM 50-184O (EXHIBIT 121)

LOT WIDTH - FOR AN INTERIOR LOT, LOT WIDTH IS THE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES, MEASURED AT RIGHT ANGLES TO THE LOT DEPTH AT A POINT MIDWAY BETWEEN THE FRONT AND REAR LOT LINES; FOR A CORNER LOT, LOT WIDTH IS THE HORIZONTAL DISTANCE BETWEEN THE NARROWER OF THE TWO DIMENSIONS BETWEEN THE FRONT LOT LINE AND THE OPPOSITE SIDE LOT LINE.

ATTACHMENT:
DIAGRAM 50-184P (EXHIBIT 122)

LOT OF RECORD - A PARCEL OF LAND, THE DIMENSIONS OF WHICH ARE SHOWN ON A DOCUMENT OR MAP ON FILE WITH THE COUNTY REGISTER

OF DEEDS; A LOT WHICH ACTUALLY EXISTS IN A SUBDIVISION PLAT AS SHOWN ON THE RECORDS OF THE COUNTY REGISTER OF DEEDS; OR A LOT OR PARCEL DESCRIBED BY METES AND BOUNDS, THE DESCRIPTION OF WHICH HAS BEEN SO RECORDED.

LOT, ZONING - A SINGLE TRACT OF LAND, LOCATED WITHIN A SINGLE BLOCK, WHICH, AT THE TIME OF FILING FOR A ZONING PERMIT, IS DESIGNATED BY ITS OWNER OR DEVELOPER AS A TRACT TO BE USED, DEVELOPED, OR BUILT UPON AS A UNIT, UNDER SINGLE OWNERSHIP OR CONTROL; A ZONING LOT SHALL SATISFY THIS ORDINANCE WITH RESPECT TO AREA, SIZE, DIMENSIONS, AND FRONTAGE AS REQUIRED IN THE DISTRICT IN WHICH THE ZONING LOT IS LOCATED. A ZONING LOT, THEREFORE, MAY NOT COINCIDE WITH A LOT OF RECORD AS FILED WITH THE COUNTY REGISTER OF DEEDS, BUT MAY INCLUDE ONE OR MORE LOTS OF RECORD THAT SHARE THE SAME ZONE DISTRICT; THREE OR MORE ADJACENT LOTS MAY ONLY BE TREATED AS A ZONING LOT IF THEY CANNOT BE COMBINED INTO ONE TAX PARCEL BY THE CITY.

LOT, VACANT – SINGLE PARCEL OR TRACT OF LAND THAT CONTAINS NO BUILDING OR STRUCTURE.

MAIN BUILDING - A BUILDING IN WHICH THE PRINCIPAL USE OF THE LOT IS CONDUCTED; SYNONYMOUS WITH PRINCIPAL BUILDING.

MANUFACTURED HOUSE (HOME) - SEE DWELLING, MANUFACTURED HOME.

MANUFACTURING AND PRODUCTION, HEAVY – LARGE SCALE, RESOURCE INTENSIVE MANUFACTURING, INDUSTRIAL AND PRODUCTION USES. THESE USES TEND TO INVOLVE HIGH LEVELS OF HEAVY MACHINERY IN THEIR PROCESSES, WHICH MAY PRODUCE NOISE, ODOR, SMOKE, HEAT AND VIBRATION THAT CANNOT BE CONTAINED COMPLETELY WITHIN THE BUILDING. EXAMPLES INCLUDE BUT ARE NOT LIMITED TO: ASSEMBLY PLANTS, MEAT PACKAGING, FOUNDRIES, AND OTHER FACILITIES THAT HAVE THE POTENTIAL FOR A HIGH LEVEL OF POLLUTANTS OR OTHER EXTERNALITIES.

MANUFACTURING AND PRODUCTION, LIGHT – THE MANUFACTURING FROM PREVIOUSLY PREPARED MATERIALS OF FINISHED PRODUCTS OR PARTS, INCLUDING PROCESSING, FABRICATION, ASSEMBLY, TREATMENT AND PACKAGING OF SUCH PRODUCTS, AND INCIDENTAL STORAGE, SALES AND DISTRIBUTION OF SUCH PRODUCTS, PROVIDED ALL MANUFACTURING ACTIVITIES ARE CONTAINED ENTIRELY WITHIN A BUILDING, AND NOISE,

ODOR, SMOKE, HEAT, GLARE, AND VIBRATION RESULTING FROM THE INDUSTRIAL ACTIVITY ARE CONFINED ENTIRELY WITHIN THE BUILDING.

MARIHUANA, ALSO KNOWN AS MARIJUANA, ALSO KNOWN AS CANNABIS - THAT TERM SHALL HAVE THE MEANING GIVEN TO IT IN SECTION 7601 OF THE MICHIGAN PUBLIC HEALTH CODE, 1978 PAS 368, MCL 333.7106, AS IS REFERRED TO IN SECTION 3(D) OF THE MICHIGAN MEDICAL MARIHUANA ACT, P.A. 2008, INITIATED LAW, MCL 333.26423(D); ANY OTHER TERM PERTAINING TO MARIHUANA USED IN THIS CHAPTER AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANING GIVEN TO IT IN THE MICHIGAN MEDICAL MARIHUANA ACT AND/OR IN THE GENERAL RULES OF THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH ISSUED IN CONNECTION WITH THAT ACT.

- **PROVISIONING CENTER – ANY BUILDING, STRUCTURE, OR LOT WHERE MORE THAN 25% IS USED TO CULTIVATE MARIHUANA, OR ANY BUILDING, STRUCTURE, OR LOT WHERE THREE OR MORE CAREGIVERS ARE CULTIVATING, STORING, DELIVERING, TRANSFERRING, OR PROVIDING QUALIFYING PATIENTS WITH MEDICAL MARIHUANA**

- **PRIMARY CAREGIVER – A PERSON WHO IS AT LEAST 21 YEARS OLD AND HAS AGREED TO ASSIST WITH A PATIENT'S USE OF MEDICAL MARIHUANA AND WHO HAS NEVER BEEN CONVICTED OF A FELONY INVOLVING ILLEGAL DRUGS.**

- **QUALIFYING PATIENT – PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN A DEBILITATING MEDICAL CONDITION.**

MARQUEE - SEE AWNING.

MASTER PLAN - THE MASTER PLAN FOR THE CITY OF FLINT, INCLUDING APPROPRIATE GRAPHIC AND WRITTEN MATERIALS REGARDING THE PHYSICAL DEVELOPMENT OF THE CITY; THE TERM "MASTER PLAN" INCLUDES ANY UNIT OR PART OF THE PLAN AND ANY AMENDMENT TO THE PLAN OR PARTS THEREOF.

MATERIAL SALVAGE, RECYCLING, AND PROCESSING -

- **MATERIAL RECEIVING AND RECYCLING - THE PROCESS OF RECEIVING MATERIALS SALVAGED AND DELIVERED FROM ANOTHER LOCATION, AND THE PROCESS OF RECYCLING SAID PRODUCTS FOR THE PURPOSES OF REUSE.**

- **MATERIAL SALVAGE AND PROCESSING - THE PROCESS OF DISASSEMBLING PRODUCTS IN ORDER TO ISOLATE OR MINE THEIR INDIVIDUAL COMPONENTS**

FOR THE PURPOSE OF REUSE, RESALE, OR RECYCLING.

- **RECYCLING COLLECTION STATION. A FACILITY FOR THE COLLECTION AND TEMPORARY STORAGE OF RECYCLABLE MATERIALS LIMITED TO ALUMINUM CANS, STEEL CANS, GLASS, PAPER, PLASTICS, AND HOUSEHOLD AND INDUSTRIAL METALS FROM HOUSEHOLD USE.**

- **SALVAGE, MATERIALS - A PLACE WHERE WASTE, DISCHARGED OR SALVAGED MATERIALS ARE BOUGHT, SOLD, EXCHANGED, BALED, PACKED, DISASSEMBLED OR HANDLED, INCLUDING AUTO WRECKING YARDS, HOUSE WRECKING YARDS, USED LUMBER YARDS AND PLACES OR YARDS FOR STORAGE OF SALVAGED HOUSE WRECKING AND STRUCTURAL STEEL MATERIALS AND EQUIPMENT; BUT NOT INCLUDING SUCH PLACES WHERE SUCH USES ARE CONDUCTED ENTIRELY WITHIN A COMPLETELY ENCLOSED BUILDING AND NOT INCLUDING VEHICLE TOW YARDS AND IMPOUND LOTS, PAWN SHOPS AND ESTABLISHMENTS FOR THE SALE, PURCHASE OR STORAGE OF USED FURNITURE AND HOUSEHOLD EQUIPMENT, USED CARS IN OPERABLE CONDITION OR SALVAGED MATERIALS INCIDENTAL TO MANUFACTURING OPERATIONS.**

MDEQ - MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, INCLUDING ANY SUCCESSOR AGENCY; ALSO KNOWN AS DEQ OR DEPARTMENT OF ENVIRONMENTAL QUALITY.

MDOT - MICHIGAN DEPARTMENT OF TRANSPORTATION, INCLUDING ANY SUCCESSOR AGENCY.

MEZZANINE - AN INTERMEDIATE LEVEL OR LEVELS IN ANY STORY WITH AN AGGREGATE FLOOR AREA OF NOT MORE THAN ONE-THIRD OF THE FLOOR AREA OF THE ROOM OR SPACE IN WHICH IT IS LOCATED.

MIXED-USE - A BUILDING THAT CONTAINS AT LEAST ONE FLOOR DEVOTED TO ALLOWED NONRESIDENTIAL USES AND AT LEAST ONE DEVOTED TO ALLOWED RESIDENTIAL USES.

MLCC - MICHIGAN LIQUOR CONTROL COMMISSION, INCLUDING ANY SUCCESSOR AGENCY; SYNONYMOUS WITH LCC.

MOTEL - A SERIES OF ATTACHED, SEMI-DETACHED OR DETACHED RENTAL UNITS WITH INDIVIDUAL ENTRANCES PROVIDING CONVENIENT ACCESS TO OFF-STREET PARKING AREAS AND THAT ARE RENTED FOR OVERNIGHT LODGING PRIMARILY TO THE PUBLIC TRAVELING BY MOTOR VEHICLE.

MUNICIPALITY - THE CITY OF FLINT.

MUNICIPAL PLANNING ACT, OR PLANNING ACT - MICHIGAN PLANNING ENABLING ACT – PA 33 OF 2008.

NEW CONSTRUCTION - STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

NIGHT CLUB - AN ESTABLISHMENT ENGAGED PRIMARILY IN OFFERING ENTERTAINMENT TO THE GENERAL PUBLIC, IN THE FORM OF MUSIC FOR DANCING OR LIVE AND RECORDED PERFORMANCES. THE ESTABLISHMENT MAY OR MAY NOT ENGAGE IN THE PREPARATION AND RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.

NONCONFORMING, NONCONFORMITY. AN EXISTING USE, STRUCTURE OR BUILDING, LOT OR SIGN LAWFULLY EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENTS THERETO THAT DOES NOT CONFORM WITH ONE OR MORE PROVISIONS OF THIS CHAPTER.

- **NONCONFORMING BUILDING - A BUILDING OR PORTION THEREOF LAWFULLY EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE THAT DOES NOT CONFORM TO THE REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.**
- **NONCONFORMING LOT - ANY LOT, OUTLOT, OR PARCEL OF LAND WHICH, THROUGH A CHANGE IN THE LAW, NO LONGER CONFORMS TO THE PROVISIONS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.**
- **NONCONFORMING USE - A USE THAT WAS VALID WHEN BEGUN BUT WHICH, THROUGH A CHANGE IN THE LAW, NO LONGER CONFORMS TO THE REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS CARRIED ON.**

NON-RESIDENTIAL USE - A USE OF A LOT, STRUCTURE OR BUILDING BY A COMMERCIAL, GOVERNMENTAL OR INSTITUTIONAL, INDUSTRIAL OR TRANSPORTATION, OR OTHER USE THAT IS NOT SUITABLE OR INTENDED TO BE USED FOR HUMAN HABITATION.

OPEN AIR BUSINESS USE - ANY RETAIL BUSINESS THAT SELLS GOODS THAT ARE DISPLAYED OR OTHERWISE MERCHANDISED OUTSIDE AN ENCLOSED BUILDING, INCLUDING AUTOMOBILE SALES AREAS, NURSERIES, PARKING LOT SALES, CAMPER SALES, AND OTHER SIMILAR USES.

OPEN SPACE – AN AREA OF LAND DEVELOPED AND WATERWAYS GENERALLY FREE FROM DEVELOPMENT OR DEVELOPED

FOR USES THAT RESPECT NATURAL ENVIRONMENTAL CHARACTERISTICS AND PROMOTE SCENIC ENJOYMENT, OUTDOOR PASSIVE OR ACTIVE RECREATIONAL ACTIVITIES, AND/OR CONSERVATION OF NATURAL RESOURCES OR WATER MANAGEMENT. OPEN SPACES MAY BE ENHANCED WITH LANDSCAPING, SPECIALIZED STRUCTURES, AND OTHER FEATURES AND AMENITIES THAT PROMOTE PASSIVE OR ACTIVE RECREATIONAL ACTIVITIES, OR LEFT UNDEVELOPED TO PROMOTE CONSERVATION OR WATER MANAGEMENT.

- **COMMUNITY CENTER - A GOVERNMENT OR NONPROFIT FACILITY USED FOR RECREATIONAL, SOCIAL, EDUCATIONAL, CULTURAL, OR ADVISORY SERVICES AND ACTIVITIES; SERVICES MAY BE TARGETED TO CERTAIN POPULATIONS (E.G. YOUTH, SENIORS) BUT MEMBERSHIP IS AVAILABLE TO THE GENERAL PUBLIC; EXAMPLES OF SERVICES INCLUDE BUT ARE NOT LIMITED TO: PARENTING CLASSES, COUNSELING, TAX ASSISTANCE, HEALTH AND FITNESS TRAINING, SENIOR MEALS, AND AFTER-SCHOOL TUTORING SESSIONS; THIS USE DOES NOT INCLUDE ANY FACILITY THAT MEETS THE DEFINITION OF A SCHOOL, RELIGIOUS INSTITUTION, PUBLIC ASSEMBLY FACILITY, OR SOCIAL OR SERVICE CLUB,**

- **CONSERVATION AREA – THE PORTIONS OF A SITE THAT CONTAIN SENSITIVE NATURAL FEATURES TO BE PROTECTED THROUGH OPEN SPACE SET ASIDE OR DEDICATION**

- **NON-MOTORIZED TRAIL - AN ACCESS WAY, EITHER PAVED OR UNPAVED, THAT IS INTENDED TO SERVE MULTIPLE MODES OF TRAVEL INCLUDING WALKING, JOGGING, BICYCLING, OR OTHER FORMS OF NON-MOTORIZED TRANSPORT.**

- **PARK - LAND DEDICATED WITHIN THE CITY OF FLINT FOR RECREATIONAL USE BY THE PUBLIC AT LARGE.**

- **RECREATION FACILITY - A PLACE, AREA OR STRUCTURE DESIGNED AND EQUIPPED FOR THE CONDUCT OF SPORT, LEISURE TIME ACTIVITIES AND OTHER CUSTOMARY AND USUAL RECREATIONAL ACTIVITIES.**

OUTDOOR DISPLAY - MERCHANDISE DISPLAYED FOR PUBLIC VIEWING IN ANY SPACE WHICH IS NOT ENCLOSED, INCLUDED BUT NOT LIMITED TO: BALCONIES, PATIOS, TERRACES, WALKWAYS, PARKING AREAS, LAWNS, OR GARDENS.

OUTDOOR SEATING - AN UNENCLOSED AREA WHERE SEATING IS PROVIDED IN ASSOCIATION WITH A

COMMERCIAL USE, INCLUDED BUT NOT LIMITED TO: BALCONIES, PATIOS, TERRACES, WALKWAYS, PARKING AREAS, LAWNS, OR GARDENS.

OUTDOOR STORAGE - THE KEEPING OF ANY EQUIPMENT, GOODS, JUNK, MATERIALS, MERCHANDISE, OR VEHICLES IN THE SAME PLACE OUTSIDE AN ENCLOSED BUILDING OR STRUCTURE FOR MORE THAN 24 HOURS; THIS SHALL NOT INCLUDE THE DISPLAY OF VEHICLES OR EQUIPMENT FOR SALE ON A SALES LOT.

OVERHEAD WALKWAY - A PEDESTRIAN CONNECTION BETWEEN STRUCTURES LOCATED OVER A PUBLIC STREET.

OWNER - ANY PERSON HAVING LEGAL OR EQUITABLE INTEREST IN A PROPERTY OR IN REAL IMPROVEMENTS UPON A PROPERTY, SOLELY, JOINTLY, BY THE ENTIRETIES, OR IN COMMON; OWNER SHALL ALSO MEAN ANY PERSON WHO HAS BEEN EMPOWERED TO ACT ON BEHALF OF, OR AS AGENT OF THE OWNER; FOR THE PURPOSES OF ENFORCEMENT, OWNER SHALL ALSO MEAN ANY PERSON WHO HAS OR EXERCISES CARE, CUSTODY, DOMINION OR CONTROL OVER ANY PROPERTY.

OWNERSHIP, COMMON (RELATED TO ABUTTING NONCONFORMING LOTS) - FOR ANY TWO (2) OR MORE NONCONFORMING LOTS OF RECORD OR COMBINATION OF LOTS AND PORTIONS OF LOTS OF RECORD, IN EXISTENCE AT THE TIME OF THE PASSAGE OF THIS CHAPTER, OR AN AMENDMENT THERETO, THE LANDS INVOLVED SHALL BE CONSIDERED TO BE AN UNDIVIDED PARCEL FOR THE PURPOSES OF THIS CHAPTER IF THEY:

- **ARE IN COMMON OWNERSHIP;**
- **ARE ABUTTING EACH OTHER OR HAVE CONTINUOUS FRONTAGE, AND**
- **INDIVIDUALLY DO NOT MEET THE LOT WIDTH OR LOT AREA REQUIREMENTS OF THIS CHAPTER.**

OWNERSHIP, SINGLE - HOLDING RECORD TITLE, POSSESSION UNDER A CONTRACT TO PURCHASE OR POSSESSION UNDER A LEASE BY A PERSON, FIRM, CORPORATION OR PARTNERSHIP, INDIVIDUALLY, JOINTLY, IN COMMON OR IN ANY OTHER MANNER WHERE THE PROPERTY IS OR WILL BE UNDER UNITARY OR UNIFIED CONTROL.

PACKAGE GOODS STORE - A RETAIL ESTABLISHMENT LICENSED BY THE STATE OF MICHIGAN FOR THE SALE OF BEER, WINE, LIQUOR AND OTHER ALCOHOLIC BEVERAGES (ALSO KNOWN AS PACKAGE GOODS) FOR CONSUMPTION OFF THE PREMISES, WHERE THE PACKAGE GOODS SALES AREA COMPRISES FIFTY (50) PERCENT

OR MORE OR THE TOTAL SALES AREA. ALSO KNOWN AS LIQUOR STORE OR PARTY STORE.

PARCEL – SEE LOT.

PATIO - A LEVEL, SURFACED AREA DIRECTLY ADJACENT TO A PRINCIPAL BUILDING WHICH IS NOT MORE THAN TWELVE (12) INCHES ABOVE AVERAGE GRADE, AND WITHOUT WALLS OR A ROOF.

PEDESTRIAN - A PERSON TRAVELING ON FOOT UNDER THEIR OWN POWER; FOR THE PURPOSES OF THIS CHAPTER, THE TERM PEDESTRIAN SHALL ALSO INCLUDE A WHEELCHAIR USER.

PERSONAL SERVICE ESTABLISHMENT - A COMMERCIAL ESTABLISHMENT PRIMARILY ENGAGED IN PROVIDING SERVICES GENERALLY TO INDIVIDUALS INVOLVING THE CARE OF A PERSON'S APPEARANCE OR HIS/HER APPAREL, SUCH AS LAUNDRIES, PHOTOGRAPHIC PORTRAIT STUDIOS, BARBER AND BEAUTY SHOPS, SHOE REPAIR, TAILOR, TRAVEL BUREAUS OR SIMILAR FACILITIES.

PERVIOUS SURFACE - AREA MAINTAINED IN ITS NATURAL CONDITION, OR COVERED BY A MATERIAL THAT PERMITS INFILTRATION OR PERCOLATION OF WATER INTO THE GROUND.

PLACE OF WORSHIP - A BUILDING OWNED OR MAINTAINED BY AN ORGANIZED RELIGIOUS ORGANIZATION FOR THE PURPOSE OF REGULAR ASSEMBLY FOR WORSHIP; EXAMPLES OF RELIGIOUS INSTITUTIONS INCLUDE BUT ARE NOT LIMITED TO: CHURCHES, SYNAGOGUES, MOSQUES, TEMPLES, SHRINES, PAGODAS, AND MEETINGHOUSES.

PLANNING COMMISSION - THE PLANNING COMMISSION FOR THE CITY OF FLINT; SYNONYMOUS WITH COMMISSION.

PLANNING AND DEVELOPMENT DEPARTMENT - THE DEPARTMENT RESPONSIBLE FOR ADMINISTERING THE ZONING CODE AND MASTER PLAN FOR THE CITY OF FLINT.

PLAZA - A PUBLICLY- OR PRIVATELY-OWNED SQUARE OR SIMILAR OPEN AREA INTENDED AS A GATHERING SPACE THAT IS TYPICALLY PAVED AND INCLUDES PEDESTRIAN ELEMENTS SUCH AS BENCHES, SEATING, FOUNTAINS, LANDSCAPING AND PUBLIC ART.

PORCH, ENCLOSED - A HORIZONTAL SURFACE CONSISTING OF A DECK, SLAB OR OTHER SIMILAR CONSTRUCTION ATTACHED TO A MAIN BUILDING AND DESIGNED FOR OUTDOOR SEATING OR AS A MEANS OF ENTRY TO THE BUILDING; A PORCH IS CONSIDERED ENCLOSED IF COVERED BY A

ROOF AND ENCLOSED BY WALLS OR WINDOWS.

PORCH, OPEN - AN UNENCLOSED HORIZONTAL SURFACE CONSISTING OF A DECK, SLAB OR OTHER SIMILAR CONSTRUCTION ATTACHED TO A MAIN BUILDING AND DESIGNED FOR OUTDOOR SEATING OR AS A MEANS OF ENTRY TO THE BUILDING; A PORCH IS CONSIDERED OPEN IF COVERED BY A ROOF AND OPEN ON THE SIDES THAT DO NOT ABUT THE BUILDING; PORCHES WITH RAILINGS, KNEE WALLS AND SCREENS SHALL BE CONSIDERED OPEN PORCHES.

PORTABLE COMMERCIAL SHIPPING CONTAINER - A CONTAINER WHICH IS USED FOR THE TEMPORARY STORAGE AND/OR TRANSPORTATION OF PROPERTY FOR ANY COMMERCIAL PURPOSE.

PORTABLE RESIDENTIAL STORAGE CONTAINER - A CONTAINER WHICH IS USED FOR THE TEMPORARY STORAGE AND/OR TRANSPORTATION OF PERSONAL PROPERTY; SYNONYMOUS WITH TEMPORARY STORAGE CONTAINER.

PRIMARY ENTRANCE - THE DOORWAY INTO A BUILDING THAT FACES A PUBLIC STREET AND IS OF GREATEST IMPORTANCE RELATIVE TO OTHER BUILDING ENTRANCES; THE PRIMARY ENTRANCE IS OFTEN THE DOORWAY FACING THE STREET ON WHICH THE BUILDING IS ADDRESSED.

PRINCIPAL BUILDING - A BUILDING OR STRUCTURE IN WHICH THE PRIMARY PERMITTED USE OF THE LOT IS CONDUCTED, WITH SUCH USE POSSIBLY OCCURRING IN ONE OR MORE BUILDINGS OR STRUCTURES. SYNONYMOUS WITH MAIN BUILDING OR STRUCTURE.

PRINCIPAL USE - THE PRIMARY USE OR ACTIVITY TAKING PLACE ON A LOT OR IN A BUILDING OR STRUCTURE; THE PRINCIPAL USE DOES NOT INCLUDE ANY ACCESSORY USES OCCURRING ON THE SAME LOT.

PUBLIC FACILITY - ANY FACILITY OTHER THAN A RECREATION AREA WHICH IS MAINTAINED BY PUBLIC FUNDS, INCLUDING, BUT NOT LIMITED TO, LIBRARIES, MUSEUMS, ADMINISTRATIVE OFFICES, AND FIRE AND POLICE STATIONS; THIS DEFINITION DOES NOT INCLUDE SCHOOLS, COMMUNITY HOSPITALS OR ANY FACILITY INVOLVING OUTDOOR STORAGE.

PUBLIC UTILITY - A PERSON, FIRM, CORPORATION, MUNICIPAL OR COUNTY DEPARTMENT, OR COUNCIL OR COMMISSION DULY AUTHORIZED TO FURNISH TO THE PUBLIC, AND THAT IS SO FURNISHING, GAS, STEAM, ELECTRICITY, SEWAGE DISPOSAL, TELEGRAPH, TELEPHONE, TRANSPORTATION,

OR WATER UNDER FEDERAL, STATE, OR MUNICIPAL REGULATIONS.

RECREATIONAL VEHICLE - A VEHICLE DESIGNED FOR USE ON STREETS AND HIGHWAYS THAT SERVES AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL PURPOSES, WHETHER SELF-PROPELLED OR ATTACHED TO ANOTHER VEHICLE, INCLUDING MOTOR HOMES, PICKUP CAMPERS, TRAVEL TRAILERS, AND TENT TRAILERS.

RESEARCH FACILITY - A FACILITY WHERE RESEARCH AND DEVELOPMENT IS CONDUCTED IN INDUSTRIES THAT INCLUDE, BUT ARE NOT LIMITED TO, APPLIED BIOLOGY OR CHEMISTRY, BIOTECHNOLOGY, PHARMACEUTICALS, PLASTICS PROCESSING, MEDICAL INSTRUMENTATION, MEDICAL SUPPLIES, COMMUNICATION, INFORMATION TECHNOLOGY, ELECTRONICS, INSTRUMENTATION, OR COMPUTER HARDWARE AND SOFTWARE.

REDEVELOPMENT - ANY EXPANSION, ADDITION, RENOVATION, OR MAJOR CHANGE TO AN EXISTING BUILDING, STRUCTURE OR ASPECT OF DEVELOPMENT.

RESIDENTIAL REHABILITATION FACILITY - SEE GROUP LIVING, RESIDENTIAL REHABILITATION FACILITY.

RESTAURANT - AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE SALE OF FOODS, DESSERTS, OR BEVERAGES TO CUSTOMERS IN A READY-TO-CONSUME STATE.

- **DINE-IN RESTAURANT - A RESTAURANT WHERE FOOD AND BEVERAGES ARE SERVED FOR CONSUMPTION PRIMARILY WITHIN THE RESTAURANT BUILDING.**

- **CARRY-OUT RESTAURANT - A RESTAURANT WHERE FOOD AND BEVERAGES ARE SERVED IN DISPOSABLE CONTAINERS FOR CONSUMPTION PRIMARILY OFF THE PREMISES.**

- **FAST FOOD RESTAURANT - A RESTAURANT WHERE FOOD AND BEVERAGES ARE SERVED IN DISPOSABLE CONTAINERS FOR CONSUMPTION EITHER INSIDE THE RESTAURANT BUILDING OR OFF THE PREMISES.**

- **DRIVE IN/DRIVE-THROUGH RESTAURANT - A RESTAURANT DESIGNED TO SERVE FOOD AND BEVERAGES TO CUSTOMERS WITHIN THEIR MOTOR VEHICLES FOR CONSUMPTION ON THE PREMISES AND OUTSIDE THE RESTAURANT BUILDING. THIS INCLUDES FACILITIES SERVING FOOD AND BEVERAGES THROUGH A CUSTOMER SERVICE WINDOW.**

RETAIL SALES, OUTDOOR – SEE OPEN AIR BUSINESS USE.

RETAINING WALL - A WALL OR SIMILAR DEVICE USED AT A GRADE CHANGE TO HOLD THE SOIL ON THE UP-HILL SIDE OF THE WALL FROM SLUMPING, SLIDING, OR FALLING, AND INCLUDES BUT IS NOT LIMITED TO, SEGMENTAL WALLS, MASONRY WALLS, POURED-IN-PLACE CONCRETE WALLS, BOULDER WALLS, STACKED RAILROAD TIES, AND PRE-SPLIT ROCK WALLS.

RIGHT-OF-WAY - A STREET, ALLEY OR OTHER THOROUGHFARE OR EASEMENT PERMANENTLY ESTABLISHED FOR THE PASSAGE OF PERSONS, VEHICLES, INFRASTRUCTURE OR UTILITIES.

ROOF LINE - FOR A PITCHED ROOF, THE ROOF LINE IS THE LOWER EDGE OF THE EAVE; FOR A FLAT ROOF, THE ROOF LINE IS THE UPPERMOST LINE OF THE ROOF OF A BUILDING; AND FOR AN EXTENDED FAÇADE OR PARAPET, THE ROOF LINE IS UPPERMOST HEIGHT OF SAID FAÇADE OR PARAPET.

<u>ATTACHMENT</u>:
DIAGRAM 50-184Q (EXHIBIT 123)

SEASONAL SALES - THE TEMPORARY SALE OF GOODS OR PRODUCTS ASSOCIATED WITH THE SEASON OR A CULTURAL EVENT, SUCH AS THE SALE OF CHRISTMAS TREES, PUMPKINS, OR SEASONAL PRODUCE; SUCH SALES TYPICALLY TAKE PLACE IN LOCATIONS NOT DEVOTED TO SUCH SALES FOR THE REMAINDER OF THE YEAR.

SELF-STORAGE FACILITY - A BUILDING OR GROUP OF BUILDINGS THAT CONTAIN INDIVIDUAL, COMPARTMENTALIZED, AND CONTROLLED ACCESS STALLS OR LOCKERS FOR THE STORAGE OF RESIDENTIAL OR COMMERCIAL CUSTOMER'S GOODS OR WARES.

SERVICE AREA - AN OUTDOOR AREA CONNECTED WITH A COMMERCIAL USE DEVOTED TO LOADING AND UNLOADING OPERATIONS AND FOR THE RECEIPT AND TEMPORARY STORAGE OF GOODS, MATERIALS, AND EQUIPMENT.

SETBACK - THE MINIMUM DISTANCE A STRUCTURE OR USE, OR ANY PORTION THEREOF AS REGULATED BY THE STANDARDS OF THIS ORDINANCE; MUST BE LOCATED FROM THE LOT LINES.

SHED - A FREESTANDING, COMPLETELY ENCLOSED, ACCESSORY BUILDING, DESIGNED AND INTENDED FOR THE STORAGE OF PERSONAL PROPERTY SOLELY OF THE OCCUPANTS OF THE PRIMARY USE ON THE LOT.

SHOPPING CENTER - A GROUP OF COMMERCIAL ESTABLISHMENTS PLANNED, CONSTRUCTED AND MANAGED AS A TOTAL ENTITY WITH CUSTOMER AND EMPLOYEE

PARKING PROVIDED ON-SITE, PROVISION FOR GOODS DELIVERY SEPARATED FROM CUSTOMER ACCESS AND OFTEN WITH PROTECTION FROM THE ELEMENTS.

SITE PLAN - THE DEVELOPMENT PLAN, DRAWN TO SCALE, FOR ONE (1) OR MORE LOTS ON WHICH IS SHOWN THE EXISTING AND PROPOSED LOCATION AND CONDITIONS OF THE LOT AS REQUIRED BY ORDINANCE, IN ORDER THAT AN INFORMED DECISION CAN BE MADE BY THE APPROVING AUTHORITY.

SMOKING LOUNGE – A BUSINESS ESTABLISHMENT DEDICATED IN WHOLE OR IN PART TO THE SMOKING OF TOBACCO OR OTHER SUBSTANCES INCLUDING, BUT NOT LIMITED TO, ESTABLISHMENTS KNOWN AS HOOKAH LOUNGES, CIGAR LOUNGES, VAPOR BARS, E-CIGARETTE LOUNGES, TOBACCO CLUBS, OR VAPE CAFES. THIS DEFINITION DOES NOT INCLUDE COMPASSION CLUBS OR OTHER ESTABLISHMENTS RELATED TO THE CONSUMPTION, USE OR SALE OF MEDICAL MARIHUANA. THIS DEFINITION DOES NOT APPLY TO RETAIL STORES OR SMOKE SHOPS WHERE NO CUSTOMER SMOKING OCCURS ON-SITE

SOCIAL OR SERVICE CLUB - A NONPROFIT ASSOCIATION OF PERSONS SHARING A COMMON INTEREST OR SPECIFIC PURPOSE WHO GATHER ON A REGULAR BASIS FOR FELLOWSHIP, RECREATION, PROMOTIONAL ACTIVITIES, CHARITABLE CAUSES AND OTHER PURPOSES; EXAMPLES INCLUDE CIVIC CLUBS, FRATERNAL LODGES, VETERANS' ORGANIZATIONS, ETHNIC HALLS, AND PRIVATE CLUBS; BONA FIDE MEMBERS ARE CHARACTERIZED BY CERTAIN MEMBERSHIP QUALIFICATIONS, PAYMENT OF FEES OR DUES, AND A CONSTITUTION AND BYLAWS; FOR THE PURPOSES OF THIS CHAPTER, THIS DEFINITION SHALL ALSO INCLUDE THE BUILDING, ROOM, OR OTHER FACILITY RESTRICTED TO THE USE OF THE SOCIAL OR SERVICE CLUB'S MEMBERS AND GUESTS.

SOCIAL SERVICE FACILITY - A BUILDING USED IN WHOLE OR IN PART BY A GOVERNMENT OR NONPROFIT ORGANIZATION FOR THE PROVISION OF COUNSELING, SOCIAL OR ADVISORY SERVICES TO THE GENERAL PUBLIC OR TO TARGETED POPULATION GROUPS (E.G. SENIORS, YOUTH, PERSONS WITH MENTAL ILLNESS); NO RESIDENTIAL CARE IS PROVIDED.

SOLAR ENERGY COLLECTION SYSTEM (LARGE) - A SOLAR PHOTOVOLTAIC SYSTEM THAT IS STRUCTURALLY MOUNTED ON THE GROUND AND IS NOT ROOF-MOUNTED, WITH A MINIMUM NAMEPLATE CAPACITY OF 250 KILOWATTS (KW) DIRECT CURRENT; ENERGY GENERATED BY THE SYSTEM CAN BE USED ONSITE OR SOLD COMMERCIALLY.

SOLAR ENERGY COLLECTION SYSTEM (SMALL) - A SYSTEM THAT CONVERTS SOLAR ENERGY INTO ELECTRICITY OR HEAT THROUGH THE USE OF PHOTOVOLTAIC PANELS OR FILM, SOLAR THERMAL PANELS, WITH A CAPACITY OF LESS THAN 250 KILOWATTS, AND ASSOCIATED CONTROL OR CONVERSION ELECTRONICS; SYSTEMS ARE INTENDED TO PRIMARILY REDUCE ON-SITE CONSUMPTION OF UTILITY POWER; ANY SYSTEM-GENERATED POWER IS CONSUMED ON-SITE.

SPECIAL LAND USE - A LAND USE OF A LOT, BUILDING OR STRUCTURE THAT COULD NEGATIVELY AFFECT THE HEALTH, SAFETY, CONVENIENCE, AND GENERAL WELFARE OF USERS OF NEARBY PROPERTIES AND THE COMMUNITY AS A WHOLE; SPECIAL LAND USE REQUESTS SHALL BE REVIEWED BY THE PLANNING COMMISSION AND APPROPRIATE CONDITIONS OF APPROVAL CONSIDERED PER THE STANDARDS ESTABLISHED IN THIS CHAPTER.

STATE LICENSED RESIDENTIAL FACILITY – A STRUCTURE FOR RESIDENTIAL PURPOSES THAT IS LICENSED BY THE STATE UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.701 TO 400.737, OR 1973 PA 116, MCL 722.111 TO 722.128, AND PROVIDES RESIDENTIAL SERVICES FOR 6 OR FEWER INDIVIDUALS UNDER 24-HOUR SUPERVISION OR CARE.

STOOP - AN OPEN PLATFORM OR ENTRANCE LANDING, USUALLY WITH STEPS FROM GRADE TO THE DOOR, AND MAY OR MAY NOT BE SHELTERED BY AN AWNING OR CANOPY; A STOOP IS GENERALLY SMALL IN SIZE AND USED PRIMARILY FOR ENTRY AND EXIT FROM A DOOR; A DECK SHALL NOT BE CONSIDERED A STOOP.

STORAGE BUILDING - STRUCTURES USED FOR THE STORAGE OR WAREHOUSING OF GOODS, BUT NOT INCLUDING TEMPORARY STORAGE CONTAINERS SUCH AS PORTABLE ON-DEMAND UNITS, SELF-STORAGE FACILITIES, OR TRACTOR TRAILERS USED FOR STORAGE.

STORY - THAT PART OF A BUILDING, EXCEPT A MEZZANINE, INCLUDED BETWEEN THE SURFACE OF ONE FLOOR AND THE SURFACE OF THE NEXT FLOOR, OR, IF THERE IS NO FLOOR ABOVE, THEN THE CEILING NEXT ABOVE; A STORY SHALL NOT BE COUNTED AS A STORY WHEN MORE THAN FIFTY (50) PERCENT OF ITS CUBIC CONTENT IS BELOW THE FINISHED GRADE OF THE ADJOINING GROUND.

STREET - AN EXISTING OR PLANNED PUBLIC OR PRIVATE RIGHT-OF-WAY THAT IS DESIGNED, DEDICATED, OR USED PRINCIPALLY FOR VEHICULAR TRAFFIC AND PROVIDING ACCESS TO ABUTTING PROPERTIES; THE TERM STREET INCLUDES ALLEY, AVENUE,

BOULEVARD, CIRCLE, COURT, CUL-DE-SAC, DRIVE, PLACE, ROAD, OR ANY OTHER SIMILAR TERM.

- **ALLEY - A DEDICATED PUBLIC OR PRIVATE WAY AFFORDING A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY, NOT INTENDED FOR GENERAL TRAFFIC CIRCULATION.**

- **COLLECTOR - 2-LANE ROADWAYS THAT PROVIDE ACCESS TO ADJACENT ARTERIALS WHILE LINKING LAND USES SUCH AS RESIDENTIAL NEIGHBOR-HOODS, PARKS, AND SCHOOLS TO ONE ANOTHER. SPEED LIMITS ON COLLECTOR ROADS ARE LOWER, USUALLY BETWEEN 25 AND 35 MPH.**

- **FRONTAGE - THE DISTANCE THAT A LOT LINE ADJOINS A PUBLIC OR PRIVATE STREET FROM ONE LOT LINE INTERSECTING THE STREET TO THE FURTHEST LOT LINE INTERSECTING THE SAME STREET.**

- **FURNISHINGS - STREET FURNISHINGS ARE OUTDOOR AMENITIES, INCLUDING BUT NOT LIMITED TO TABLES, CHAIRS, UMBRELLAS, LANDSCAPE POTS, WAIT STATIONS, VALET STATIONS, BICYCLE RACKS, PLANTERS, BENCHES, BUS SHELTERS, KIOSKS, WASTE RECEPTACLES AND OTHER SIMILAR ITEMS THAT HELP TO DEFINE PEDESTRIAN USE AREAS.**

- **INTERSTATE - ACCOMMODATE LARGE VOLUMES OF TRAFFIC AT HIGH SPEEDS WITH ACCESS POINTS LIMITED TO INTERCHANGES AT MAJOR INTERSECTING ROADWAYS.**

- **MINOR ARTERIAL- HIGHER CAPACITY ROADWAYS THAT MOVE TRAFFIC FROM COLLECTOR ROADS TO INTERSTATES. ACCESS ALONG ARTERIALS ARE USUALLY LIMITED IN ORDER TO INCREASE TRAFFIC FLOW AND LEVEL OF SERVICE. MINOR ARTERIALS SHOULD PROVIDE MORE ACCESS POINTS ALONG A GIVEN ROUTE THAN PRIMARY ARTERIALS, AND WILL GENERALLY ACCOMMODATE LOWER TRAFFIC VOLUMES.**

- **PRINCIPLE ARTERIAL - HIGHER CAPACITY ROADWAYS THAT MOVE TRAFFIC FROM COLLECTOR ROADS TO INTERSTATES. ACCESS ALONG ARTERIALS ARE USUALLY LIMITED IN ORDER TO INCREASE TRAFFIC FLOW AND LEVEL OF SERVICE. PRINCIPAL ARTERIALS TYPICALLY CARRY HIGHER TRAFFIC VOLUMES AND ARE SPACED FURTHER APART THAN MINOR ARTERIALS WITHIN THE CITY.**

STREETSCAPE - THE VARIOUS COMPONENTS THAT MAKE UP

THE STREET, BOTH IN THE RIGHT-OF-WAY AND ON PRIVATE LOT FRONTAGES INCLUDING PAVEMENT, PARKING SPACES, LANDSCAPING AND STREET TREES, STREETLIGHTS, SIDEWALKS, ETC.

STRUCTURAL BARRIER – A PHYSICAL STRUCTURE, SUCH AS A FENCE, WALL, OR RAILING, THAT FORMS A BOUNDARY OF, OR ENCLOSURE TO, A PROPERTY OR ACTS AS A DIVISION BETWEEN PROPERTIES.

STRUCTURE - ANYTHING CONSTRUCTED OR ERECTED IN, ON OR OVER THE GROUND OR WATER; THE TERM STRUCTURE SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: BUILDINGS, STADIUMS, PLATFORMS, RADIO TOWERS, SHEDS, STORAGE BINS, FENCES, IMPROVED FACILITIES FOR DRAINAGE, FLOOD CONTROL, RETENTION, AND PUBLIC RECREATION.

SUBDIVISION - THE DIVISION OF ANY PARCEL OF LAND SHOWN AS A UNIT, AS PART OF A UNIT OR AS CONTIGUOUS UNITS, ON THE LAST PRECEDING TRANSFER OF OWNERSHIP THEREOF, INTO TWO (2) OR MORE PARCELS OR LOTS, FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF TRANSFER OF OWNERSHIP OR BUILDING DEVELOPMENT, PROVIDED HOWEVER, THAT THE DIVISION OF LAND INTO PARCELS OF MORE THAN THREE (3) ACRES, NOT INVOLVING ANY NEW STREETS OR EASEMENTS OF ACCESS, AND THE TRANSFER OR EXCHANGE OF PARCELS BETWEEN ADJOINING LANDOWNERS, IF SUCH TRANSFER OR EXCHANGE DOES NOT CREATE ADDITIONAL BUILDING LOTS, SHALL NOT CONSTITUTE A SUBDIVISION FOR PURPOSES OF THIS ORDINANCE.

SUBSTANTIAL IMPROVEMENT - ANY REPAIR, RECONSTRUCTION OR IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS 50% OF THE MARKET VALUE OF THE STRUCTURE EITHER:

- **BEFORE THE IMPROVEMENT MEANS ANY REPAIR IS STARTED; OR**
- **IF THE STRUCTURE HAS BEEN DAMAGED AND IS BEING RESTORED BEFORE THE DAMAGE OCCURRED; FOR THE PURPOSES OF THIS DEFINITION "SUBSTANTIAL IMPROVEMENT" IS CONSIDERED TO OCCUR WHEN THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR OR OTHER STRUCTURAL PART OF THE BUILDING COMMENCES, WHETHER OR NOT THE ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE STRUCTURE. THE TERM DOES NOT, HOWEVER, INCLUDE EITHER:**
    - **ANY PROJECT FOR IMPROVEMENT OF A**

STRUCTURE TO COMPLY WITH EXISTING STATE OR LOCAL HEALTH, SANITARY OR SAFETY CODE SPECIFICATIONS WHICH ARE SOLELY NECESSARY TO ASSURE SAFE LIVING CONDITIONS; OR

- **ANY ALTERATIONS OF A STRUCTURE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR A STATE INVENTORY OF HISTORIC PLACES.**

SUBSTANTIAL PROGRESS – ALL NECESSARY ZONING AND BUILDING PERMITS FOR THE FIRST PHASE OF THE DEVELOPMENT HAVE BEEN SECURED, AND CONSTRUCTION HAS STARTED.

SURETY (ACCEPTABLE TO THE CITY) - A PERFORMANCE GUARANTEE, SUCH AS CASH DEPOSIT, CERTIFIED CHECK, IRREVOCABLE BANK LETTER OF CREDIT, BOND, INSURANCE, OR OTHER FORM OF SURETY ACCEPTABLE TO THE CITY.

TEMPORARY BUILDINGS, USES - A BUILDING, STRUCTURE, OR USE PERMITTED TO EXIST DURING CONSTRUCTION OF THE MAIN STRUCTURE OR USE OR DURING SPECIAL EVENTS.

THEATRE, DRIVE-IN - AN OPEN *LOT* WITH ITS APPURTENANT FACILITIES DEVOTED PRIMARILY TO THE SHOWING OF MOTION PICTURES OR THEATRICAL PRODUCTIONS ON A PAID ADMISSION BASIS TO PATRONS SEATED IN MOTOR VEHICLES.

THEATRE, MOTION PICTURE - A *BUILDING* OR PART OF A *BUILDING* WHICH IS DEVOTED PRIMARILY TO SHOWING MOTION PICTURES TO THE PUBLIC FOR A FEE.

TRAILER PARK - SEE MANUFACTURED HOME COMMUNITY.

TRANSIT - THE MOVEMENT OF PEOPLE BY PUBLIC CONVEYANCE IN A HIGH OCCUPANCY VEHICLE, INCLUDING BUSSES, CARPOOLS OR VANPOOLS, LIGHT RAIL, STREETCARS AND TRAINS.

TRANSPARENCY - THE ABILITY TO SEE THROUGH WITH CLARITY; AN OPENING IN THE BUILDING WALL ALLOWING LIGHT AND VIEWS BETWEEN INTERIOR AND EXTERIOR; ONLY CLEAR OR LIGHTLY TINTED GLASS IN WINDOWS, DOORS, AND DISPLAY WINDOWS SHALL BE CONSIDERED TRANSPARENT; GLASS VISIBLE LIGHT TRANSMITTANCE (VLT) SHALL BE NOT LESS THAN SEVENTY (70) PERCENT; MEASURED AS GLASS AREA FOR BUILDINGS AND AS OPEN AREA FOR PARKING STRUCTURES.

USE - THE PURPOSE FOR WHICH LAND OR A BUILDING OR STRUCTURE IS ARRANGED, DESIGNED OR INTENDED, OR FOR WHICH EITHER LAND OR A BUILDING OR STRUCTURE IS, OR

MAY BE, OCCUPIED OR MAINTAINED.

VARIANCE - A DEVIATION FROM THE ZONING PROVISIONS OF THIS CHAPTER GRANTED WHEN STRICT ENFORCEMENT WOULD CAUSE UNDUE HARDSHIP OR PRACTICAL DIFFICULTIES OWING TO CIRCUMSTANCES UNIQUE TO THE PROPERTY FOR WHICH THE VARIANCE IS GRANTED; A VARIANCE IS NOT AN EXCEPTION.

VEHICLE USES -

- **VEHICLE - ANY DEVICE BY WHICH A PERSON OR PROPERTY MAY BE TRANSPORTED OR DRAWN UPON A STREET, NOT INCLUDING DEVICES MOVED BY HUMAN POWER OR USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS.**

- **VEHICLE FUEL STATION - AN ESTABLISHMENT WHERE MOTOR VEHICLE FUELS AND RELATED PRODUCTS ARE SOLD TO THE PUBLIC AND WHERE FUELS ARE DISPENSED THROUGH FUEL PUMPS DIRECTLY INTO THE VEHICLES; BUT DOES NOT INCLUDE VEHICLE SERVICE OR REPAIR; A SINGLE-BAY CAR WASH AND A CONVENIENCE STORE OR OTHER RETAIL USE MAY BE INCLUDED.**

- **VEHICLE, MOTOR HOME - A PORTABLE DWELLING CONSTRUCTED AS AN INTEGRAL PART OF A SELF-PROPELLED VEHICLE EQUIPPED WITH KITCHEN FACILITIES, BEDS, ETC**

- **VEHICLE SALES AREA, OUTDOOR - AN OUTDOOR AREA USED FOR THE STORAGE, DISPLAY, SALE OR RENTAL OF NEW OR USED MOTOR VEHICLES OR RECREATIONAL VEHICLES IN OPERABLE CONDITION.**

- **VEHICLE SALES OR RENTAL - ESTABLISHMENTS PRIMARILY ENGAGED IN THE RETAIL SALE OF NEW AND USED AUTOMOBILES, NONCOMMERCIAL TRUCKS, MOTOR HOMES, OR RECREATIONAL VEHICLES IN OPERABLE CONDITION, INCLUDING INCIDENTAL STORAGE, MAINTENANCE, AND SERVICING.**

- **VEHICLE SERVICE OR REPAIR - AN ESTABLISHMENT THAT SERVICES OR REPAIRS MOTOR VEHICLES, INCLUDING AUTOMOBILES, COMMERCIAL VEHICLES, ENGINES AND TRAILERS, MOTOR HOMES OR RECREATIONAL VEHICLES IN AN ENTIRELY ENCLOSED BUILDING OR STRUCTURE; ALL PARTS SHALL BE STORED IN ENTIRELY ENCLOSED BUILDINGS OR STRUCTURES, AND NO VEHICLES MAY BE STORED ON SITE OTHER THAN THOSE AWAITING REPAIR OR TO BE PICKED UP BY THE OWNER; MOTOR VEHICLE FUELS MAY BE**

SOLD TO THE PUBLIC, AND A CONVENIENCE STORE OR SINGLE-BAY CAR WASH MAY BE INCLUDED.

- **VEHICLE TRAVEL TRAILER - A VEHICULAR, PORTABLE STRUCTURE BUILT ON A CHASSIS, DESIGN TO BE USED AS A TEMPORARY DWELLING FOR TRAVEL, RECREATIONAL AND VACATION USES PERMANENTLY IDENTIFIED "TRAVEL TRAILER" BY THE MANUFACTURER.**

- **VEHICLE WRECKING, SALVAGE - AN ESTABLISHMENT INVOLVED IN VEHICLE WRECKING AND TOWING SERVICES; THE DISMANTLING OR DISASSEMBLING OF USED VEHICLES OR TRAILERS THE STORAGE OF ONE (1) OR MORE IMPOUNDED, DAMAGED, OR INOPERABLE VEHICLES (WHETHER LICENSED OF UNLICENSED) FOR A PERIOD OF MORE THAN TWENTY-FOUR (24) HOURS, OR THE SALE OR DUMPING OF DISMANTLED, PARTIALLY DISMANTLED, OBSOLETE OR WRECKED VEHICLES OF THEIR PARTS.**

WIND ENERGY COLLECTION SYSTEM (LARGE) - A WIND ENERGY SYSTEM OF ONE OR MORE WIND TOWERS AND TURBINES THAT HAS A RATED CAPACITY OF MORE THAN 100 KW AND IS USED TO GENERATE ENERGY FOR COMMERCIAL SALE.

WIND ENERGY COLLECTION SYSTEM (SMALL) - A WIND ENERGY CONVERSION SYSTEM CONSISTING OF A WIND TURBINE(S), A TOWER OR MOUNTING, AND ASSOCIATED CONTROL OR CONVERSION ELECTRONICS, WHICH HAS A RATED CAPACITY OF NOT MORE THAN 100 KW; SYSTEMS ARE INTENDED TO PRIMARILY REDUCE ON-SITE CONSUMPTION OF UTILITY POWER; ANY SYSTEM-GENERATED POWER IS CONSUMED ON-SITE.

WIRELESS COMMUNICATION FACILITIES. 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 SHALL NOT BE LIMITED TO RADIO TOWERS, TELEVISION TOWERS, TELEPHONE DEVICES AND EXCHANGES, MICROWAVE RELAY TOWERS, TELEPHONE TRANSMISSION EQUIPMENT BUILDINGS 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 THAT ARE SUBJECT TO STATE OR FEDERAL LAW OR REGULATIONS THAT PREEMPT MUNICIPAL REGULATORY AUTHORITY.

- **ANTENNA. ANY EXTERIOR TRANSMITTING OR RECEIVING DEVICE MOUNTED ON A TOWER, BUILDING OR STRUCTURE AND USED IN**

COMMUNICATIONS THAT RADIATE OR CAPTURE ELECTROMAGNETIC WAVES, DIGITAL SIGNALS, ANALOG SIGNALS, RADIO FREQUENCIES (EXCLUDING RADAR SIGNALS), WIRELESS TELECOMMUNICATIONS SIGNALS OR OTHER COMMUNICATION SIGNALS.

- **ATTACHED WIRELESS COMMUNICATIONS FACILITIES (ANTENNAE). WIRELESS 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.**

- **BASE STATION. A STRUCTURE OR EQUIPMENT AT A FIXED LOCATION THAT ENABLES FCC-LICENSED OR AUTHORIZED WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK. THE TERM DOES NOT ENCOMPASS A TOWER AS DEFINED HEREIN OR ANY EQUIPMENT ASSOCIATED WITH A TOWER. BASE STATION INCLUDES, WITHOUT LIMITATION:**

  I. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.

  II. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION (INCLUDING DISTRIBUTED ANTENNA SYSTEMS ("DAS") AND SMALL-CELL NETWORKS).

  III. ANY STRUCTURE OTHER THAN A TOWER THAT, AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY OF FLINT UNDER THIS SECTION, SUPPORTS OR HOUSES EQUIPMENT DESCRIBED HEREIN THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE

STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING THAT SUPPORT.

THE TERM DOES NOT INCLUDE ANY STRUCTURE THAT, AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY OF FLINT UNDER THIS SECTION, DOES NOT SUPPORT OR HOUSE EQUIPMENT DESCRIBED ABOVE.

- **COLLOCATION. THE LOCATION BY TWO OR MORE WIRELESS COMMUNICATION PROVIDERS OF WIRELESS COMMUNICATION FACILITIES ON A COMMON STRUCTURE, TOWER, OR BUILDING, WITH THE VIEW TOWARD REDUCING THE OVERALL NUMBER OF STRUCTURES REQUIRED TO SUPPORT WIRELESS COMMUNICATION ANTENNAE WITHIN THE CITY.**

- **ELIGIBLE FACILITIES REQUEST. ANY REQUEST FOR MODIFICATION OF AN EXISTING TOWER OR BASE STATION THAT DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF SUCH TOWER OR BASE STATION, INVOLVING:**

  I. COLLOCATION OF NEW TRANSMISSION EQUIPMENT;

  II. REMOVAL OF TRANSMISSION EQUIPMENT; OR

  III. REPLACEMENT OF TRANSMISSION EQUIPMENT.

- **ELIGIBLE SUPPORT STRUCTURE. ANY TOWER OR BASE STATION AS DEFINED IN THIS SECTION, PROVIDED THAT IT IS EXISTING AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY OF FLINT UNDER THIS SECTION.**

- **EXISTING. A CONSTRUCTED TOWER OR BASE STATION IS EXISTING FOR PURPOSES OF THIS SECTION IF IT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE OR LOCAL REGULATORY REVIEW PROCESS, PROVIDED THAT A TOWER THAT HAS NOT BEEN REVIEWED AND REVIEWED BECAUSE IT WAS NOT IN A ZONED AREA WHEN IT WAS BUILT, BUT WAS LAWFULLY CONSTRUCTED, IS EXISTING FOR PURPOSES OF THIS SECTION.**

- **SITE. FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, THE CURRENT BOUNDARIES OF THE LEASED OR OWNED PROPERTY SURROUNDING THE TOWER AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE, AND, FOR OTHER ELIGIBLE SUPPORT STRUCTURES, FURTHER**

RESTRICTED TO THAT AREA IN PROXIMITY TO THE STRUCTURE AND TO OTHER TRANSMISSION EQUIPMENT ALREADY DEPLOYED ON THE GROUND.

- **SUBSTANTIAL CHANGE. A MODIFICATION SUBSTANTIALLY CHANGES THE PHYSICAL DIMENSIONS OF AN ELIGIBLE SUPPORT STRUCTURE IF IT MEETS ANY OF THE FOLLOWING CRITERIA:**

  I. FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, IT INCREASES THE HEIGHT OF THE TOWER BY MORE THAN 10% OR BY THE HEIGHT OF ONE ADDITIONAL ANTENNA ARRAY WITH SEPARATION FROM THE NEAREST EXISTING ANTENNA NOT TO EXCEED TWENTY FEET, WHICHEVER IS GREATER; FOR OTHER ELIGIBLE SUPPORT STRUCTURES, IT INCREASES THE HEIGHT OF THE STRUCTURE BY MORE THAN 10% OR MORE THAN TEN FEET, WHICHEVER IS GREATER

  II. FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE TOWER THAT WOULD PROTRUDE FROM THE EDGE OF THE TOWER MORE THAN TWENTY FEET, OR MORE THAN THE WIDTH OF THE TOWER STRUCTURE AT THE LEVEL OF THE APPURTENANCE, WHICHEVER IS GREATER; FOR OTHER ELIGIBLE SUPPORT STRUCTURES, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE STRUCTURE THAT WOULD PROTRUDE FROM THE EDGE OF THE STRUCTURE BY MORE THAN SIX FEET;

  III. FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT INVOLVES INSTALLATION OF MORE THAN THE STANDARD NUMBER OF NEW EQUIPMENT CABINETS FOR THE TECHNOLOGY INVOLVED, BUT NOT TO EXCEED FOUR CABINETS; OR, FOR TOWERS IN THE PUBLIC RIGHTS-OF-WAY AND BASE STATIONS, IT INVOLVES INSTALLATION OF ANY NEW EQUIPMENT CABINETS ON THE GROUND IF THERE ARE NO PRE-EXISTING GROUND CABINETS ASSOCIATED WITH

THE STRUCTURE, OR ELSE INVOLVES INSTALLATION OF GROUND CABINETS THAT ARE MORE THAN 10% LARGER IN HEIGHT OR OVERALL VOLUME THAN ANY OTHER GROUND CABINETS ASSOCIATED WITH THE STRUCTURE;

IV. IT ENTAILS ANY EXCAVATION OR DEPLOYMENT OUTSIDE THE CURRENT SITE;

V. IT WOULD DEFEAT THE CONCEALMENT ELEMENTS OF THE ELIGIBLE SUPPORT STRUCTURE;

VI. IT DOES NOT COMPLY WITH CONDITIONS ASSOCIATED WITH THE SITING APPROVAL OF THE CONSTRUCTION OR MODIFICATION OF THE ELIGIBLE SUPPORT STRUCTURE OR BASE STATION EQUIPMENT, PROVIDED HOWEVER THAT THIS LIMITATION DOES NOT APPLY TO ANY MODIFICATION THAT IS NON-COMPLIANT ONLY IN A MANNER THAT WOULD NOT EXCEED THE THRESHOLDS IDENTIFIED IN PARAGRAPHS (G)(I)-(G)(IV) OF THIS SECTION

- **WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS). STRUCTURES ERECTED OR MODIFIED TO SUPPORT WIRELESS COMMUNICATION ANTENNAE. SUPPORT STRUCTURES WITHIN THIS DEFINITION INCLUDE, BUT SHALL 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.**

WHOLESALE – THE SELLING OF GOODS IN LARGE QUANTITIES AT LOW PRICES TO BE RETAILED BY OTHERS.

WHOLESALE, LIMITED – THE WHOLESALE SELLING OF A LIMITED NUMBER OF GOODS SUCH AS A LINE OF FAST-MOVING MERCHANDISE. LIMITED WHOLESALERS ALSO TYPICALLY SELL TO SMALLER RETAILS, SOMETIMES ON A CASH-ONLY BASIS AND WITH NO DELIVERY SERVICE.

YARD - AN OPEN SPACE, OTHER THAN A COURT, ON A LOT WITH A BUILDING, UNOCCUPIED AND UNOBSTRUCTED FROM THE GROUND UPWARD, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.

- **CORNER SIDE - A CORNER SIDE YARD IS THE OPEN SPACE BETWEEN THE STREET SIDE LOT LINE AND THE MAIN BUILDING. THE CORNER SIDE**

YARD EXTENDS FROM THE INNER EDGE OF THE FRONT YARD TO THE REAR LOT LINE.

- **FRONT - A YARD EXTENDING ACROSS THE FULL WIDTH OF THE LOT, THE DEPTH OF WHICH IS THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE FRONT LOT LINE AND THE NEAREST POINT OF THE MAIN BUILDING.**

- **REAR - A YARD OPPOSITE THE FRONT YARD EXTENDING ACROSS THE FULL WIDTH OF THE LOT, THE DEPTH OF WHICH IS THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE REAR LOT LINE AND THE NEAREST POINT OF THE MAIN BUILDING.**

- **INTERIOR SIDE - A YARD EXTENDING FROM THE FRONT YARD TO THE REAR YARD, THE WIDTH OF WHICH IS THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINE AND THE NEAREST POINT OF THE MAIN BUILDING.**

<u>ATTACHMENT</u>:
DIAGRAM 50-184R (EXHIBIT 124)

ZONING ACT - THE MICHIGAN ZONING ENABLING, PUBLIC ACT 110 OF 2006, AS AMENDED, OR ANY SUCCESSOR ACTS.

ZONING COORDINATOR - THE ADMINISTRATIVE OFFICIAL WITH THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS CHAPTER AND RELATED ORDINANCES.

ZONING BOARD OF APPEALS - A QUASI-JUDICIAL BODY THAT CARRIES OUT TWO PRINCIPAL FUNCTIONS; TO HEAR AND DECIDE APPEALS OF ADMINISTRATIVE DECISIONS MADE IN IMPLEMENTING THE ZONING ORDINANCE; AND TO HEAR AND DECIDE REQUESTS FOR VARIANCES FROM THE STRICT TERMS OF THE ZONING ORDINANCE. IN ADDITION, THE ZBA IS OCCASIONALLY CALLED UPON TO INTERPRET THE PROVISIONS OF THE ZONING ORDINANCE."

ZONING CERTIFICATE - A DOCUMENT AUTHORIZING BUILDINGS, STRUCTURES OR USES CONSISTENT WITH THE TERMS OF THIS CHAPTER AND FOR THE PURPOSE OF CARRYING OUT AND ENFORCING ITS PROVISIONS.

ZONING DISTRICT - AN AREA WITHIN A DESIGNATED ZONING CLASSIFICATION IN WHICH CERTAIN USES ARE ALLOWED AND DEVELOPMENT STANDARDS ARE REQUIRED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

ZONING MAP - THE OFFICIAL MAP UPON WHICH THE BOUNDARIES OF VARIOUS ZONING DISTRICTS ARE DRAWN AND WHICH IS AN INTEGRAL PART OF THIS CHAPTER.

§ 50-184. DEFINITIONS

Diagram 50-184A (Exhibit 107):

Average Grade

Diagram 50-184B (Exhibit 108):

Basement

Diagram 50-184C (Exhibit 109):

Buildable Area

Diagram 50-184D (Exhibit 110):

Caliper

Diagram 50-184E (Exhibit 111):

Coverage

Diagram 50-184F (Exhibit 112):

Dwellings

Diagram 50-184G (Exhibit 113):

Accessory Dwelling Units

Diagram 50-184H (Exhibit 114):

Fence or Wall Height

Diagram 50-184I (Exhibit 115):

Height of Tree

Diagram 50-184J (Exhibit 116):

Lighting Cut-off Angle

Diagram 50-184K (Exhibit 117):

Lighting Mount Height

Diagram 50-184L (Exhibit 118):

Lot Depth

Diagram 50-184M (Exhibit 119):

Double Frontage Lot

Diagram 50-184N (Exhibit 120):

Diagram 50-184O (Exhibit 121):

Diagram 50-184P (Exhibit 122):

Diagram 50-184Q (Exhibit 123):

Roof Line

Diagram 50-184R (Exhibit 124):

Yards

ARTICLE 17. APPLICATIONS AND REVIEW PROCEDURES

§ 50-185. PURPOSE AND INTENT

THE PURPOSE AND INTENT OF THIS ARTICLE IS DESCRIBED BELOW.

A. PROJECTS SUBJECT TO REVIEW
PROVIDE A CLEAR AND COMPREHENSIBLE DEVELOPMENT REVIEW PROCESS THAT IS FAIR AND EQUITABLE TO ALL INTERESTS INCLUDING APPLICANTS, EFFECTED NEIGHBORS, AND THE CITY;

B. REVIEW PROCESS
ESTABLISH AN ORDERLY REVIEW PROCESS FOR ALL PROPOSED PROJECTS INVOLVING CONSTRUCTION OF A BUILDING OR OTHER STRUCTURE, ANY SITE IMPROVEMENTS OR ALTERATIONS OR A MODIFICATION IN THE USE OF LAND WITHIN THE CITY THAT IS CONSISTENT WITH THIS CHAPTER;

C. COMPLIANCE WITH CHAPTER
ENSURE THAT LAND, PARCELS, AND LOTS ARE APPROPRIATELY DEVELOPED SO THAT THEIR USE AND OPERATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THIS CHAPTER;

D. COMPLIANCE WITH MASTER PLAN
ENSURE THAT DEVELOPMENT IS IN COMPLIANCE WITH THE FLINT MASTER PLAN, AND ALLOW FOR PROCESSES AND PROCEDURES THAT SUPPORT CREATIVE AND INNOVATIVE PROPOSALS TO ENHANCE THE BENEFITS OF DEVELOPMENT TO THE FLINT COMMUNITY.

§ 50-186. DECISION-MAKING BODIES

THE FOLLOWING TABLE SUMMARIZES THE REVIEW PROCEDURES AND RESPONSIBILITIES OF THE VARIOUS DECISION-MAKING BODIES RESPONSIBLE FOR THE ADMINISTRATION OF THIS CHAPTER. IN ADDITION TO THE CITY COUNCIL, PLANNING COMMISSION, BOARD OF ZONING APPEALS, HISTORIC DISTRICT COMMISSION, AND ZONING COORDINATOR, THERE MAY BE OTHER BOARD, COMMISSIONS, GOVERNMENT AND NON-GOVERNMENT AGENCIES ASKED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO CONTRIBUTE INPUT TO THE DEVELOPMENT REVIEW PROCESS.

<u>ATTACHMENT</u>:
TABLE 50-186 (EXHIBIT 125)

A. PLANNING COMMISSION

1. ESTABLISHMENT AND COMPOSITION
THE PLANNING

COMMISSION IS ESTABLISHED AND COMPOSED AS SPECIFIED IN THE CODE OF ORDINANCES (CHAPTER 2, ARTICLE VII).

2. MEETINGS
MEETINGS SHALL BE HELD AS SPECIFIED IN THE PLANNING COMMISSION'S BYLAWS.

3. POWERS AND DUTIES

I. GENERAL
THE PLANNING COMMISSION SHALL:

A. EXERCISE POWERS AND DUTIES AS MAY BE DESCRIBED ELSEWHERE IN THIS ORDINANCE, THE PLANNING COMMISSION'S BYLAWS AND AS PERMITTED BY STATE LAW;

B. ESTABLISH OR AMEND BYLAWS AS NECESSARY TO FACILITATE THE PERFORMANCE OF ITS DUTIES AS OUTLINED IN P.A. 33 OF 2008, AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT; AND

C. PERFORM RELATED DUTIES AS DIRECTED BY THE CITY COUNCIL.

II. RECOMMENDATIONS
THE PLANNING COMMISSION SHALL MAKE RECOMMENDATIONS REGARDING THE FOLLOWING:

A. MAP AMENDMENTS (RE-ZONINGS) AND TEXT AMENDMENTS (SECTION 50-191);

B. PLANNED UNIT DEVELOPMENTS EQUAL TO OR GREATER THAN FIVE

ACRES IN SIZE (ARTICLE 10 OF THIS CHAPTER);

III. FINAL DECISIONS THE PLANNING COMMISSION SHALL HAVE THE POWERS AND DUTY TO MAKE FINAL DECISIONS REGARDING THE FOLLOWING:

A. PLANNED UNIT DEVELOPMENTS UNDER FIVE ACRES IN SIZE (ARTICLE 10 OF THIS CHAPTER).

B. SPECIAL LAND USE SITE PLAN/PERMIT AND ADDITIONALLY REGULATED USE SITE PLAN/PERMIT REVIEWS (SECTION 50-193)

B. ZONING BOARD OF APPEALS (BOARD OF APPEALS)

1. ESTABLISHMENT AND COMPOSITION. THE BOARD OF APPEALS SHALL CONSIST OF TEN VOTING MEMBERS, NINE APPOINTED BY THE CITY COUNCIL, ONE FROM EACH OF THE NINE WARDS OF THE CITY, AND ONE MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION SHALL RECOMMEND A MEMBER OF THE PLANNING COMMISSION TO BE APPOINTED BY THE CITY COUNCIL. CITY COUNCIL MAY ALSO APPOINT TWO ALTERNATE MEMBERS TO THE BOARD OF APPEALS, WHO MAY SERVE TEMPORARILY IN THE EVENT OF AN ABSENCE, ABSTENTION, OR REMOVAL. EACH MEMBER SHALL BE APPOINTED FOR A TERM OF THREE YEARS, EXCEPT THE MEMBER OF THE PLANNING COMMISSION SHALL SERVE FOR A TERM OF ONE YEAR.

2. CAUSES FOR REMOVAL FROM BOARD CAUSES FOR REMOVAL OF BOARD MEMBERS (INCLUDING ALTERNATES) FROM THE BOARD BY THE CITY COUNCIL SHALL INCLUDE MALFEASANCE,

MISFEASANCE, NONFEASANCE GENERALLY AND IN PARTICULAR:

I. **FAILURE TO MAINTAIN REASONABLE FAMILIARITY WITH STATE STATUTES AND LOCAL CODE PROVISIONS AND ANY OTHER ORDINANCES AND RULES AFFECTING THE BOARD OR FAILURE TO BE GOVERNED THEREBY.**

II. **FAILURE TO DISCLOSE CONFLICTS OF INTEREST FOR THE PURPOSES OF DISQUALIFICATION WHEN A MEMBER HAS A PERSONAL OR MONETARY INTEREST IN THE MATTER INVOLVED, OR WILL BE DIRECTLY AFFECTED BY A DECISION OF THE BOARD. A PROCESS FOR DETERMINING CONFLICT OF INTEREST SHALL BE A PART OF THE BY-LAWS OF THE BOARD OF APPEALS.**

III. **FAILURE TO ATTEND THREE CONSECUTIVE REGULAR MEETINGS OR MORE THAN ONE HALF OF THE LAST 12 REGULAR MEETINGS MAY REQUIRE A HEARING BY THE BOARD AT ITS NEXT REGULAR MEETING FOLLOWING RECEIPT OF AN ATTENDANCE REPORT FROM THE ZONING COORDINATOR. THE BOARD SHALL DETERMINE AT THAT HEARING IF THE CIRCUMSTANCES WARRANT REMOVAL OR CONTINUATION OF THE MEMBER(S) IN THE APPOINTMENT AND SHALL TRANSMIT ONLY A RECOMMENDATION OF REMOVAL TO THE CITY COUNCIL.**

IV. **THE CITY COUNCIL MAY REMOVE SAID**

MEMBER FROM THE BOARD UPON WRITTEN CHARGES AND AFTER A PUBLIC HEARING.

3. HEARINGS AND MEETINGS. MEETINGS AND HEARINGS SHALL BE HELD AS SPECIFIED IN THE BOARD OF APPEALS' BYLAWS.

4. POWERS AND DUTIES

   I. GENERAL
   THE BOARD OF APPEALS SHALL:

      A. EXERCISE POWERS AND DUTIES AS MAY BE DESCRIBED ELSEWHERE IN THIS ORDINANCE, THE BOARD OF APPEAL'S BYLAWS AND AS PERMITTED BY STATE LAW; AND

      B. ESTABLISH OR AMEND BYLAWS AS NECESSARY TO FACILITATE THE PERFORMANCE OF ITS DUTIES AS OUTLINED IN THE MICHIGAN ZONING ENABLING ACT (MZEA).

      C. PER THE MZEA, THE BOARD OF APPEALS SHALL HEAR AND DECIDE QUESTIONS THAT ARISE IN THE ADMINISTRATION OF THE ZONING ORDINANCE, INCLUDING THE INTERPRETATION OF MAPS. IT SHALL HEAR AND DECIDE APPEALS FROM AND REVIEW ANY ADMINISTRATIVE ORDER, REQUIREMENT, DECISION, OR DETERMINATION

MADE BY AN ADMINISTRATIVE OFFICIAL OR BODY CHARGED WITH ENFORCEMENT OF A ZONING ORDINANCE.

D. THE BOARD OF APPEALS HAS THE POWER TO INTERPRET THE TEXT OF THE ZONING ORDINANCE AND ISSUE VARIANCES. ALL DECISIONS BY THE BOARD ARE FINAL. A PARTY AGGRIEVED BY THE DECISION MAY APPEAL TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

E. THE CONCURRING VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD OF APPEALS IS NECESSARY TO REVERSE AN ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE ADMINISTRATIVE OFFICIAL OR BODY, TO DECIDE IN FAVOR OF THE APPLICANT ON A MATTER UPON WHICH THE BOARD OF APPEALS IS REQUIRED TO PASS UNDER THE ZONING ORDINANCE, OR TO GRANT A VARIANCE IN THE

ZONING ORDINANCE; EXCEPT,

F. APPROVAL OF A USE VARIANCE REQUIRES THE CONCURRING VOTE OF 2/3 OF THE MEMBERS.

C. ZONING COORDINATOR

1. DESIGNATION
THE ZONING COORDINATOR SHALL BE AN EMPLOYEE OF THE CITY OF FLINT. IF THE POSITION IS VACANT, THE DIRECTOR OF PLANNING AND DEVELOPMENT MAY DESIGNATE THE POWERS AND DUTIES TO ANOTHER INDIVIDUAL UNTIL THE POSITION IS FILLED.

2. POWERS AND DUTIES

I. REPORTS
THE ZONING COORDINATOR SHALL MAKE REPORTS REGARDING THE FOLLOWING:

A. ZONING COORDINATOR REVIEW, WHEN REFERRING CASE TO PLANNING COMMISSION (SECTION 50-190);

B. MAP AMENDMENTS (REZONINGS) AND TEXT AMENDMENTS (SECTION 50-191);

C. PLANNED UNIT DEVELOPMENT REVIEW (UNLESS OTHERWISE NOTED IN ARTICLE 10); AND

D. SPECIAL LAND USE PERMIT AND ADDITIONALLY REGULATED USE PERMIT REVIEWS (SECTION 50-193);

E. SUMMARIES OF

ZONING PERMIT REVIEW AND ZONING COORDINATOR REVIEW CASES, DUE MONTHLY TO THE PLANNING COMMISSION;

F. VARIATIONS (SECTION 50-195); AND

G. EXCEPTIONS (SECTION 50-196).

II. FINAL DECISIONS THE ZONING COORDINATOR SHALL MAKE FINAL DECISIONS REGARDING THE FOLLOWING:

A. ADMINISTRATIVE WAIVER AND ADMINISTRATOR APPEAL AS PROVIDED BY THE REGULATIONS AND STANDARDS OF THIS CHAPTER.

B. ZONING COORDINATOR REVIEW (SECTION 50-191) OF SITE PLANS OF NEW CONSTRUCTION OF PRINCIPAL BUILDINGS AND PERMITTED AND ACCESSORY USES NOT ELIGIBLE FOR ZONING PERMIT REVIEW.

C. REVIEW OF OTHER APPLICATIONS FOR PERMITS SPECIFICALLY NOTED AS NEEDING ZONING COORDINATOR APPROVAL IN THIS CHAPTER OR OTHER CITY ORDINANCES.

D. ZONING PERMIT REVIEW

1. DESIGNATION

CERTAIN ACTIVITIES REQUIRE REVIEW BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR COMPLIANCE WITH THIS CHAPTER, BUT ARE NOT COMPLICATED ENOUGH TO WARRANT FORMAL SITE PLAN REVIEW OR A HIGHER LEVEL OF REVIEW. IN THESE INSTANCES, A DEPARTMENT STAFF MEMBER WHO HAS BEEN DESIGNATED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OR THE ZONING COORDINATOR MAY UNDERTAKE THE REVIEW. THESE STAFF REVIEWS CAN OFTEN BE HANDLED IN A WALK-IN VISIT, BUT MAY TAKE LONGER THAN TWO (2) BUSINESS DAYS DEPENDING ON THE INDIVIDUAL PROJECT OR CASE LOAD.

2. ACTIVITIES ELIGIBLE FOR ZONING PERMIT REVIEW:
   I. ON SINGLE-FAMILY DETACHED AND TWO-FAMILY LOTS AND DWELLINGS:
      A. CONSTRUCTION OF A NEW DWELLING (UNLESS A SPECIAL LAND USE).
      B. ADDITION TO AN EXISTING DWELLING.
      C. CONSTRUCTION OR ALTERATION TO AN ACCESSORY BUILDING OR STRUCTURE.
      D. INSTALLATION OR ALTERATION OF A SWIMMING POOL, SPA, HOT TUB OR SIMILAR USE.
      E. CONSTRUCTION OR ALTERATION OF A DECK.
      F. INSTALLATION OR ALTERATION OF A FENCE.
   II. ON ATTACHED SINGLE FAMILY, MULTIPLE-

FAMILY, MIXED-USE AND NON-RESIDENTIAL LOTS, BUILDINGS OR STRUCTURES WHEN THE PROPOSED ACTIVITY IS PERMITTED BY RIGHT IN THE UNDERLYING DISTRICT AND WHEN NOT INVOLVING A SPECIAL LAND USE OR AN ADDITIONALLY REGULATED USE:

A. CHANGE IN USE OF EXISTING DEVELOPMENT TO A PERMITTED USE (NOT A SPECIAL LAND USE OR AN ADDITIONALLY REGULATED USE) NOT REQUIRING ADDITIONAL PARKING OR THE NEED TO CONFORM TO THE LANDSCAPING REQUIREMENTS OF ARTICLE 13.

B. CONSTRUCTION OR ALTERATION TO AN ACCESSORY BUILDING OR STRUCTURE.

C. INSTALLATION OR ALTERATION OF A SWIMMING POOL, SPA, HOT TUB OR SIMILAR USE.

D. CONSTRUCTION OR ALTERATION OF A DECK.

E. INSTALLATION OR ALTERATION OF A FENCE.

F. LIMITED USES AS IDENTIFIED IN ARTICLE 9 SPECIFICALLY CALLING FOR ZONING PERMIT REVIEW.

3. **CRITERIA FOR REVIEW AND FINAL DECISION. THE REVIEW CRITERIA FOR ZONING REVIEW APPROVAL ARE GENERALLY FOUND IN THE GENERAL PROVISIONS AND USE REGULATIONS AND IN THE ZONE DISTRICT ARTICLES. A FORMAL SITE PLAN IS NOT NECESSARY, HOWEVER THE APPLICANT SHALL DEMONSTRATE THROUGH A PLOT PLAN THAT THE PROPOSED STRUCTURE WILL MEET ALL APPLICABLE SETBACKS AND LOCATIONAL STANDARDS. APPROVAL THROUGH ZONING PERMIT REVIEW SHALL HAVE IMMEDIATE EFFECT AND SHALL HAVE A DURATION OF ONE (1) YEAR FROM THAT DATE. IF IT IS UNCLEAR HOW CERTAIN STANDARDS APPLY IN A PARTICULAR CASE, STAFF MAY REQUEST FINAL REVIEW/DECISION BE MADE BY THE ZONING COORDINATOR.**

4. **PLOT PLAN REQUIREMENTS. ALL APPLICATIONS FOR ZONING PERMITS SHALL BE ACCOMPANIED BY TWO COPIES OF A PLOT PLAN. THE PLOT PLAN SHALL INCLUDE:**

   I. **THE ACTUAL SHAPE, LOCATION AND DIMENSIONS OF THE LOT AND ALL SETBACKS;**

   II. **THE LOCATION AND NAMES OF ALL ROADS, OTHER RIGHT-OF-WAYS OR BODIES OF WATER BORDERING THE PROPERTY;**

   III. **THE SHAPE, LENGTH, WIDTH, HEIGHT, AREA, LOT COVERAGE, AND LOCATION OF ALL BUILDINGS OR OTHER STRUCTURES TO BE ERECTED, ALTERED OR MOVED AND OF ANY BUILDING OR OTHER STRUCTURES ALREADY ON THE LOT;**

   IV. **THE EXISTING AND INTENDED USE OF THE LOT AND OF ALL SUCH STRUCTURES UPON IT, INCLUDING THE NUMBER OF**

DWELLING UNITS IF APPLICABLE;

V. ALL PARKING STALLS INCLUDING DESIGNATED HANDICAP PARKING;

VI. NEW SIGNAGE OR MODIFICATIONS TO SIGNS;

VII. EXISTING AND ADDITIONAL LANDSCAPING/FENCING/BUFFERING IF APPLICABLE;

VIII. SUCH OTHER INFORMATION CONCERNING THE LOT OR ADJOINING LOTS AS MAY BE ESSENTIAL FOR DETERMINING WHETHER THE PROVISIONS OF THIS CHAPTER ARE MET.

E. HISTORIC DISTRICT COMMISSION

A. DESIGNATION
THE HISTORIC DISTRICT COMMISSION (HDC) SHALL BE DESIGNATED AS ESTABLISHED IN THE CODE OF ORDINANCES (CHAPTER 2, ARTICLE XIX).

B. ROLE IN ZONING REVIEW PROCESS

I. WHEN A PROJECT REQUIRES APPROVAL FROM BOTH THE HDC AND ANOTHER DECISION-MAKING BODY DESIGNATED IN THIS SECTION (PLANNING COMMISSION, ZONING COORDINATOR, ETC.), THE APPLICANT SHALL OBTAIN HDC APPROVAL FIRST.

C. POWERS AND DUTIES

I. FINAL DECISIONS AS IDENTIFIED IN THE CODE OF ORDINANCES (CHAPTER 2, ARTICLE XIX), THE HISTORIC DISTRICT COMMISSION SHALL MAKE FINAL DECISIONS REGARDING THE FOLLOWING:

1. CERTIFICATES OF APPROPRIATENESS;

2. OTHER ITEMS AS SPECIFICALLY MENTIONED IN CHAPTER 2,

ARTICLE XIX.

§ 50-187. APPLICATION REQUIREMENTS

A. FORMS
APPLICATIONS REQUIRED UNDER THIS ARTICLE SHALL BE SUBMITTED ON APPLICATION FORMS AND IN SUCH NUMBERS AS REQUIRED BY THE APPLICABLE REVIEW OFFICIAL OR REVIEW BODY. THE APPLICATION FORM FOR EACH DEVELOPMENT REVIEW PROCEDURE SHALL ESTABLISH THE MINIMUM INFORMATION REQUIRED FOR THAT PROCEDURE.

B. PROOF OF OWNERSHIP
ALL APPLICATIONS REQUIRED UNDER THIS ARTICLE SHALL INCLUDE PROOF OF OWNERSHIP SATISFACTORY TO THE APPLICABLE REVIEW OFFICIAL OR DECISION-MAKING BODY. SUCH PROOF MAY INCLUDE A PRELIMINARY TITLE REPORT FROM A LICENSED TITLE COMPANY OR ATTORNEY LISTING THE NAME OF THE PROPERTY OWNER(S) AND ALL LIENS, EASEMENTS AND JUDGMENTS OF RECORD AFFECTING THE SUBJECT PROPERTY.

C. PROPERTY OWNER ENDORSEMENT

1. ALL APPLICATIONS SHALL INCLUDE THE NAME AND SIGNATURE OF THE CURRENT PROPERTY OWNER(S) OF ALL PROPERTY WITHIN THE BOUNDARIES; OR

2. WHERE THE OWNER IS NOT THE APPLICANT, THE APPLICABLE REVIEW OFFICIAL SHALL REQUIRE AN APPLICANT TO PRESENT EVIDENCE THAT THE APPLICANT IS A DULY AUTHORIZED AGENT OF THE OWNER.

D. CONTENT

1. AN APPLICATION SHALL BE SUFFICIENT FOR PROCESSING WHEN IT CONTAINS ALL OF THE INFORMATION (STATEMENTS, PLANS, EVIDENCE, MATERIAL, AND DOCUMENTATION) NECESSARY TO DEMONSTRATE THAT THE DEVELOPMENT AS PROPOSED WILL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THIS ORDINANCE.

2. THE BURDEN OF DEMONSTRATING THAT AN APPLICATION COMPLIES WITH APPLICABLE REQUIREMENTS IS ON THE APPLICANT. THE BURDEN IS NOT ON THE CITY OR OTHER PARTIES TO SHOW THAT THE APPLICABLE

REQUIREMENTS HAVE NOT BEEN MET.

3. EACH APPLICATION IS UNIQUE AND, THEREFORE, MORE OR LESS INFORMATION MAY BE REQUIRED ACCORDING TO THE NEEDS OF THE PARTICULAR CASE. THE APPLICANT SHALL RELY ON THE REVIEW OFFICIAL AS TO WHETHER MORE OR LESS INFORMATION SHOULD BE SUBMITTED.

E. FILING FEES

1. ALL APPLICATIONS SHALL BE ACCOMPANIED BY THE ASSOCIATED FILING FEE AND SHALL BE FILED WITH THE APPLICABLE REVIEW OFFICIAL OR BODY.

2. EACH APPLICATION SHALL BE ACCOMPANIED BY PAYMENT, TO COVER THE COST OF REVIEW AND ANY NECESSARY PUBLICATIONS, POSTINGS, AND HEARINGS. AMOUNT OF SAID PAYMENT SHALL BE ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL, KEPT ON FILE BY THE CITY CLERK, AND CONTAINED IN APPENDIX A OF THE CITY CODE.

3. FILING FEES ARE NOT REFUNDABLE EXCEPT WHERE AN APPLICATION WAS ACCEPTED IN ERROR OR THE FEE PAID EXCEEDED THE AMOUNT DUE. FEES MAY BE REFUNDED OR PARTIALLY REFUNDED, WHERE APPLICATIONS ARE WITHDRAWN PRIOR TO PUBLICATION OF ANY NOTICES. UNDER NO CONDITION SHALL SAID SUM OR ANY PART THEREOF BE REFUNDED FOR FAILURE OF SAID APPLICATION TO BE APPROVED. NO FEE SHALL BE REQUIRED FROM ANY GOVERNMENTAL OR PUBLIC AGENCY.

F. COMPLETENESS REVIEW AN APPLICATION SHALL BE CONSIDERED SUBMITTED ONLY AFTER THE APPLICABLE REVIEW OFFICIAL CERTIFIES THAT IT IS COMPLETE, PROVIDED IN THE REQUIRED FORM, INCLUDES ALL MANDATORY INFORMATION AS MAY BE REQUIRED BY THE REVIEW OFFICIAL, AND IS ACCOMPANIED BY THE APPLICABLE FEE. A DETERMINATION OF APPLICATION COMPLETENESS SHALL BE

MADE BY THE REVIEW OFFICIAL WITHIN FIVE WORKING DAYS OF APPLICATION FILING. IF AN APPLICATION IS DETERMINED TO BE INCOMPLETE, THE REVIEW OFFICIAL SHALL CONTACT THE APPLICANT TO EXPLAIN THE APPLICATION'S DEFICIENCIES. NO FURTHER PROCESSING OF THE APPLICATION SHALL OCCUR UNTIL THE DEFICIENCIES ARE CORRECTED. IF THE DEFICIENCIES ARE NOT CORRECTED BY THE APPLICANT WITHIN 15 WORKING DAYS, THE APPLICATION SHALL BE CONSIDERED WITHDRAWN AND RETURNED TO THE APPLICANT. ALL APPLICATIONS MUST BE CERTIFIED COMPLETE AT LEAST 30 DAYS PRIOR TO A MEETING OR PUBLIC HEARING, UNLESS OTHERWISE ALLOWED BY THE REVIEW OFFICIAL.

§ 50-188. APPLICATION PROCESSING

A. REFERRALS
REVIEW OFFICIALS MAY FORWARD COMPLETE APPLICATIONS SUBMITTED UNDER THIS ARTICLE TO SUCH OTHER PUBLIC OFFICIALS, AGENCIES, AND CONSULTANTS AS REQUIRED BY LAW OR AS DEEMED APPROPRIATE FOR FURTHER REVIEW.

B. STAFF REPORTS
REVIEW OFFICIALS SHALL SUBMIT A WRITTEN REPORT CONTAINING RECOMMENDATIONS ON EACH LAND USE APPLICATION TO THE APPLICABLE REVIEW- AND/OR DECISION-MAKING BODY, PRIOR TO THE MEETING OR HEARING OF THE REVIEW- AND/OR DECISION-MAKING BODY BEFORE WHICH THE APPLICATION IS TO BE HEARD.

C. CONCURRENT APPLICATIONS

1. IF APPROVED BY THE APPLICABLE REVIEW OFFICIALS, APPLICATIONS FOR DEVELOPMENT APPROVALS MAY BE FILED AND REVIEWED CONCURRENTLY; PROVIDED, HOWEVER,

   I. ANY APPLICATION THAT ALSO REQUIRES A LEGISLATIVE DECISION SHALL NOT BE ELIGIBLE FOR FINAL APPROVAL UNTIL THE LEGISLATIVE DECISION HAS BEEN APPROVED; AND

   II. NO SITE PLAN SHALL BE APPROVED BEFORE ANY NECESSARY

REZONING IS APPROVED.

2. APPLICATIONS SUBMITTED CONCURRENTLY ARE SUBJECT TO APPROVAL OF ALL OTHER RELATED APPLICATIONS; DENIAL OR DISAPPROVAL OF ANY CONCURRENTLY SUBMITTED APPLICATION SHALL STOP CONSIDERATION OF ANY RELATED APPLICATIONS UNTIL THE DENIED OR DISAPPROVED APPLICATION IS RESOLVED.

§ 50-189. NOTICE AND PUBLIC HEARINGS

AFTER AN APPLICATION HAS BEEN CERTIFIED COMPLETE, THE APPLICABLE REVIEW OR DECISION-MAKING BODY SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPLICATION OR APPEAL AND DECIDE THE SAME WITHIN 30 DAYS. NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE GIVEN IN ACCORDANCE WITH THE LAWS OF THE STATE OF MICHIGAN. PUBLIC HEARINGS ARE REQUIRED FOR ALL PLANNED UNIT DEVELOPMENT, SPECIAL LAND USE REVIEW, ADDITIONALLY REGULATED USE REVIEW APPLICATIONS, AND ZONING COORDINATOR REVIEW APPLICATIONS REFERRED TO THE PLANNING COMMISSION BY THE ZONING COORDINATOR.

A. THE ZONING COORDINATOR OR DESIGNEE SHALL PUBLISH NOTICE OF THE REQUEST FOR HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF FLINT NOT LESS THAN 15 DAYS BEFORE THE DATE OF THE HEARING.

B. WHEN THE CASE APPLIES TO A SPECIFIC PARCEL, NOTICE SHALL ALSO BE SENT BY MAIL OR PERSONAL DELIVERY TO THE OWNERS OF PROPERTY FOR WHICH APPROVAL IS BEING CONSIDERED. NOTICE SHALL ALSO BE SENT TO ALL PERSONS TO WHOM REAL PROPERTY IS ASSESSED WITHIN 300 FEET OF THE PROPERTY AND TO THE OCCUPANTS OF ALL STRUCTURES WITHIN 300 FEET OF THE PROPERTY REGARDLESS OF WHETHER THE PROPERTY OR OCCUPANT IS LOCATED IN THE CITY OF FLINT. THE NOTICE SHALL BE GIVEN NOT LESS THAN 15 DAYS BEFORE THE DATE THE APPLICATION WILL BE CONSIDERED FOR APPROVAL. THE NOTICE IS CONSIDERED GIVEN WHEN DEPOSITED DURING NORMAL BUSINESS HOURS FOR DELIVERY WITH THE UNITED STATES POSTAL SERVICE OR OTHER PUBLIC OR PRIVATE DELIVERY SERVICES. IF THE NAME OF THE OCCUPANT IS NOT KNOWN, THE TERM "OCCUPANT" MAY BE USED IN

MAKING NOTIFICATION UNDER THIS SUBSECTION.

C. THE NOTICE SHALL DO ALL OF THE FOLLOWING:

1. DESCRIBE THE NATURE OF THE REQUEST.

2. INDICATE THE PROPERTY THAT IS THE SUBJECT OF THE REQUEST. THE NOTICE SHALL INCLUDE A LISTING OF ALL EXISTING STREET ADDRESSES WITHIN THE PROPERTY. STREET ADDRESSES NEED NOT BE CREATED AND LISTED. IF NO SUCH ADDRESSES EXIST WITHIN THE PROPERTY, OTHER MEANS OF IDENTIFICATION MAY BE USED.

3. STATE WHEN AND WHERE THE REQUEST WILL BE CONSIDERED.

4. INDICATE WHEN AND WHERE WRITTEN COMMENTS WILL BE RECEIVED CONCERNING THE REQUEST.

5. STATE WHEN AND WHERE A COPY OF THE APPLICATION MAY BE INSPECTED.

D. AT THE HEARING ANY PARTY MAY APPEAR IN PERSON OR BY AGENT OR BY ATTORNEY.

§ 50-190. SITE PLAN SUBMITTAL REQUIREMENTS

A. APPLICABILITY

1. A SITE PLAN SUBMITTAL SHALL BE REQUIRED FOR ALL DEVELOPMENTS EXCEPT FOR PROJECTS ELIGIBLE FOR ZONING PERMIT REVIEW UNDER THE REQUIREMENTS OF SECTION 50-186(D) ABOVE, AND PROJECTS THAT DO NOT REQUIRE ZONING APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT, SUCH AS INTERIOR OR EXTERIOR RENOVATION OF A BUILDING NOT INVOLVING A CHANGE IN USE OR ALTERATION OF BULK DIMENSIONS OR UNDERGROUND SYSTEMS FOR RESIDENTIAL USE SUCH AS GEOTHERMAL HEATING AND COOLING.

E. SITE PLAN REQUIREMENTS. ALL PROJECTS SHALL SUBMIT A SITE PLAN IN ACCORDANCE WITH TABLE 50-190.

<u>ATTACHMENT</u>:
TABLE 50-190 (EXHIBIT 126)

§ 50-191. ZONING COORDINATOR REVIEW PROCEDURE

A. PRE-FILING CONFERENCE
A PROSPECTIVE APPLICANT, PRIOR TO SUBMITTING A FORMAL APPLICATION AND SITE PLAN FOR ZONING COORDINATOR REVIEW, MAY MEET FOR A PRE-FILING CONFERENCE(S) WITH THE ZONING COORDINATOR AND ANY OTHER CITY OFFICIAL OR EMPLOYEE DESIGNATED BY THE ZONING COORDINATOR. THE PURPOSE OF THE CONFERENCE(S) IS TO HELP THE APPLICANT UNDERSTAND THE MASTER PLAN, THE ZONING ORDINANCE, THE SITE DEVELOPMENT ALLOWANCES, THE STANDARDS BY WHICH THE APPLICATION WILL BE EVALUATED, AND THE APPLICATION REQUIREMENTS. AT THE CONFERENCE, THE APPLICANT IS EXPECTED TO OUTLINE THE PROJECT IN TERMS OF LAND USES, ANTICIPATED BUILDING ARRANGEMENTS AND SITE DESIGN, AND PROPOSED CONSTRUCTION TIMETABLE.

B. INITIATION
AN OWNER OF LAND WITHIN THE CITY, OR SUCH OWNER'S DULY AUTHORIZED AGENT OR REPRESENTATIVE, MAY SUBMIT AN APPLICATION AND REQUIRED SITE PLAN COPIES TO THE ZONING COORDINATOR FOR ZONING COORDINATOR REVIEW.

C. PRELIMINARY REVIEW
SIX COPIES OF A SITE PLAN ALONG WITH AN APPLICATION AND REQUIRED FEE SHALL BE SUBMITTED TO THE ZONING COORDINATOR FOR PRELIMINARY REVIEW TO ENSURE COMPLIANCE WITH ALL CITY ORDINANCES. THE ZONING COORDINATOR SHALL HAVE A MINIMUM OF 15 BUSINESS DAYS TO REVIEW THE SITE PLAN AND PROVIDE FEEDBACK TO THE APPLICANT.

D. ACTION BY ZONING COORDINATOR
UPON SUBMISSION OF A COMPLETE APPLICATION, THE ZONING COORDINATOR SHALL REVIEW THE REVISED SITE PLAN FOR CONSISTENCY WITH THE REQUIREMENTS OF THIS CHAPTER AND OTHER APPLICABLE CITY REQUIREMENTS, AND MAKE A DECISION OR RECOMMENDATION DEPENDING ON THE TYPE OF APPLICATION. THE ZONING COORDINATOR MAY REFER THE MATTER TO THE PLANNING COMMISSION AT THE ZONING COORDINATOR'S DISCRETION.

E. FINAL REVIEW – BY ZONING COORDINATOR
AFTER RECEIVING FEEDBACK ON THE PRELIMINARY REVIEW, THE APPLICANT SHALL SUPPLY

THE CITY WITH THREE COPIES OF THE REVISED SITE PLAN, WHICH SHALL BE SIGNED AND SEALED BY A REGISTERED ENGINEER ARCHITECT OR SURVEYOR. THE ZONING COORDINATOR WILL MAKE A FINAL REVIEW FOR PERMITTED USES, AS IDENTIFIED IN THE USE CHARTS IN ARTICLES 3-7 OF THIS CHAPTER, OR MAY REFER THE MATTER TO THE PLANNING COMMISSION.

F. FINAL REVIEW – BY PLANNING COMMISSION
IF THE ZONING COORDINATOR REFERS A ZONING COORDINATOR REVIEW APPLICATION TO THE PLANNING COMMISSION AFTER A PRELIMINARY REVIEW, THE APPLICANT SHALL SUPPLY THE CITY WITH TWELVE (12) COPIES OF THE REVISED SITE PLAN, THREE OF WHICH SHALL BE SIGNED AND SEALED BY A REGISTERED ENGINEER ARCHITECT OR SURVEYOR, FOR FINAL REVIEW BY THE PLANNING COMMISSION. THE PLANNING COMMISSION SHALL FIX A REASONABLE TIME FOR A HEARING OF THE APPLICATION. ALL REQUIRED HEARINGS AND NOTICE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-189 THE PLANNING COMMISSION SHALL DECIDE THE CASE USING THE APPROVAL CRITERIA IN SECTION 50-194(H).

G. APPROVAL CRITERIA – ZONING COORDINATOR REVIEW
IN APPROVING A SITE PLAN, THE ZONING COORDINATOR SHALL CONSIDER THE FOLLOWING:

1. THE DEVELOPMENT WILL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS CHAPTER.

2. THE SITE USE, DESIGN AND INTENSITY WILL BE SUCH THAT IT IS CONGRUENT WITH THE PURPOSE AND INTENT OF THE ZONE DISTRICT AND DOES NOT IMPEDE THE DEVELOPMENT OR IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED BY THIS CHAPTER.

3. TO PRESERVE AND PROTECT THE NATURAL ENVIRONMENT, BUILDINGS OR STRUCTURES WILL BE PLACED IN A MANNER THAT DOES NOT DISTURB ENVIRONMENTALLY SENSITIVE AREAS.

4. TRASH HANDLING, RECYCLING, GREASE BINS, AND OTHER WASTE-RELATED FACILITIES EMPLOYED

IN THE NORMAL OPERATION OF THE USE ARE SITED ACCORDING TO THIS CHAPTER AND WILL NOT PROVIDE OFFENSIVE ODORS OR SIGHTS TO USERS OF THE PROPERTY OR SURROUNDING PROPERTIES.

5. THE DEVELOPMENT HAS ADEQUATE PARKING AREAS AND PEDESTRIAN AND VEHICULAR INGRESS AND POINTS TO BUILDINGS AND DRIVEWAYS TO ENSURE SAFE CIRCULATION THROUGHOUT THE SITE.

6. DRIVEWAYS WILL BE LOCATED TO MINIMIZE TRAFFIC CONFLICTS ON THE ABUTTING STREET AND THE NUMBER OF DRIVEWAYS WILL BE THE MINIMUM NECESSARY TO PROVIDE REASONABLE ACCESS TO THE SITE.

7. THE DEVELOPMENT WILL PROVIDE ADEQUATE STORMWATER FACILITIES, WATER SUPPLY, SANITARY SEWER SERVICE, FIRE PROTECTION, STREET SIGNS, AND STREET LIGHTING AS EVIDENCED BY CONFORMANCE WITH APPLICABLE STANDARDS, SPECIFICATIONS, GUIDELINES AND APPROVAL BY THE CITY'S DEPARTMENT OF PUBLIC WORKS, FIRE DEPARTMENT, BUILDING AND SAFETY INSPECTIONS DIVISION OR OTHER NECESSARY DEPARTMENT, PUBLIC BODY, OR CONSULTANT.

8. THE DEVELOPMENT WILL BE IN COMPLIANCE WITH REQUIREMENTS FOR EASEMENTS OR DEDICATIONS, NOT INCLUDING PRIVATE DEDICATIONS OR COVENANTS.

9. THE DEVELOPMENT WILL BE IN COMPLIANCE WITH ANY APPLICABLE SUBDIVISION IMPROVEMENTS; AND IF APPLICABLE, COMPLIANCE WITH ANY DEVELOPMENT CONDITIONS.

I. DEDICATION AND IMPROVEMENTS
THE APPLICANT SHALL BEAR THE COSTS OF THE INSTALLATION OF ALL ON-SITE IMPROVEMENTS AS REQUIRED BY THIS

ORDINANCE AND OTHER APPLICABLE CITY REGULATIONS. THE CITY MAY REQUIRE APPROPRIATE FINANCIAL GUARANTEES OF REQUIRED IMPROVEMENTS.

J. NOTICE OF DECISION
OFFICIAL NOTICE OF THE ZONING COORDINATOR DECISION SHALL BE TRANSMITTED TO THE APPLICANT AND TO THE DIRECTOR OF PLANNING AND DEVELOPMENT.

ATTACHMENT:
DIAGRAM 50-191 (EXHIBIT 127)

§ 50-192. MAP (REZONING) AND TEXT AMENDMENT PROCEDURE

A. APPLICABILITY
THE CITY COUNCIL MAY, FOLLOWING A PUBLIC HEARING AND RECEIPT OF REPORTS AND RECOMMENDATIONS FROM THE PLANNING COMMISSION, ENACT ORDINANCES AMENDING, SUPPLEMENTING OR CHANGING THE DISTRICT BOUNDARIES OR THE REGULATIONS ESTABLISHED IN THIS CHAPTER.

B. INITIATION
AN AMENDMENT, SUPPLEMENT OR CHANGE TO THE TEXT OF THIS CHAPTER MAY BE INITIATED BY THE CITY COUNCIL, PLANNING COMMISSION, OR BY PETITION FROM ONE OR MORE RESIDENTS OR PROPERTY OWNERS OF THE CITY OF FLINT. AN AMENDMENT, SUPPLEMENT OR CHANGE TO THE DISTRICT BOUNDARIES MAY BE INITIATED BY THE CITY COUNCIL, PLANNING COMMISSION, OR BY PETITION FROM THE OWNER OR OWNERS OF THE PROPERTY WHICH IS THE SUBJECT OF THE PETITION. WHEN AN AMENDMENT, SUPPLEMENT OR CHANGE IS SOUGHT BY PETITION, THE PETITIONER OR PETITIONERS SHALL FILE IN WRITING WITH THE OFFICE OF THE PLANNING COMMISSION AN APPLICATION OBTAINED FROM THAT OFFICE.

1. FOR CHANGES TO DISTRICT BOUNDARIES INITIATED BY A PETITIONER OR PETITIONERS, AN APPLICATION SHALL BE SIGNED BY EITHER THE FREEHOLDER OF THE PARCEL IN QUESTION, A CONTRACT PURCHASER, AN OPTION TO PURCHASE HOLDER, OR BY THEIR AUTHORIZED AGENT. AGENT AUTHORIZATION SHALL BE IN WRITING AND FILED WITH THE APPLICATION.

2. AN OWNER OF LAND MAY VOLUNTARILY OFFER IN WRITING, AND THE CITY MAY APPROVE, CERTAIN USE AND DEVELOPMENT OF THE

LAND AS A CONDITION TO A REZONING OF THE LAND OR AN AMENDMENT TO THE ZONING MAP. THE CITY MAY ESTABLISH A TIME PERIOD DURING WHICH THE CONDITIONS APPLY TO THE LAND. EXCEPT FOR AN EXTENSION, IF THE CONDITIONS ARE NOT SATISFIED WITHIN THE TIME SPECIFIED BY THE CITY THE LAND SHALL REVERT TO ITS FORMER ZONING CLASSIFICATION.

C. APPLICATION REQUIREMENTS
ALL APPLICATIONS FOR MAP (REZONING) OR TEXT AMENDMENT SHALL BE SUBMITTED IN ACCORDANCE WITH THE MINIMUM SUBMISSION REQUIREMENTS OF SECTION 50-187.

D. OPTIONAL PRELIMINARY HEARING
AFTER SUBMITTING AN APPLICATION, AN APPLICANT MAY REQUEST A PRELIMINARY HEARING WITH THE PLANNING COMMISSION TO RECEIVE FEEDBACK FROM THE COMMISSION AND THE PUBLIC. ALL NOTICES SHALL BE IN ACCORDANCE WITH SECTION 50-189. THE PLANNING COMMISSION SHALL MAKE NO OFFICIAL DECISIONS REGARDING THE MATTER AT THIS HEARING AND THE APPLICANT MAY REVISE THEIR MATERIALS PRIOR TO SUBMITTING A FINAL APPLICATION.

E. ACTION BY ZONING COORDINATOR
THE ZONING COORDINATOR SHALL DRAFT THE APPROPRIATE AMENDMENT AND/OR PREPARE A REPORT THAT REVIEWS THE PROPOSED ZONING MAP AMENDMENTS (REZONINGS) OR TEXT AMENDMENT AND MAKES A RECOMMENDATION.

F. NOTICE AND HEARING
IN ALL CASES, THE MATTER OF CHANGES OR AMENDMENT TO THIS CHAPTER SHALL FIRST BE REFERRED TO, OR TAKEN UP BY, THE PLANNING COMMISSION FOR INVESTIGATION AND STUDY AND PREPARATION OF ITS REPORT AND RECOMMENDATION. THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING ON THE CHANGES OR AMENDMENTS. ALL REQUIRED HEARINGS AND NOTICE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-189.

G. ACTION BY PLANNING COMMISSION
AFTER COMPLETION OF THE HEARING BEFORE THE PLANNING COMMISSION, THE PLANNING COMMISSION SHALL PREPARE ITS FINAL REPORT AND

RECOMMENDATION AND SUBMIT THE SAME TO THE CITY COUNCIL AT ITS FIRST REGULAR MEETING IN THE FOURTH WEEK FOLLOWING THE MEETING OF THE PLANNING COMMISSION AT WHICH SUCH REPORT IS MADE FINAL. IF THERE IS NO REGULAR MEETING OF THE CITY COUNCIL IN THE FOURTH WEEK, THEN THE FINAL REPORT SHALL BE RECEIVED AT THE NEXT REGULARLY SCHEDULED MEETING. THE RECEIPT OF THE FINAL REPORT SHALL BE NOTICED IN THE MINUTES OF THE CITY COUNCIL.

H. ACTION BY CITY COUNCIL AFTER RECEIVING THE RECOMMENDATIONS AND REPORT OF THE PLANNING COMMISSION, THE CITY COUNCIL SHALL CONSIDER ANY PROPOSED AMENDMENT, SUPPLEMENT, CHANGE, MODIFICATION OR REPEAL IN A PUBLIC HEARING. THE CITY COUNCIL SHALL APPROVE, DENY, OR TABLE THE APPLICATION. A ZONING ORDINANCE AND ANY AMENDMENTS SHALL BE APPROVED BY A MAJORITY VOTE OF THE MEMBERS OF CITY COUNCIL.

I. APPROVAL CRITERIA NO PROPOSED AMENDMENT, SUPPLEMENT, CHANGE, MODIFICATION OR REPEAL SHALL BE APPROVED THAT IS INCONSISTENT WITH THE MASTER PLAN, EXCEPT IN UNIQUE CIRCUMSTANCES WHERE THERE HAS BEEN A SUBSTANTIAL CHANGE IN CONDITIONS OR POLICIES, OR A CASE-SPECIFIC MISTAKE IS FOUND WITHIN THE MASTER PLAN.

J. TIME LIMITATION APPLICATIONS FOR AMENDMENT, SUPPLEMENT OR CHANGE TO THE SAME ZONING DISTRICT CLASSIFICATION, OR A LESS RESTRICTED ZONING DISTRICT CLASSIFICATION, ON SUBSTANTIALLY THE SAME PARCEL OF LAND MAY NOT BE SUBMITTED MORE OFTEN THAN ONCE A YEAR. A DETERMINATION, EITHER APPROVING OR REJECTING SUCH ZONING CHANGE, MUST BE MADE BY THE CITY COUNCIL WITHIN SIX MONTHS AFTER RECEIVING A RECOMMENDATION FROM THE PLANNING COMMISSION.

K. NOTICE OF DECISION A CERTIFIED COPY OF THE CITY COUNCIL'S DECISION SHALL BE TRANSMITTED TO THE APPLICANT AND TO THE ZONING COORDINATOR.

ATTACHMENT:
DIAGRAM 50-192 (EXHIBIT 128)

§ 50-193. PLANNED UNIT DEVELOPMENT REVIEW PROCEDURE

THE PROCEDURES FOR PLANNED UNIT DEVELOPMENT (PUD) REVIEW ARE PROVIDED IN ARTICLE 10 OF THIS CHAPTER. IN ADDITION TO

THESE REQUIREMENTS, ALL PUDS REQUIRE A SITE PLAN IN ACCORDANCE WITH SECTION 50-190 ABOVE.

§ 50-194. SPECIAL LAND USE AND ADDITIONALLY REGULATED USE PERMIT REVIEW PROCEDURE

A. APPLICABILITY
SPECIAL LAND USE AND ADDITIONAL REGULATED USE PERMIT REVIEW SHALL OCCUR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

1. **SPECIAL LAND USES WITHIN EACH ZONING DISTRICT ARE USES THAT MAY BE APPROPRIATE IN A PARTICULAR DISTRICT, BUT BECAUSE OF THE INCREASED POTENTIAL FOR INCOMPATIBILITY WITH ADJACENT USES REQUIRES INDIVIDUAL REVIEW BY THE PLANNING COMMISSION.**

2. **A SPECIAL LAND USE PERMIT REVIEW SHALL BE REQUIRED FOR ALL SPECIAL LAND USES AS SET FORTH IN THE USE TABLES CONTAINED IN ARTICLE 3 THROUGH ARTICLE 7 OF THIS CHAPTER. A DEVELOPMENT COMPRISING USES REGULATED BY SEPARATE ROWS ON THE TABLE (OFTEN REFERRED TO AS A MIXED USE DEVELOPMENT) SHALL BE REVIEWED USING THE MOST RESTRICTIVE PROCESS FROM AMONG THE PROPOSED USES.**

3. **AN ADDITIONALLY REGULATED USE PERMIT REVIEW SHALL BE REQUIRED FOR ALL ADDITIONALLY REGULATED USES AS SET FORTH IN ARTICLE 9 USE REGULATIONS. A DEVELOPMENT COMPRISING USES REGULATED BY SEPARATE ROWS ON THE TABLE (OFTEN REFERRED TO AS A MIXED USE DEVELOPMENT) SHALL BE REVIEWED USING THE MOST RESTRICTIVE PROCESS FROM AMONG THE PROPOSED USES.**

4. **WHERE A USE REQUIRING AN APPROVAL OR A SPECIAL LAND USE PERMIT LIES ON A SEPARATE LEGAL PARCEL, ONLY THE BUILDING CONTAINING THE USE AND ITS SEPARATE PARCEL SHALL BE SUBJECT TO SPECIAL LAND USE OR ADDITIONALLY REGULATED USE PERMIT REVIEW, NOT THE ENTIRE PROJECT. HOWEVER, WHERE THE**

SEPARATE LEGAL PARCEL IS AN OUT PARCEL, THE APPLICATION SHALL DESCRIBE THE RELATIONSHIP OF THE OUTPARCEL TO THE REMAINING SITE.

B. PRE-FILING CONFERENCE A PROSPECTIVE APPLICANT, PRIOR TO SUBMITTING A FORMAL APPLICATION FOR A SPECIAL LAND USE OR ADDITIONALLY REGULATED USE PERMIT, MAY MEET FOR A PRE-FILING CONFERENCE(S) WITH THE ZONING COORDINATOR AND ANY OTHER CITY OFFICIAL OR EMPLOYEE DESIGNATED BY THE ZONING COORDINATOR. THE PURPOSE OF THE CONFERENCE(S) IS TO HELP THE APPLICANT UNDERSTAND THE MASTER PLAN, THE ZONING ORDINANCE, THE SITE DEVELOPMENT ALLOWANCES, THE STANDARDS BY WHICH THE APPLICATION WILL BE EVALUATED, AND THE APPLICATION REQUIREMENTS. AT THE CONFERENCE, THE APPLICANT IS EXPECTED TO OUTLINE THE PROJECT IN TERMS OF LAND USES, ANTICIPATED BUILDING ARRANGEMENTS AND SITE DESIGN, AND PROPOSED CONSTRUCTION TIMETABLE.

C. APPLICATION REQUIREMENTS ALL APPLICATIONS FOR SPECIAL LAND USE OR ADDITIONALLY REGULATED USE PERMIT REVIEW SHALL BE SUBMITTED IN ACCORDANCE WITH THE MINIMUM SUBMISSION REQUIREMENTS, SECTION 50-187, CONCURRENT WITH A REQUEST FOR A SPECIAL LAND USE OR ADDITIONALLY REGULATED USE PERMIT REVIEW, THE APPLICANT SHALL ALSO SUBMIT:

1. A STATEMENT INDICATING COMPLIANCE OF THE PROPOSED SPECIAL LAND USE WITH THE MASTER PLAN.

2. APPLICATIONS FOR GROUP "C" ADDITIONALLY REGULATED USES MUST INCLUDE A BUSINESS PLAN.

3. APPLICATIONS FOR A CHANGE IN AN EXISTING STRUCTURE TO A SPECIAL LAND USE, OR OTHER APPLICATIONS FOR PROCEDURES SPECIFICALLY CALLING OR SPECIAL LAND USE REVIEW AND A SPECIAL LAND USE PLOT PLAN, SHALL INCLUDE A SPECIAL LAND USE PLOT PLAN, WHICH SHALL FOLLOW THE BELOW LISTED REQUIREMENTS:

I. A SPECIAL LAND USE PLOT PLAN MUST BE DEVELOPED BY AN ARCHITECT, ENGINEER OR SURVEYOR LICENSED IN THE STATE OF MICHIGAN AND MUST INCLUDE THE FOLLOWING:

i. THE ACTUAL SHAPE, LOCATION AND DIMENSIONS OF THE LOT;

ii. THE SHAPE, LENGTH, WIDTH, HEIGHT AND LOCATION OF ALL BUILDINGS OR OTHER STRUCTURES TO BE ERECTED, ALTERED OR MOVED AND OF ANY BUILDING OR OTHER STRUCTURES ALREADY ON THE LOT;

iii. THE EXISTING AND INTENDED USE OF THE LOT AND OF ALL SUCH STRUCTURES UPON IT, INCLUDING THE NUMBER OF DWELLING UNITS IF APPLICABLE;

iv. ALL PARKING SPACES;

v. LANDSCAPING AND FENCING;

vi. SIGNAGE DETAILS;

vii. SUCH OTHER INFORMATION CONCERNING THE LOT OR ADJOINING LOTS AS MAY BE ESSENTIAL FOR DETERMINING WHETHER THE PROVISIONS OF THIS CHAPTER ARE MET.

4. ALL OTHER SPECIAL LAND USE APPLICATIONS AND ALL ADDITIONALLY REGULATED USE APPLICATIONS SHALL INCLUDE A SCALED SITE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-190.

i. FOR ADDITIONALLY REGULATED USES, THE SITE PLAN MUST ALSO CONTAIN A MAP SHOWING ALL

PARCELS WITHIN A 2,100 FOOT RADIUS OF THE PROJECT'S PARCEL LINES TO DEMONSTRATE THAT IT MEETS ALL OF THE LOCATIONAL STANDARDS IN ARTICLE 9 USE REGULATIONS.

ii. SITE PLANS FOR GROUP "C" ADDITIONALLY REGULATED USES SHALL SHOW SECURITY DETAILS ON THEIR FLOOR PLANS, INCLUDING CAMERAS, SECURED STORAGE OF MARIHUANA PRODUCTS AND GROWING AREAS IF APPLICABLE.

D. PRELIMINARY REVIEW
SIX COPIES OF THE APPLICATION, SITE PLAN/PLOT PLAN AND REQUIRED FEE SHALL BE SUBMITTED TO THE ZONING COORDINATOR FOR PRELIMINARY REVIEW. THE ZONING COORDINATOR SHALL HAVE A MINIMUM OF 15 BUSINESS DAYS TO REVIEW THE SITE PLAN AND PROVIDE FEEDBACK TO THE APPLICANT.

E. ACTION BY ZONING COORDINATOR
UPON SUBMISSION OF A COMPLETE APPLICATION, THE ZONING COORDINATOR SHALL REVIEW THE APPLICATION FOR COMPLIANCE WITH PARAGRAPH H OF THIS SECTION AND OTHER APPLICABLE REQUIREMENTS, AND PREPARE A WRITTEN REPORT.

F. NOTICE AND HEARING
AFTER RECEIVING FEEDBACK ON THE PRELIMINARY REVIEW, THE APPLICANT SHALL SUPPLY THE CITY WITH TWELVE (12) COPIES OF THE REVISED SITE PLAN/PLOT PLAN, THREE OF WHICH SHALL BE SIGNED AND SEALED BY A REGISTERED ENGINEER ARCHITECT OR SURVEYOR, FOR REVIEW BY THE PLANNING COMMISSION. THE PLANNING COMMISSION SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPLICATION. ALL REQUIRED HEARINGS AND NOTICE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-189.

G. ACTION BY PLANNING COMMISSION
THE PLANNING COMMISSION SHALL DECIDE ALL APPLICATIONS AND APPEALS WITHIN 30 DAYS AFTER THE FINAL HEARING THEREON.

SUCH DECISION SHALL BE BINDING UPON THE ZONING COORDINATOR, AND OBSERVED BY HIM OR HER, AND HE OR SHE SHALL INCORPORATE THE TERMS AND CONDITIONS OF THE SAME IN THE PERMIT TO THE APPLICANT, WHENEVER A PERMIT IS AUTHORIZED BY THE PLANNING COMMISSION. THE DECISION OF THE PLANNING COMMISSION IS APPEALABLE TO THE ZONING BOARD OF APPEALS BY EITHER THE APPLICANT OR BY 20% OF THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE PREMISES IN QUESTION.

<u>ATTACHMENT</u>:
DIAGRAM 50-194 (EXHIBIT 129)

H. APPROVAL CRITERIA IN ADDITION TO SPECIFIC STANDARDS WHICH MAY BE APPLICABLE, THE FOLLOWING STANDARDS SHALL SERVE AS THE BASIS FOR DECISIONS INVOLVING SPECIAL LAND USES, ADDITIONALLY REGULATED USES, AND OTHER DISCRETIONARY DECISIONS CONTAINED IN THIS CHAPTER. THE PROPOSED USE OR ACTIVITY SHALL:

1. **COMPLY WITH THIS ORDINANCE AND OTHER APPLICABLE LOCAL, STATE, AND FEDERAL LAWS;**
2. **BE CONSISTENT WITH AND PROMOTE THE INTENT AND PURPOSE OF THIS CHAPTER, THE MASTER PLAN AND OTHER ADOPTED PLANS;**
3. **BE COMPATIBLE WITH ADJACENT USES OF LAND;**
4. **BE COMPATIBLE WITH THE NATURAL ENVIRONMENT;**
5. **BE CONSISTENT WITH THE CAPABILITIES OF PUBLIC SERVICES AND FACILITIES AFFECTED BY THE PROPOSED USE; AND**
6. **PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.**

I. CONDITIONS OF APPROVAL IN APPROVING A SPECIAL LAND USE, THE PLANNING COMMISSION MAY IMPOSE REASONABLE CONDITIONS WHICH SERVE TO ASSURE THAT THE REQUIRED FINDINGS ARE UPHELD. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, RIGHT-OF-WAY OR EASEMENT DEDICATION; RECREATION, OPEN SPACE, OR BUFFER PROVISION; LIMITATION IN SCALE, INTENSITY, OR HOURS OF OPERATION; AND OTHER REASONABLE RESTRICTIONS. SUCH CONDITIONS MUST BE LIMITED AS TO PASS THE RATIONAL NEXUS AND ROUGH PROPORTIONALITY TESTS. ANY CONDITIONS APPROVED BY THE PLANNING

COMMISSION SHALL BECOME A PART OF THE PERMIT AND BE OF EQUAL IMPORTANCE IN THE RESPONSIBILITY OF THE APPLICANT OR SUBSEQUENT ASSIGNS TO ADHERE TO ITS TERMS.

J. EFFECT OF DECISION

1. IF THE PLANNING COMMISSION DENIES AN APPLICATION, THERE MAY BE NO SUBSEQUENT APPLICATION FOR THE SAME OR SIMILAR USE SUBMITTED BY ANY PARTY FOR ANY PART OF THE SUBJECT PROPERTY UNTIL 12 MONTHS HAVE ELAPSED FROM THE DATE OF DENIAL.

2. SPECIAL LAND USE PERMITS, INCLUDING ANY CONDITIONS OF APPROVAL, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON THE ORIGINAL APPLICANT AS WELL AS ANY SUCCESSORS, ASSIGNS, AND HEIRS SO LONG AS THE CONDITIONS OF APPROVAL ARE MAINTAINED.

3. APPROVAL OF SPECIAL LAND USE PERMITS MAY BE WITHDRAWN BY THE PLANNING COMMISSION WHEN THE CONDITIONS OF APPROVAL ARE NOT BEING FOLLOWED PROVIDED THERE IS A PUBLIC HEARING WITH NOTICE GIVEN IN ACCORDANCE WITH SECTION 50-171 THAT SPECIFIES WHICH CONDITION OR CONDITIONS ARE NOT BEING FOLLOWED. AT THE HEARING THE PERMIT HOLDER SHALL HAVE THE OPPORTUNITY TO DEMONSTRATE THAT THEY ARE STILL IN ADHERENCE TO THE CONDITION OR CONDITIONS. IF THE PLANNING COMMISSION FINDS THAT THE PERMIT HOLDER IS NO LONGER IN ADHERENCE THEY MAY WITHDRAW THE APPROVAL OR GIVE THE PERMIT HOLDER A SPECIFIC AMOUNT OF TIME IN WHICH TO COMPLY WHICH SHALL NOT BE LESS THAN TWO MONTHS. IF THE PERMIT HOLDER HAS NOT ADHERED WITHIN THE SPECIFIED TIME THE APPROVAL SHALL BE WITHDRAWN.

K. NOTICE OF DECISION
A CERTIFIED COPY OF THE PLANNING COMMISSION'S DECISION SHALL BE TRANSMITTED TO THE APPLICANT AND TO THE ZONING COORDINATOR.

L. MINOR AMENDMENTS TO APPROVED PLANS.

MINOR CHANGES TO OR DEVIATIONS FROM AN APPROVED SITE PLAN MAY BE APPROVED BY THE PLANNING OFFICIAL. THE PLANNING COMMISSION SHALL BE NOTIFIED OF ANY SUCH CHANGES AT ITS NEXT REGULARLY SCHEDULED MEETING. IF THE PLANNING OFFICIAL CONCLUDES THAT THE PROPOSED CHANGES ARE SO SUBSTANTIAL AS TO NECESSITATE REVIEW BY THE PLANNING COMMISSION, THEN ANOTHER APPROPRIATE PLAN REVIEW APPLICATION SHALL BE SUBMITTED TO THE PLANNING COMMISSION WITH THE APPROPRIATE FEE.

§ 50-195. ADMINISTRATIVE APPEALS PROCEDURE

A. APPLICABILITY
AN APPEAL TO THE ZONING BOARD OF APPEALS MAY BE TAKEN BY ANY PERSON AGGRIEVED BY A DECISION OF THE ZONING COORDINATOR OR AGGRIEVED BY ANY ACTION TAKEN UNDER THIS CHAPTER BY ANY OF THE ADMINISTRATIVE OFFICIALS OF THE CITY CHARGED WITH ENFORCEMENT OF THE SAME, OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY AFFECTED BY ANY DECISION OF THE ZONING COORDINATOR.

B. INITIATION
AN OWNER OF LAND WITHIN THE CITY, OR SUCH OWNER'S DULY AUTHORIZED AGENT OR REPRESENTATIVE, MAY SUBMIT AN ADMINISTRATIVE APPEAL TO THE ZONING COORDINATOR. AN APPEAL SHALL BE TAKEN WITHIN 20 DAYS AFTER THE DECISION BY FILING A NOTICE OF APPEAL, SPECIFYING THE GROUNDS THEREOF, WITH THE ZONING COORDINATOR. AN EXTENSION MAY BE PROVIDED IF CONDITIONS IN SUBSECTION 50-194(I) BELOW ARE MET.

C. APPLICATION REQUIREMENTS
AN ADMINISTRATIVE APPEAL SHALL BE MADE BY FILING A WRITTEN NOTICE OF APPEAL SPECIFYING THE GROUNDS FOR THE APPEAL. SUCH NOTICE OF APPEAL SHALL BE CONSIDERED FILED WHEN A COMPLETE NOTICE IS DELIVERED TO THE ZONING COORDINATOR, WHO SHALL ENTER THE DATE AND TIME OF FILING ON THE NOTICE. SUCH APPEAL SHALL BE TAKEN WITHIN 20 DAYS AFTER THE DECISION BY FILING.

D. NOTICE AND HEARING
ALL REQUIRED HEARINGS AND NOTICE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-189.

E. ACTION BY ZONING COORDINATOR
UPON RECEIPT OF AN ADMINISTRATIVE APPEAL,